

THE TRESSES OF JANNAT PART 2

INTRODUCTION



TRESSES OF JANNAT is our second book on the question of the Prohibition of hair-cutting for women. In this time of moral corruption, immodesty, immorality, total abandonment of Hijaab, female expression and exhibition and the emulation of kuffaar styles and fashions by Muslim males and females, some lost soul wandering aimlessly in a valley of deception, observing mirages of his academic greatness' and ability in what he believes to be ijtihaad', deemed it appropriate to give further impetus to the avalanche of *nafsaaniyat* and *shaitaaniyat* which have engulfed the Muslim community on all sides. The Ummah has drifted far, very far from the Path of Rectitude from the Sunnah of Rasulullah (sallallahu alayhi wasallam). From every side and in every sphere of Muslim life, there are a multitude of forces out to plunder just about everything good which Muslims have inherited from the illustrious Predecessors (Salf-e-Saaliheen).

Muslim morality has been plundered. Muslim lands have been plundered and are being plundered. Muslim lives are being plundered. But in their stupor of moral depravity Muslims have chosen deliberate blindness and have turned their backs onto the Deen of Allah Ta'ala. While the Ummah is passing through a critical phase of its existence, both politically and spiritually with Muslims wallowing in an almost bottomless pit of degradation and humiliation, one deviate from Cape Town considered it proper to flaunt what he believes is his ijtihaad'. And, what has he chosen as the subject for the exhibition of his miserable and stupid understanding of ijtihaad'? Of all the things on earth, his gaze somehow or the other and for some reason or the other, best known to him, got focussed on the hair of females. His 'ijtihaad' has constrained him to become an advocate for the westernist cult of female expression. Thus, championing the cause of women who desire to emancipate themselves from the Fetters of the Qur'aan sounded in the aayat:

?(O women!) Remain glued in your homes and do not make a display of yourselves like the exhibition of Jaahiliyyah?,

the deviate issued forth into the 'battlefield' with his 'sword' of silly ijtihaad' to fight the cause of women desirous of emulating their kuffaar counterparts in the adoption of fashionable hair styles ? haircuts to conform to the immoral concept of beauty which a libertine culture of kuffaar has imposed on brains which have become diseased with the poison administered by alien and satanic forces inimical to Islam and to the Ummah.

Of the myriad of problems and sufferings which have overwhelmed the Muslim Ummah of this age, the deviate saw nothing better than the hair of females on which to exercise and flaunt what he believes to be his ability of 'ijtihaad'. Instead of utilizing the smattering of knowledge he has gained at Madrasah, for guiding our mothers and sisters and calling on them to return to the Path of Hayaa (shame and modesty) which is an integral Branch of Imaan, he does just the opposite. In his endeavour to gain a Ruling of permissibility of hair-cutting for women to enable them to expose and display themselves even in greater measure to all and sundry, he is hell-bent on opening a wide gateway for *fitnah* in the community. That is the fitnah of immorality.

He advocates adoption of the kuffaar concept of beauty for Muslim females. Just as kufr is the opposite of Imaan, so too is the kuffaar concept of beauty the antithesis of the divine concept of Islamic beauty ordained by Allah Ta'ala for Muslim women. While the Malaaiakah in Allah's Heavens sing the praises of Allah Ta'ala, on the beauty of the tresses of females, the deviate rejects the Shariah's *Fatwa* of the entire World of Islam ? that Ruling of Prohibition which was the Law of the Shariah since the age of Nubuwwat ? and advocates the adoption of the kuffaar practice of hair-cutting for women. Allah's Malaaiakah glorify Allah Ta'ala with the magnificent *Tasbeeh*:

?Subhaanallaah ?He Who has beautified men with beards and women with tresses.?

But the deviate trapped in his intransigence cannot be bothered with what the Fuqaha and Ulama of Islam, of all Math-habs, unanimously proclaim that it is *Haraam* for a woman to cut her hair. Every Muslim woman who has some understanding of Islam even if she has fallen prey to the onslaught of the process of western modernism and semi-nudism, does recognize and understand that Islam prohibits women from cutting their hair. No Muslim woman regardless of her ignorance of the teachings of the Shariah, is ignorant of the fact that cutting hair is prohibited. It is this awareness of the prohibition which agitates the conscience, hence the desire to gain religious or Shar'i consent for the immoral practice of hair-cutting.

The desire to emulate the hairstyles of kuffaar women is strong, but at the same time the inherent inhibition of Imaan to this evil, acts as a detractor. Rasulullah (sallallahu alayhi wasallam) said:

?Sin is what bothers the conscience.

If the flame of Imaan has been extinguished in the heart, there will then never be the need for a woman to seek a *fatwa* on any issue of the Deen, leave alone for her craving to exhibit herself in the styles and fashions of the Kuffaar. However, deviates with their oblique vision are jeopardizing the Imaan and are preparing the ground for the further ruin of the already degraded moral condition of Muslims.

No Muslim, leave alone a man of *Ilm*, whose intelligence has not become adulterated with alien influences, can see any goodness in advocating hair-cutting for Muslim women a practice which everyone readily understands and has always understood to be *haraam*. Now comes a so-called learned man who offers women a licence to adopt the evil styles of kuffaar women and cut their hair. Religious sanction is being accorded to an accursed practice a practice which invites the *la'nat* (curse) of Allah Ta'ala to settle on women who cut their hair.

Was there no better avenue in which the deviate could have acquitted himself with his knowledge to offer *naseehat* to women good admonition for them to return to the Path of the Deen? Is it sensible, intelligent and Islamic to create this controversy of fitnah on an issue such as hair-cutting for women, especially in such a delicate age when Islamic morality has almost been expunged from the Muslim way of life Lewdness among Muslim women, parading in public places immodestly and immorally clad (or unclad) in western styles and fashions have become part and parcel of the lifestyle of Muslims. Islamic morality (Akhlaaq) has been ruined by the evils of television and other forces. Will hair-cutting and adoption of western hairstyles bring Muslim women nearer to Allah Rabbul Izzat? Will it engender in them a greater awareness of the Aakhirah for which Muslims have been created and sent into this world for a temporary stay?

In diametric conflict with the fourteen century practice of the Ummah, in conflict with the practice of Muslim women since the time of our Mother Hadhrat Hawwaa (alayhas salaam), in conflict with the style of the damsels of Jannat, in conflict with the *Ijma' of the Ummah* and in conflict with all the Ulama of the world, the deviate adopting his stance of satanic intransigence claims that it is *halaal* for Muslim women to mutilate their beauty and to invoke the *la'nat* of Allah Ta'ala on them by cutting their hair.

In his insane attempt to bolster his *baatil* opinion he presents incoherent arguments for a lost case. Repeatedly he seeks to divert from the primary question by means of diversionary tactics, bringing up unrelated issues and academic matter which he himself has failed to comprehend. Any Aalim of the Deen who examines the deviate's style of argument and the erroneous conclusions he draws from juridical principles he cites, will stare aghast at the crass *jahaalat* he displays. This is the conclusion which senior Muftis, including his Ustaadh have drawn from his stupid presentation of the insipid article devoid of Shar'i substance.

He lacks in even the understanding of the rudimentary requirements of *Ifta'*, yet he has set himself up as a 'mujtahid' to abrogate a fourteen hundred-year Prohibition of the Shariah. He is unable to distinguish between *Urf and Nass*. He has as yet not grasped the meanings of *Makrooh and Haraam* and is blissfully ignorant of the applicability of these terms, yet he wants to flaunt *ijtihad*'.

In this book we have, by the fadhl of Allah Ta'ala, the duas of our Seniors and the assistance of our contemporary Ulama presented the Immutable Law of Prohibition of the Shariah. Ulama from all over the country and from other regions have fully endorsed the Prohibition which we have explained in this book. Our sisters should not compromise their relationship with Allah Ta'ala by inviting His Curse His *La'nat* which will settle on those women who cut their hair. There are no two opinions on this evil. It is a unanimous Ruling of *Hurmat*. It is *haraam for Muslim women to cut their hair*. May Allah Ta'ala guide us all, keep us all steadfast on the Sunnah of His Nabi (saallallahu alayhi wasallam), and grant us all a beautiful end with Imaan.

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And, the ending of our Call is: All Praise is due to only Allah, The Rabb of all the worlds.

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(Tasbeeh of the Malaaiikah in the Heavens)

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? *Glory to Allah (i.e. He is above all defect)**Who has adorned men with beards and women with tresses .?*

QAADHI IYAADH AND HAIR-CUTTING

In his Sharah on Muslim Shareef, Imaam Nawawi had presented the interpretation which Qaadhi Iyaadh had proffered on the ambiguous portion of Abu Salmah's Hadith. In his interpretation, Qaadhi Iyaadh said:

?Perhaps they (the Wives of Rasulullah? sallallaahu alayhi wasallam) had done so after his demise. It cannot be imagined that they had done so while he was alive.?

On the basis of this interpretation, the deviate had considered it proper to reject the law of Prohibition which has come down in the Ummah from the time of Rasulullah (sallallahu alayhi wasallam). In this regard, the deviate says in his pamphlet:

?Both Qadi Iyad and Imam Nawawi were aware of the fact that the norms of the society wherein the wives of Nabi sallallahu alayhi wasallam lived disapproved of a woman's removing her tresses. They knew this because the norm had still not changed in their own times?.Qadi Iyad therefore made the tentative conclusion, ?Maybe the wives of the Nabi sallallahu alayhi wasallam did so after his death.?

Since the deviate has been compelled to clutch at straws throughout his exercise to legalize the *haraam* act for want of *dalaail*, he hung on to this interpretation of Qaadhi Iyaadh and inferred therefrom that it is permissible for women to cut their hair. He commits the dishonesty of putting across to people that Qaadhi Iyaadh and Imaam Nawawi believed in the permissibility of the revulsive act of hair-cutting and that the only reason which restrained them from issuing a clear-cut 'fatwa' of permissibility was their awareness of the unchanged state of Rasulullah's *Urf* as well as the *Urf* of their own time.

This conclusion besides being false is ridiculous. It is unacceptable that Qaadhi Iyaadh even

implied permissibility for hair-cutting by women. His interpretation was for the purpose of explaining the ambiguous portion of Abu Salamah's Hadith and not to legalize the act of *muthlah* nor to advocate *taghyeer li khalqillaah*. This is not our opinion. It is the express and emphatic statement of Qaadhi Iyaadh himself.

Qaadhi Iyaadh is among the very senior Maaliki Fuqaha. In the *tafseer* of aayat 119 of Surah Nisaa' in which *taghyeer li khalqillaah* is attributed to shaitaan, the Imaam and Mujtahid of the Maaliki Math-hab, Abu Ja'far Muhammad Ibn Jareer Tabari states:

?In the Hadith of Ibn Mas'ood is the daleel for the fact that it is not permissible to change anything of her natural created form (i.e. of her body) which Allah has created for her, whether (this changing) is by adding (something) or decreasing (removing, cutting, etc.) for the purpose of gaining beauty for the husband or for anyone else, whether she makes gaps in between the teeth or she removes an extra tooth (which has grown) or she cuts the ends of long (protruding) teeth. Similarly it is not permissible for her to shave any beard or moustache which grows on her (face) because all these acts are taghyeer li khalqillaah. Iyaadh said: ?On the basis of what he (Imaam Ibn Jareer Tabari) has mentioned, it is not permissible for a person to cut off an extra finger which has grown nor to remove it (in any way) because that would be taghyeer li khalqillaah .?

(Al-Jaami' li Ahkaamil Qur'aan of Al-Qurtubi, Vol.5, page 252)

Imaam Nawawi in his Sharah of Muslim Shareef, also mentioning the Maaliki view on this issue as stated by Imaam Ibn Jareer, states:

?This act (i.e. plucking hair from the face) is haraam except when beard and moustache grows on a woman, then its removal is not haraam. In fact (its removal for a woman) is Mustahab according to us (Shaafi'is). Ibn Jareer (the Maaliki Mujtahid and Imaam) said: ?It is not permissible for her to shave off her beard nor the hair which grows below the lip nor her moustache. It is not permissible for her to commit any taghyeer whatsoever in her natural form whether by increasing or decreasing anything.?

This is the staunch and rigid position of the Maaliki Math-hab to which Qaadhi Iyaadh subscribes. When according to his Math-hab it is not permissible for a woman to cut off and remove deformities from herself such as long protruding teeth, an extra finger, etc., how can it be accepted that Qaadhi Iyaadh's interpretation of Abu Salamah's Hadith is a licence for permissibility to cut the hair of women ? such hair which in Islam is beautiful, which is not a deformity, which is desirable and which is part of her body created by Allah Ta'ala?

And how can it ever be accepted that Qaadhi Iyaadh implied permissibility of cutting the tresses of women when according to his Math-hab and his Aimmah-e-Mujtahideen it is not permissible for her to even cut any beard or moustache or any hair that grows on her face? Beard and moustache for a woman are decidedly ugly and makes her extremely repugnant. In spite of beard

and moustache being deformities and ugliness for women, in the Math-hab of Qaadhi Iyaad it is *haraam* for them to cut or remove it.

Can it now be accepted that Qaadhi Iyaadh implied that a woman may cut her beautiful Allah-given tresses and that such an abominable act will not constitute *taghyeer li khalqillaah*? No one is in need of intelligence to understand this fact and to answer the question. From this prohibition of cutting even her unnatural beard, the severity of the Maaliki prohibition on cutting her natural hair can be adequately gauged.

The incongruency of the 'ijtihaad' of the deviate in his employment of the interpretation of Qaadhi Iyaadh for the permissibility of hair-cutting should now be glaringly conspicuous.

Whose position on the prohibition is the severest? The Hanafi position? The Shaafi'i position? Or the Maaliki position which prohibits women from cutting even the deformity of a beard growing on their faces?

(Tasbeeh of the Malaaikah in the Heavens)

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? Glory to Allah (i.e. He is above all defect)

Who has adorned men with beards and women with tresses .?

MAULANA ABDUL HAYY

Maulana Abdul Hayy Sahib (rahmatullah alayh) was a prominent Aalim of India. The deviate has acknowledged by implication and the accolades he has conferred on the Maulana Sahib that Maulana Abdul Hayy is his Imaam in Hadith and Fiqh. Stating his position, the deviate says:

❖ *Mawlana Abd al-Hayy of Farangi Mahal, Lucknow died just over a century ago in 1304 AH. With his brilliance of mind, unequalled command of fiqh and hadith, phenomenal literary output and ❖ probably his most admirable quality ❖ his fair-mindedness and impartiality, he must be ranked one of the subcontinent's greatest luminaries. Two of the fiqh texts included in the dars-e-nizami (the curriculum taught at the dar al-ulums) carry his annotations: Sharh al-Wiqaayah and al-Hidaayah. ❖*

MAULANA ABDUL HAYY'S FATWA ON HAIR-CUTTING FOR WOMEN

❖ *For a woman it is prohibited to pluck the hair of her head just as it is prohibited for a man to pluck the hair of the beard. Although adornment for women is permissible, it never means changing her natural created form and appearance. In Nisaabul Ihtisaab it appears: ❖ It is*

mentioned in An-Nawaazil in Kitaabun Nikah that Abu Bakr was asked about a woman who had cut her hair. He said: It is obligatory on her to make istighfaar (seek forgiveness) from Allah, to repent and not to again commit this type of act.' It was said (to him): If she did so with the permission of her husband, (then what)?' He (Abu Bakr) said: ♦ There is no obedience to creation in disobedience to the Creator.' It was then said to him: ♦ Why is this not permissible for her?' He said: ♦ Because she imitated men. Nabi (sallallahu alayhi wasallam) said: Allah curses men who emulate women and women who imitate men. And because hair for a woman is like beard is for a man. Hence, just as it is not lawful for a man to cut his beard, so too is it not lawful for a woman to cut her hair. ♦

The deviate should have no qualms in accepting this *Fatwa* of his Imaam and submitting to it.

In view of this explicit *Fatwa* of Prohibition issued by Maulana Abdul Hayy Sahib, and which should be in the category of *Nass* for the deviate, there is really no need to pursue the argument further. Maulana Abdul Hayy Sahib has clinched the dispute by having issued his Ruling in favour of the **Prohibition of hair-cutting for women.**

♦ *What! Do you not see those who dispute in the Aayaat of Allah (the Laws of the Shariah)? Wither are they aimlessly drifting?* ♦ [Qur'aan]

THE ISSUE

M.T. Karaan of Cape Town had initially written an article in which he abortively attempted to legalize for women the immoral act of cutting hair.

In our book, *THE FEMALE'S HAIR AND THE SHARIAH*, we refuted the **baatil** (baseless, false and haraam) opinion which M.T.Karaan had tried his very best to trade in the Muslim community.

In response to our Refutation, the deviate has issued another *baatil* essay in a desperate attempt to salvage his baseless opinion which, it was shown, has absolutely no basis in the Shariah. Far from having any vestige of a Shar'i basis, it is in diametric conflict with what the Shariah has taught and what the Ummah has believed and acted on for the past fourteen centuries of its history.

In his ♦ *a rejoinder*' the deviate has sunk further in the quagmire of his *baatil* . He has

succeeded in only exhibiting more conspicuously his *baatil* by piling *baatil* on top of *baatil*. In the words of the Qur'aan Majeed ﴿﴾ *Darkness on top of darkness.* ﴿﴾

In his pamphlet of *baatil*, the deviate has rejected a Shar'i Ruling which is not our personal opinion, but which is the Law of the Shariah accepted by ALL the Fuqaha and Ulama of Islam down the long corridor of Islam's fourteen hundred-year history. He has made an abortive attempt to create the impression that he is refuting someone's personal opinion. This is far ﴿﴾ very far ﴿﴾ from the truth because whatever we stated in our book is nothing of our opinion. The view of *hurmat*, in other words, **it is HARAAM for women to cut their hair**, is not our opinion. It is the Ruling of Islam which all our Ulama have transmitted from generation to generation ﴿﴾ a Ruling they had acquired from the early Fuqaha of Islam, and which has reached us by way of an unbroken chain of reliable and authentic narration.

DEVIOUS

It is necessary to draw attention to an insidious gimmick which the deviate perpetrates in his evil attempt to legalize what the Shariah has explicitly made **haraam**. In a desperate attempt to water down the explicit ruling of the prohibition of female-hair-cutting, the deviate resorts to a subtle, but dirty attempt. He seeks to create the impression that the emphasis on the prohibition is the view of the Hanafi Math-hab. By this despicable stunt he in fact desires the Shaafi community to believe that the prohibition is not applicable to them. Thus he states in his ﴿﴾ *a rejoinder*': ﴿﴾ *The madhab with the severest position on the cutting of hair for woman is the Hanafi madhhab.* ﴿﴾

This gimmick has been inherited by the writer of the *baatil* from his environment in which the attitude of the freelancing shaikhs of the MJC predominates. Years ago they had gone to great lengths to convince the Shaafi community that what the Indo-Pak Ulama propagated about the beard, prohibition of pictures, hijaab, etc., were according to the Hanafi Math-hab only. Alhamdulillah, the times have now changed. Innumerable members of the Shaafi Math-hab have seen through this ruse and deception, and are now keeping beards, abstaining from pictures of animate objects, adhering to Hijaab, etc. The trick of pulling wool over the eyes of the masses by attributing the *Haqq* which the Ulama proclaim to be a ﴿﴾ peculiarity' of the Hanafi Math-hab, will not succeed. While the *Haqq* can be suppressed for a while, it cannot be eliminated regardless of the chicanery and ﴿﴾ academic' trickery and confusion of technicalities which the *Ahl-e-Baatil* resort to in the attempt to confuse an unschooled public.

Before proceeding to answer the technical and academic issues raised by the legalizer of haraam, we shall, for the benefit of the community at large, present the verdicts of our Akaabir Ulama with whom a major segment of the Muslim community of South Africa is well acquainted. Since our Muslim community, by far and large, recognizes the integrity and authority of these senior Ulama, we shall cite their *Fataawa*.

While the purpose of this article is to refute the *baatil* of the deviate, the primary aim is to guide the Muslim community to the Truth. And, this aim, we are certain, will be best fulfilled, by citing the verdicts of the Ulama who are unanimously regarded as authorities of the Shariah of the age. .

- **Hadhrat Hakimul Ummat Maulana Ashraf Ali Thaanvi** (rahmatullah alayh) states in Beheshti Zewer:

❖ *It is **haraam** for a woman to shave the head and to cut the hair. (She) has been cursed in the Hadith.* ❖

- **Hadhrat Allaamah Zafar Ahmad Uthmaani** (rahmatullah alayh) says in *Imdaadul Ahkaam* :

❖ *It is not substantiated anywhere that the Mujtahideen have permitted a married woman or a widow to shave her head or to cut her hair without valid need, sickness and pain. On the contrary, the Fuqaha have totally prohibited women from shaving and cutting their hair.* ❖

- Hadhrat Maulana Saeed Ahmad Palanpuri, who happens to be the Ustaadh of M.T.Karaan the holder of the *baatil* opinion, states:

❖ *It is **haraam** for women to shave or cut their hair. They have been decreed as being deserving of la'nat (Divine Curse).* ❖

- Hadhrat Mufti Muhammad Saeed Laajpuri (rahmatullah alayh), the author of *Fataawa Rahimiyyah*, cites Beheshti Zewer as evidence for the prohibition. Hence he states in *Fataawa Rahimiyyah*:

❖ *It is said in Beheshti Zewer: ❖ It is **haraam** for a woman to shave or cut her hair. In the Hadith she has been cursed .* ❖

As further evidence for this prohibition, *Fataawa Rahimiyyah* cites *Imdaadul Fataawa*, pages 216, 217 and 218, Vol.4.

Regardless of the disdain the deviate may have for these illustrious Ulama of India and Pakistan to whom he is indebted for his spiritual Salt, and regardless of what category he assigns these Kitaabs to, the Muslim community has confidence in their *Fataawa*. In fact, Beheshti Zewer has been a reliable Reference for the top Muftis and Ulama of Deoband.

- In Volume 4 of *Imdaadul Fataawa*, appears the following question:

❖ *In the paper, Zamindar ❖ ..among the drivel and deception, the permissibility for women to cut hair has been narrated from Saheeh Muslim ❖ ..that some of the Holy Wives would cut their hair*

and render it like wafrah❖❖...The question now is: Is it permissible or not for women to cut their hair and form it like wafrah❖❖❖?

Hadhrat Hakimul Ummat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) replies to this question in Imdaadul Fataawa as follows:

❖Dalaail-e-Saheehah (Correct Shar'i Proofs) substantiate the prohibition on the style about which the question has been asked. Hence, hurmat (being haraam) is proven, and the istidlaal on permissibility is faasid.❖

(In other words, interpreting the hadith of Saheeh Muslim to gain the opinion of permissibility is corrupt and baseless, having no Shar'i substance).

- Hadhrat Mufti Yusuf Ludhyaanwi (rahmatullah alayh) states in His Fataawa:

❖ It is not permissible for women to cut the hair of their head. ❖

The views of other Ulama appear towards the end of this book.

Since the deviate has a childish and a stupid penchant for issuing challenges, we leave the numbers of the pages and volumes for him to unearth.

(Tasbeeh of the Malaaikah in the Heavens)

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❖ **Glory to Allah (i.e. He is above all defect)**

Who has adorned men with beards and women with tresses .❖

HADHRAT MUFTI TAQI UTHMAANI

The writer of a❖ rejoinder', in an attempt to gain corroboration for his baatil from contemporary Hanafi Ulama, states:

❖A few days after the appearance of my article there appeared on the internet a fatwa by Mufti Muhammad Taqi Uthmani. It is my good fortune that my own view was fully in harmony with the view of Mufti Taqi. Mufti Taqi needs no introduction as a Hanafi faqih and muhaddith of the highest rank who❖unlike the objector❖ had the benefit of many years spent under the training of his father, the eminent Mufti Muhammad Shafi, author of the celebrated Ma'arif al-Qur'an and a senior khalifah of Hadrat Mawlana Ashraf Ali Thanwi. Mufti Taqi himself is a khalifah of

Hadrat Mawlana Muhammad Masihullah. A question which involuntarily springs to mind is whether the kind of vituperation that has been poured on my insignificant head will now also be dished out to Hadhrat Mufti Taqi Uthmani, the khalifah of Hadrat Masih al-Ummah? ♦

In this observation, the writer makes an attempt to brow-beat us by mentioning the names of our illustrious Akaabireen. At the same time he intentionally is trying to pull wool over the eyes of the Muslim public by his endeavour to peddle the notion that the *our (not his)* Akaabir Ulama are in support of his ***haraam*** view on the issue of hair-cutting for women.

Let him honestly answer:

- Do you regard these three Senior Ulama as authorities of the Shariah?
- Do you accept their Fataawa on the question of hair-cutting for females?
- What is Hadhrat Maulana Ashraf Ali Thaanvi's view on this question?
- Do you accept Hadhrat Masihul Ummat as an Aalim of status and a contemporary authority of the Shariah? Do you know what his view is on hair-cutting for women?
- Remember that you cited him as being the Shaikh of Hadhrat Mufti Taqi Uthmaani, a ♦*Hanafi faqih and muhaddith of the highest rank*'.

Let us now apprise the writer of the *baatil* view of the reality and of the truth to which these Senior Ulama of Deoband subscribe.

Firstly, the writer's statement, ♦*It is my good fortune that my own view was fully in harmony with the view of Mufti Taqi.* ♦ (Emphasis ours). It is noteworthy that he concedes that the opinion of the permissibility of hair-cutting for women is ♦*my own view* ♦. Everyone should now understand that he has let the cat out of the bag. The ***haraam*** opinion is his own view. It is not the Shariah's view. It is NOT the view of a SINGLE Faqeeh of Islam ♦ not even the view of Hadhrat Imaam Nawawi (rahmatullah alayh) on whose interpretation he relies so heavily. In fact, besides the interpretation of Imaam Nawawi who was a Muqallid (not a Mujtahid) of the Shaafi Math-hab, the writer has no Shar'i basis whatsoever for his personal view. We shall, Insha'Allah, once again show later that Imaam Nawawi never entertained the view which the deviate propagates.

His claim of ♦*good fortune* ♦ is premature, and his assertion that his own view is in harmony with the view of Hadhrat Mufti Taqi Sahib is utterly baseless. In a statement issued by Mufti Taqi Uthmaani Sahib on 27th March 2003 , after the deviate released his ♦*a rejoinder*' , this Hanafi Faqeeh and Muhaddith of the ♦*highest rank* ♦ states:

◆ I have to make it clear that I have never issued any fatwa for the permissibility of the hair-cut prevalent among the modern women which has a clear resemblance with non-Muslims. The question frequently asked here in my country was that some women cut their hair from the lower side in the belief that it will help in speedy growth of their hair and will make their hair longer in future. Cutting the hairs in this case does not exceed a few inches. Similarly, some women do this to equate the level of their hairs from the lower side. I was frequently asked about this type of cutting. Since it does not have any resemblance with men or non-Muslim women which was the basic cause of the prohibition according to Imdadul Fatawa v.4 p.227, and Imdadul Ahkam v.4, p.354, I replied that this type of cutting or trimming is permissible.

As for my answer that is placed on the website, I have to clarify some points:

(1) It was a question received by email. The question specifically mentioned that it relates to that type of hair cutting which has no resemblance with men or non-Muslim women, I presumed that the person who asked this question knows and admits the **impermissibility of the prevalent haircut** which resembles with non-Muslim women, and the conditions mentioned in the question ruled out this possibility. Based on this presumption I replied in the affirmative subject to these conditions.

(2) The answer was given through email privately on the above presumption and was not intended to be published, but now when it has been published and was **misused in favour of that haircut which has clear resemblance with non-Muslims**, I feel that I should have clarified it in **express terms**.

Especially after reading the question once again, I noticed that there is a sentence in the citation from Shaikh Abdullah which was perhaps missed by me at that time otherwise **I would have clarified the issue at that time**.

(3) Now it should be clearly understood that I have never issued a fatwa for the permissibility of cutting the hairs of women upto the shoulders or upto the ears, as is practised by the European women, and in their imitation, by some others.

However, trimming the hair in order to make them grow quicker, or to bring them in a level in which there is no resemblance with men or non-Muslim women is permissible. My answer that has been put on the website should be read in the light of this explanation. ◆ (Emphasis ours).

In the explanation provided by Mufti Taqi Sahib, there is no corroboration and no harmony for the **haraam** opinion of the deviate. Hadhrat Mufti Taqi Sahib stated a permissibility as a remedial measure for cutting hair women term as '◆ split ends', and as a measure for gaining **longer hair** in emulation of the *Zawaab (Tresses) of the Damsels of Jannat*. But, the writer

advocates cutting of the hair for woman for entirely different reasons, for the reason of ❖beauty'-ill-conceived beauty - an ugly conception of beauty acquired from the western kuffaar. Thus the deviate says:

❖In my opinion, our society does not view the cutting of a woman's hair as an act which despoils her beauty.❖

He also states:

❖This category, on account of the absence of textual regulations, is regulated by other determinants such as the concept of urf, or custom, which changes from one society or age to another. Thus, if in a particularly (ly?) society the cutting of the hair constitutes a mutilation or a despoilment of beauty, it would be undesirable in the eyes of the Shariah, but where the act of shortening the hair is not viewed in such a light, the act cannot be considered offensive any longer.❖

This is baatil and false. It is in conflict with the Shariah❖with the URF of Islam divinely bestowed to the Ummah as will be shown later, Insha'Allah.

It should be well understood that the deviate's whole exercise of peddling the case for women wanting to cut their hair, is not the same as Hadhrat Mufti Taqi's fatwa of permissibility to cut a little at the back of the tresses to remedy the ❖split ends' or to render even the hair right at the bottom of the tresses. The opinion of the deviate advocates cutting off the *Zawaajib (Tresses)* . That is precisely the meaning of ❖shortening the hair' which he preaches. If he declares that what he meant by his redundant, confusing, ambiguous and *baatil* article is the same as what Hadhrat Mufti Taqi Sahib states, then there is no argument. But it is clear to any Muslim who reads his article that it is according to him permissible for women to cut off their tresses, to shorten their hair and to adopt the styles of kuffaar women. He should not labour under the misconceived notion that all Muslims are so stupid as to fail to see through the subterfuge of his article which is a sinister move to accord Shar'i acceptability and permissibility for the evil and immoral act of hair-cutting by women.

It is meaningless for the writer of the *baatil* to say:

❖❖.that it is in principle permissible for a woman to cut her hair, provided that her husband does not object, and that the shortening of the hair is not done in imitation of males or the kuffaar❖❖

If the hair is not cut for a valid Shar'i reason, e.g. sickness or the reason provided by Mufti Taqi Sahib, then the only other reasons are:

Tashabbuh bir Rijaal (Imitating males) and *Tashabbuh bil Kaafiraat* (Imitating the kuffaar women). There is no emulation of any Muslim women in this accursed practice because hair-cutting never was the custom or *Urf* of any Muslim women at any time in the history of Islam. (The question of *Urf* will be expounded later, Insha'Allah).

The deviate seeks to brow-beat us by mentioning the name of Hakimul Ummat Maulana Ashraf Ali Tha'anvi (rahmatullah alayh). But in so doing he has displayed his childishness and short-sightedness because Hadhrat Tha'anvi (rahmatullah alayh) who was the Shaikh of the illustrious father of Hadhrat Mufti Taqi Sahib, very unambiguously stated the prohibition of hair-cutting by women. We have already presented his verdict above. What exactly does the writer wish to gain by way of substantiation for his baseless and false view by making the averment that Hadhrat Mufti Muhammad Shafi (rahmatullah alayh), the father of Mufti Taqi Sahib was a senior khalifah of Hadhrat Tha'anvi (rahmatullah alayh)? In which way does this support his evil contention of the permissibility of hair-cutting by women? Both Hadhrat Tha'anvi (rahmatullah alayh) and Mufti Taqi Sahib believe in the prohibition of hair-cutting for women. The Fatwa of Hadhrat Mufti Shafi (rahmatullah alayh) is never at variance with the Fatwa of Hadhrat Maulana Ashraf Ali Tha'anvi (rahmatullah alayh). In almost all his academic works, Hadhrat Mufti Muhammad Shafi operated under the auspices and direction of his Shaikh, Hadhrat Hakimul Ummat Maulana Ashraf Ali Tha'anvi (rahmatullah alayh). Thus there is absolutely no support for the baatil opinion to be eked out by mentioning the names of our illustrious Akaabireen.

Sight should not be lost of the fact that the writer of the **baatil** opinion has spoken in glowing terms of four of *our Akaabir Ulama* in a subtle attempt to peddle the notion that they are in agreement with him and that his vile opinion is *in harmony* with their views on the question of women cutting their hair. He thus lauds Hadhrat Mufti Taqi Sahib with the accolade of :

❖ *Hanafi faqih and muhaddith of the highest rank. Mufti Taqi himself is a khalifah of Hadrat Mawlana Muhammad Masihullah.* ❖

About Hadhrat Mufti Muhammad Shafi (rahmatullah alayh), the father of Mufti Taqi Uthmaani, the deviate says:

❖ *The eminent Mufti Muhammad Shafi, author of the celebrated Ma'arif al-Quran and a senior khalifah of Hadrat Mawlana Ashraf Ali Thanwi* ❖

He also refers to Hadhrat Masihullah with the title of ❖ *Hadrat Masih al-Ummah.* ❖

Yet none of these senior Ulama is in agreement with the *baatil* view which the deviate propounds. On the contrary, they out-rightly reject his view and state explicitly the verdict of

prohibition for the evil act of hair-cutting by women, using the term, **haraam** to describe the prohibition.

On the question of women's hair, Hadhrat Masihul Ummat, Hadhrat Maulana Muhammad Masihullah, the Shaikh of Hadhrat Mufti Taqi Uthmaani, states:

❖ **Just as long tresses are beloved, the longer the tresses are, the more beautiful it appears. Rasulullah (sallallahu alayhi wasallam) narrated that the Tasbeeh of the Mala'ikah is:**

????? ?? ???? ?????? ?????? ? ???? ?????? ??????????

❖ **Pure is Allah (above all defect)! He Who has beautified men with beards and women with tresses.** ❖ .

❖ **However, women have begun to cut their tresses which are items of great beauty and men shave the beard which is an item of beauty❖...Have you reflected, O Tullaab (Students of the Deen)?** ❖

It should now be clear that all these Akaabireen from whose illustrious Names the writer of *baatil* has endeavoured to squeeze out support for his contention, are his opponents on the issue of hair-cutting by females.

Immediately after lauding accolades on these four senior Ulama, the writer of the *baatil* resorts to another trick in an endeavour to mislead. He says: ❖ *Earlier Shaykh Abd al-Aziz ibn Baz, the late grand mufti of Saudi Arabia, had issued a similar fatwa. Is it not a matter of surprise that none of these great scholars were aware of the existence of an ijma' on this issue,* ❖.❖

Here he tries to peddle the notion that Hadhrat Maulana Ashraf Ali Thaanvi, Hadhrat Mufti Muhammad Shafi, Hadhrat Muhammad Masihullah, Hadhrat Mufti Taqi Uthmaan and the Shaikh of Saudi Arabia are unanimous in upholding the *baatil* view of permissibility of cutting hair by women. But, as shown above, it is far from the truth. All four of our Senior Ulama mentioned here are in disagreement with the view of permissibility. The deviate is in harmony with only Shaikh Abdullah of Saudi Arabia. Mufti Taqi Uthmaani, in fact, distances himself from the ❖fatwa' of the Shaikh of Saudi Arabia. In this regard, Hadhrat Mufti Taqi Uthmaani states in his clarification dated 27th March 2003 :

❖ ***Especially, after reading the question once again, I noticed that there is a sentence in the citation from Shaikh Abdullah which might create a misunderstanding and which was perhaps missed by me at the time otherwise I would have clarified the issue at that time.*** ❖

The Fatwa of permissibility of Shaikh Bin Baaz will, Insha'Allah, be explained later.

Aptly summing up the view of *Ijma'*, Hadhrat Maulana Zafar Ahmad Uthmaani (rahmatullah

alayh) writing in *Imdaadul Ahkaam* which was prepared under the auspices and direction of Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh), states:

◆ Nowhere is it proven that the Mujtahideen had given permission to a married woman or to a widow to cut hair without the need occasioned by sickness and pain. On the contrary, the Fuqaha have totally prohibited women from shaving and cutting hair. ◆

The deviate has also made an abortive attempt to enlist the aid of Maulana Abdul Hayy (rahmatullah alayh) in support of his baseless view. He lauds glowing praise on Maulana Abdul Hayy without realising that this 'luminary' is in agreement with all our Ulama on the prohibition of women cutting their hair. Not only on the prohibition, but on the **hadith basis** which the Fuqaha have presented for *Waajib Ahkaam* (Compulsory Laws) ◆ the Hadith which the writer rejects as spurious. We shall, Insha'Allah, revert later to this question.

Lauding praise in profusion on Maulana Abdul Hayy (rahmatullah alayh), the deviate writes:

◆ Mawlana Abd al-Hayy of Farangi Mahal, Lucknow died just over a century ago in 1304 AH. With his brilliance of mind, unequalled command of fiqh and hadith, phenomenal literary output and ◆ probably his most admirable quality ◆ his fair- mindedness and impartiality, he must be ranked one of the subcontinent's greatest luminaries. Two of the fiqh texts included in the dars-e-nizami (the curriculum taught at the dar al-ulums) carry his annotations: Sharh al-Wiqaayah and al-Hidaayah. ◆

Indeed, two of the text books (Hidaayah and Sharhul Wiqaayah) carry Maulana Abdul Hayy's annotations. But does the Deviate know what this 'great luminary of the subcontinent' says on the question of hair-cutting by women? In his *FATAAWA*, Maulana Abdul Hayy Sahib states:

◆ For a woman it is prohibited to pluck the hair of her head just as it is prohibited for a man to pluck the hair of the beard. Although adornment for women is permissible, it never means changing her natural created form and appearance. In Nisaabul Ihtisaab it appears: ◆ It is mentioned in An-Nawaazil in Kitaabun Nikah that Abu Bakr was asked about a woman who cut her hair. He said: It is obligatory on her to make istighfaar (seek forgiveness) from Allah, to repent and not to again commit this type of act.' It was said (to him): If she did so with the permission of her husband, (then what)?' He (Abu Bakr) said ◆ There is no obedience to creation in disobedience to the Creator.' It was then said to him: ◆ Why is this not permissible for her?' He said: ◆ Because she imitated men. Nabi (sallallahu alayhi wasallam) said: Allah curses men who emulate women and women who imitate men. And because hair for a woman is like beard is for a man. Hence, just as it is not lawful for a man to cut his beard, so too is it not lawful for a woman to cut her hair.' ◆

We shall, Insha'Allah, later again refer to Maulana Abdul Hayy during our discussion on the authenticity of the Hadith which speaks of the Tasbeeh of the Malaaiikah, viz.,

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Insha'Allah, the deviate will then realize in whose camp Maulana Abdul Hayy is. In fact he has already or should have already realized that Maulana Abdul Hayy Sahib is subservient to the *Ijma* on this prohibition.

At this juncture it is necessary to mention that inspite of the expertise of Maulana Abdul Hayy (rahmatullah alayh), he does not occupy the pedestal in the firmament of Shar'i Uloom, which the deviate has tried to make us believe. Commenting on Maulana Abdul Hayy, our Senior, Hakimul Ummat Maulana Ashraf Ali Thaanvi (rahmatullah alayh), whom our Ulama of Deoband regard as the *Mujaddid of the century*, said:

❖ *Maulana Abdul Hay Sahib Lucknowi was somewhat lax in the academic research of Taqleed. He was not staunch in proclaiming Taqleed to be Waajib. Nevertheless, in practice he never abandoned Hanafiyyat (the Hanafi Math-hab). In much fame and being a ❖ marja' (to whom the public refers) there is this great calamity of challenge. It is not surprising if Maulana had to lay some claim to ijtihaad and freeing himself from Taqleed. But on him settled the fadhl (grace of Allah) that he discussed with Molvi Siddiq Hasan Khaan Sahib. This discussion revealed to him the corruptions of ghair muqallidism. (If it was not for Molvi Siddiq Hasan Khaan), he (Maulana Abdul Hayy) would have made an exit (from Taqleed). I have seen Maulana. He was pious, and although his gaze was wide, it did not have much depth. Nevertheless, to the extent of need he had depth (of vision). His excellence was that in all his acts there was lillaahiyat (sincerity ❖ for the Sake of Allah). May Allah forgive him. ❖*

These comments of Hadhrat Hakimul Ummat adequately sum up the position of Maulana Abdul Hayy in the sphere of *Ilm* and the category he occupies among the Ulama of authority.

Whatever his position and rank may be, Maulana Abdul Hayy is a Muqallid of the Hanafi Math-hab and in agreement with the prohibition of female-hair-cutting pronounced by all the Fuqaha in general, and our Akaabir Ulama in particular.

(Tasbeeh of the Malaaiikah in the Heavens)

??????? ?? ???? ?????? ?????? ? ???? ?????? ??????????

❖ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses . ❖

THE ISSUE OF IJMA'

In his booklet of **baatil**, the deviate denies the existence of *Ijma* on the prohibition of hair-cutting by females. Yet, he has not presented a single Mujtahid's view which dissents from the prohibition. The deviate states: ♦ *There is a marked difference between positively stating that all the mujtahids of the Ummah have agreed on a particular point* ♦..♦

In terms of what he has said, ♦ agreement of all the mujtahids of the Ummah' is a requirement for the validity of *Ijma'*. Assuming this to be correct, we cite Hadhrat Maulana Zafar Ahmad Uthmaani who, in agreement with Hadhrat Maulana Ashraf Ali Thaanvi, said:

♦ *It is nowhere proven from the Mujtahideen that they permitted an unmarried woman or a widow to cut hair without the dhuroorah (valid need) of sickness and pain. On the contrary, the Fuqaha have totally forbidden women shaving and cutting (their) hair.* ♦

This claim of our Akaabir Ulama is adequate to substantiate the view of *Ijma'* on prohibition. No one can cite a single one among our Akaabireen who have propounded a contrary view to what Hadhrat Maulana Zafar Ahmad Uthmaani claimed above.

To dismiss the claim made by Hadhrat Zafar Ahmad Uthmaani, it is imperative to cite Fuqaha who differ on the verdict of prohibition. But, the deviate has been unable to cite any dissension on this issue among the Fuqaha and Mujtahideen. The best he could venture was to present a Hadith of Saheeh Muslim which is the subject of a variety of interpretations, and which the Ulama do not accept as a basis for the opinion of permissibility of hair-cutting by women. Even Imaam Nawawi (rahmatullah alayh) presents several interpretations for the Hadith which is the solitary ♦ basis' on which the deviate has raised the flimsy structure of his **baatil** opinion of permissibility.

The deviate is not a Mujtahid. Even though he endeavours to create the impression of him being a Mujtahid, he is not one. If he has abandoned *taqleed*, he has done so at the peril of his own Imaan. Since he is not a Mujtahid, he has neither right nor ability to formulate *ahkaam* directly from the Qur'aan and Ahaadith, especially on issues on which there exists the conspicuous and popular verdict of the Senior Ulama of our Math-hab.

In fact, Imaam Nawawi (rahmatullah alayh) too, is not on the pedestal of Ijtihaad. He too was a Muqallid of the Shaafi Math-hab, hence he had no right to propound a *fatwa* at variance with the

Shaafi Math-hab. In fact, he never proffered any such fatwa. He merely presented some interpretations to bring the seemingly conflicting act of the Holy Wives in line with the practice of the women of the Ummah. This explanation has already been given in our first book on this issue, namely, *THE FEMALE'S HAIR*. Throughout his Commentary on Muslim Shareef, Imaam Nawawi makes the comment: **❖ In our Math-hab❖**, on a variety of *Masaa-il*. This comment by Imaam Nawawi (rahmatullah alayh) clearly indicates that he is a follower of a Math-hab, namely the Shaafi'i Math-hab.

Rejecting the claim of this Hadith being a basis for permissibility, Hadhrat Maulana Zafar Ahmad Uthmaani (rahmatullah alayh) states in *Imdaadul Ahkaam*:

❖How can it be correct to deduct the permissibility of this act (of cutting hair) without dhuroorat, while the motive of this act is emulation of the women of the kuffaar, in which there is also emulation of men, there being severe warning of punishment on these two acts?❖

Commenting on the interpretation of cutting hair by the Holy Wives after the demise of Rasulullah (sallallahu alayhi wasallam), Imaam Nawawi states :

❖This act cannot be imagined with regard to them during the lifetime of Rasulullah (sallallahu alayhi wasallam).❖

When Imaam Nawawi himself negates hair-cutting for women so categorically inspite of one interpretation implying cutting, then how can it be valid to cite this narration as a basis for the permissibility and then audaciously attribute it to Imaam Nawawi? Moreover, not a single Authority of Islam of any Math-hab, has ever cited this Hadith or any other Hadith to declare hair-cutting permissible for women.

In view of there being different interpretations of this narration, Maulana Zafar Ahmad Uthmaani states the principle:

❖When there are (other) possibilities, the deduction is baseless.❖

In other words, when this Hadith has several possibilities and its meaning is ambiguous, it is not valid to cite it as a *mustadal* (basis of deduction) for the view of permissibility of hair-cutting by women.

The Muqallid has absolutely no right to differ with the Akaabireen on an issue on which there is no difference of opinion among the Fuqaha and Ulama of the Math-hab. Assuming that there are different views in other Math-habs, then too it is not lawful for the Muqallid to dissent from the *Jamhoor* of our Math-hab. If the deviate is not a follower of the Hanafi Math-hab, but lays claim

to be a follower of another Math-hab, then he should state his Math-hab and adhere to the verdict of that Math-hab. He should not present himself as a mujtahid, thereby interpreting and misinterpreting Ahaadith and Qur'aanic Aayaat, and arrogating to himself the right to pick and choose *Usool* at random to justify his opinions.

Let it be understood that even among the Ulama of *Usool* there prevails considerable difference of opinion on the various topics of this subject. The definition of *Ijma'* is not confined to what Maawardi states nor to what any other particular authority states. In this matter too, the Muqallid is constrained to follow his Akaabir Ulama. Indeed our Akaabireen were Bright Stars of Uloom who adorned the firmanent of Shar'i Uloom. Any one who has any relationship with *Ilm-e-Deen* should study *I'laa-us Sunan* to appreciate the greatness and the depth of the Knowledge of our immediate Akaabireen.

Commenting on the statement of Imaam Nawawi (rahmatullah alayh), Hadhrat Maulana Zafar Ahmad Uthmaani (rahmatullah alayh) states:

❖ *And, Nawawi's comment on this Hadith and saying: In it is permission to lighten the hair of women, is not a hujjat (proof for permissibility), because he himself is a Muqallid. He did not attribute this comment to any Mujtahid* ❖

When this is the verdict of our Akaabir Ulama even with regard to a great personality such as Imaam Nawawi (rahmatullah alayh), what can we infer about the stupidities dished out by the deviate of the *baatil* opinion of permissibility? Muslims who are conscious of the Deen should reflect and understand the difference between *Haqq* and *Baatil*.

We advise the holder of the *baatil* opinion to consult Hadhrat Mufti Taqi Uthmaani Sahib on the rank and academic integrity of Hadhrat Zafar Ahmad Uthmaani (rahmatullah alayh). After all, the deviate has acknowledged that Hadhrat Mufti Taqi Uthmaani Sahib is a ❖ *Hanafi faqih and muhaddith of the highest rank* ❖.

IMAAM MAALIK (rahmatullah alayh)

In a reference to what we wrote regarding *Ijma'*, the deviate states:

❖ *He will not be the first person in history for whom a claim of this nature has not been admitted as ijma'. This has happened to even illustrious mujtahid imams of the Ummah. Imam Malik, for example, speaking about the issue of delivering judgement on the basis of radd al-yamin, remarks* ❖ *This is an issue on which I am not aware of any difference of opinion between anyone or in any city.* ❖

Shamelessly commenting on this statement of the illustrious Imaam Maalik (rahmatullah alayh) thereby assailing his integrity, the deviate states: ♦ *The fact is that there is a well-known difference of opinion on the issue. Amongst those who held a contrary opinion were Sayyiduna Uthman, Sayyiduna Abdullah Ibn Abbaas, al-Hakim ibn Utaybah and the Imams Abu Hanifah and Ibn Abi Layla.* ♦

This comment more than adequately displays the *jahaalat* of the writer of the *baatil* booklet. Priding himself with some misconceived conception of his ♦ 'knowledge', he fails to understand what exactly he has said in this statement in which he assails the *Ilmi* integrity of one of Islam's greatest personages for whose knowledge and piety even Rasulullah (sallallahu alayhi wasallam) vouched.

The deviate, in his desperate attempt to make himself known as a ♦ 'mujtahid' and to peddle his *haraam* opinion regarding the issue of women's hair, should have supplicated to Allah Ta'ala for thorns to pierce his tongue rather than making a shaitaani attempt to derogate Hadhrat Imaam Maalik (rahmatullah alayh). Regardless of what intention he had, his critical comment implies denigration of the lofty rank of Imaam Maalik (rahmatullah alayh).

In his miserable attempt to assail us, he fails to understand his ridicule heaped on Imaam Maalik (rahmatullah alayh). He commits one of two capital crimes by citing Imaam Maalik (rahmatullah alayh) in the way he is guilty of. To show what he believes to be our error he has either elevated us to the pedestal of Imaam Maalik (rahmatullah alayh) or he has denigrated the great Imaam to the low rank of puny Muqallideen like us of this belated age. The essence of his comment on Imaam Maalik (rahmatullah alayh) is that when this great and illustrious Faqeeh to whose integrity Rasulullah (sallallahu alayhi wasallam) testified, had committed a glaring error pertaining to *Usulul Fiqh* on the issue of *Ijma'*, then there is nothing surprising when non-entities like us ♦ little Muqallideen of this age ♦ commit the same error. Like Imaam Maalik (rahmatullah alayh) *erred* in proclaiming *Ijma'* on a question on which there was no *Ijma'*, *these insignificant Muqallideen (Blind-Followers)* of Imaam Abu Hanifah (rahmatullah alayh), likewise erred in contending the prevalence of *Ijma'* on the prohibition of immoral hair-cutting for women. In so doing he has elevated these insignificant Muqallideen to the rank of Imaam Maalik (rahmatullah alayh).

Viewing the incongruity of the deviate from another angle, his crime is exceptionally grievous in that he has denigrated this illustrious Imaam to the level of insignificant Muqallideen of this age. By presenting his analogy, he implies, intentionally or unintentionally ♦ at least stupidly ♦ that Imaam Maalik (rahmatullah alayh) also committed the error which these insignificant Muqallideen are ♦ 'guilty' of.

There was absolutely no need for the deviate to bring Imaam Maalik's assumed ♦ 'error' on the issue of *Ijma'* into the picture for the attempt to assail and denigrate us. He could have well achieved his nefarious aim by simply heaping scorn and ridicule on us.

The deviate should understand well that Hadhrat Imaam Maalik (rahmatullah alayh) was a Mujtahid of the greatest calibre in his own right. Rasulullah (sallallahu alayhi wasallam) said:

❖ *People will emerge from the East and the West in the quest Knowledge. They will find no one more learned than the Aalim of Madinah.* ❖

(Mawaahibul Jaleel)

Commenting on this Hadith, the Author of *Mawaahibul Jaleel* says:

❖ *The Aimmah (Auhorities of Islam) have interpreted this Hadith to refer to Imaam Maalik.* ❖

There are numerous *fadhail* (virtues) of Imaam Maalik narrated by many great Fuqaha and Muhadditheen of the Taabieen and Tabe Taabieen eras. Once Imaam Maalik (rahmatullah alayhi) said:

❖ *I never slept a night without seeing*

Rasulullah (sallallahu alayhi wasallam). ❖

But the deviate has no qualms about wagging his tongue to assail even such an Illustrious Soul as Hadhrat Imaam Maalik (rahmatullah alayh). Does he expect Muslims to swallow the trash he has gorged out about Imaam Maalik (rahmatullah alayh)? To want Muslims to believe that Imaam Maalik (rahmatullah alayh) was ignorant of the Shar'i concept of *Ijma'* is a portrayal of massive stupidity ❖ *jahaalat upon jahaalat*.

When Imaam Maalik (rahmatullah alayh) said : ❖ *I am not aware of any difference of opinion between anyone or in any city* ❖, it does not imply that the great Imaam was ignorant of the principles of *Ijma'*. He made a statement of fact on which he had certitude regardless of any difference in other quarters. The issue is either one of two things. Either Imaam Maalik was not aware of any difference among the Fuqaha of his time or he was aware, but for reasons best known to him he had dismissed their opinions as of no significance. If the former is the case, it is no reflection on the integrity of Imaam Maalik's Knowledge and Ilmi expertise nor can it be inferred that he laid claim to *Ijma'* on a question on which there existed no *Ijma'*. The illustrious Aalim of Madinah predicted by Rasulullah (sallallahu alayhi wasallam) is not the deviate's ❖ *little brother* ❖ which could entitle him to hold a licence to subject to his stupid criticism and comments.

If the second case is applicable, then too, Imaam Maalik (rahmatullah alayh) did not blunder. An Imaam who is a Mujtahid of Imaam Maalik's calibre has every right to claim *Ijma'* even if he is aware of dissenters. It simply does not behove any miscreant and deviate to aver about Imaam

Maalik (rahmatullah alayh):

❖ *He (this ❖ he' refers to the author of the book refuting the haraam opinion of the deviate) will not be the first person in history for whom a claim of this nature has not been admitted as Ijma'.*❖

Besides the drivel which this statement is, it is directed at Imaam Maalik (rahmatullah alayh) and it casts aspersions on his lofty *Ilmi* rank.

After making this stupid comment, the deviate cites Imaam Maalik's statement which he (the deviate) has presumed to be erroneous.

The deviate then commits another huge blunder by understanding that Imaam Maalik (rahmatullah alayh) has erred in view of the fact that his supposed claim of *Ijma'* does not conform to principles of *Usulul Fiqh* formulated by Maawardi centuries later. Let the deviate get the message clearly that Imaam Maalik (rahmatullah alayh) and the other Aimmah Mujtahideen of the Mathaahib were not bound to the principles of *Usulul Fiqh* as propounded by Maawardi and others of later ages. The illustrious Aimmah Mujtahideen were Mujtahids in the *Usul*. They were not Muqallideen in any sphere. To cite Maawardi and others, then to point out supposed errors of the Aimmah Mujtahideen if their rulings and claims do not fit the standards of the later Ulama, is the height of *jahaalat*, perfidy and dirty pride ❖ an inheritance of shaitaan.

The deviate cites Al-Maawardi as follows:

❖ *If a person says , ❖ I do not know of any difference of opinion between them,❖ ijma will not be established on the basis of that claim if he is not of the people of ijtihaad who have comprehensive knowledge of ijma and khilaf. If he is of the people of ijtihaad, then our companions differ on the issue. Some of them establish it as ijma' and some negate it.*❖

Was Hadhrat Imaam Maalik (rahmatullah alayh) not of ❖the people of ijtihaad❖? Even after citing Al-Maawardi, the deviate is unable to understand what this Imaam said, hence he finds flaw in the claim of ❖unawareness' made by Imaam Maalik (rahmatullah alayh). Al-Maawardi clearly states that ❖if he is of the people of ijtihaad❖ then according to one view of ❖our companions❖, ijma; is established.

Besides this and what Al-Maawardi said, Hadhrat Imaam Maalik (rahmatullah alayh) was not a muqallid of Al-Maawardi who was no where on the scene in Imaam Maalik's time. It is the height of ignorance to scale the verdicts and claims of the Aimmah Mujtahideen on the principles and standards formulated by authorities who appeared centuries later on the stage of history. At least, it should be understood that even on the principle stated by Al-Maawardi and cited by the deviate, if Imaam Maalik (rahmatullah alayh) had implied *Ijma'* by his statement, then most certainly *Ijma'* was substantiated and valid.

IJMA'

Ijma' is not what the deviate has understood. The difference of a few does not abrogate *the Ijma'*; of the *Jamhoor Fuqaha*. Then there are different kinds of *Ijma'* on a declining scale of effect. There is *Ijma'* which has the effect of the *Qatiyat* (absolute certitude) which the Qur'aan and Ahaadith Mutawaatarah produce. Then there is the *Ijma'* akin to the effect of Ahaadith *Mash-hoorah*, then of the effect of *Khabr Waahid*. While the consequence of one category of *Ijma'* is *Qatiyat*, the effect of another category of *Ijma'* is *Zann Ghaalib*.

The deviate is merely trying to obfuscate the issue and bamboozle laymen with his deceptive ♦exposition' of *Ijma'*.

We are not interested in the documentation of Ibn Hazam and others. For us Muqallideen, the documentation of our Akaabir Ulama suffices. Their *Ijma'* on a question suffices for all the Muqallideen of the Hanafi Math-hab. In fact, there is *Ijma'* of *all the Math-habs* on the prohibition of immoral hair-cutting. It rests on the deviate to produce his dissenters. Obviously, his view and the views of the suit and tie sporting shaikhs of this era have absolutely no bearing on Shar'i issues.

The statement of Imaam Nawawi (rahmatullah alayh) cannot be cited as a dent in the *Ijma'* of the Ummah on this issue because Imaam Nawawi does not differ with the view of prohibition. This is clear from the fact that he was at pains to present an interpretation to reconcile the seemingly conflicting Hadith with the view of prohibition, hence he states:

♦***This act cannot be imagined of them (the Holy Wives) during the lifetime of Rasulullah (sallallahu alayhi wasallam).***♦

More statements of Imaam Nawawi (rahmatullah alayh) to substantiate the prohibition will appear further on in this book.

♦*Ijma'* as one of the sources of Shar'i law, is defined by the ulama as the consensus of the mujtahids of the Ummah of Muhammad (sallallahu alayhi wasallam) upon a particular matter, in any age, after his death.♦

(Usoolush-Shaashi)

On the basis of even the definition of *Ijma'*, we can safely claim that there is consensus of our Ulama of this age on the prohibition of hair-cutting for females. Of course, the opinion of deviates and of those who yearn to be mujtahids is of no significance and does not affect this *Ijma'*.

The Fuqaha, elaborating the concept of *Ijma'*, say:

❖ *On this issue, the consensus of the Ahlur Raai and Ijtihaad (viz.the Ulama) is reliable. The word of the layman, logician (mutakallim) and muhaddith who has no wisdom in the principles of Fiqh, is of no consideration.* ❖

Even the consensus of some Mujtahideen is valid and within the confines of *Ijma'*. Such *Ijma'* is called *Ijma' Math-habi*. Even this *Ijma'* suffices for the substantiation of what we claim, namely, that it is haraam for women to cut their hair -- it is immoral -- it is emulation of the immoral kuffaar women of the west ❖ it is imitation of males.

Besides this lesser category of *Ijma'*, we reiterate that on the prohibition there has been *Ijma' of the Ummah for the past fourteen centuries*. The deviate has miserably failed to cite even one Mujtahid or one Faqeeh who claimed that it is permissible for women to cut their hair. The best he could produce was to cite an ambiguous Hadith having a multiplicity of interpretations, and which the sole Recorder among the *Sihah Sittah*, Imaam Nawawi, is at pains to reconcile with the prohibition. Furthermore all the Ulama and authorities of the Shariah present interpretations for this seemingly contradictory Hadith. None of the Fuqaha and Ulama have used this narration to legalize the evil act of hair-cutting for women. The only one who has ventured this *baatil* is the deviate who wanders aimlessly in a valley of deception, deceiving himself into believing that he is a mujtahid.

In a futile attempt to disprove the fourteen century *Ijma'* on the prohibition of hair-cutting for women, the writer of *baatil* beats about the bush in desperation trying to side-track the issue by confusing unwary readers with arguments which are irrelevant. Abu Jahl and his clique were provided by the Qur'aan with a simple method with which they could ❖disprove❖ Rasulullah's claim of *Nubuwwat*. They were repeatedly challenged by the Qur'aan Majeed to fabricate just one aayat to match any Qur'aanic aayat. Instead of taking up this offer ❖which anyhow they could not ❖ they caused momentous upheavals and went to even war in order to silence and extinguish the *Haqq*.

The puny writer of *baatil* has adopted the same tactic of Abu Jahl & Co. Instead of furnishing some names of Aimmah Mujtahideen, Fuqaha and senior Ulama of the Haqq who had opined that it is permissible for women to cut their hair, he resorts to much clap-trap in his bid to pull wool over the eyes of unwary Muslims who lack in Shar'i academic knowledge. The issue is straightforward. Shatter our claim of '*Ijma'*' by citing Fuqaha/Ulama who are in ❖harmony❖ with your *baatil*. And, remember ❖ Hadhrat Mufti Taqi Uthmaani Sahib is not in your camp. He dissociates himself from the opinion of **baatil**. Nor is there any support for the deviate in the categoric *Fatwa* of Prohibition issued by his Imaam, Maulana Abdul Hayy Sahib.

Mufti Taqi Uthmaani has not endorsed the deviate's claim that ❖in principle it is permissible for women to cut their hair❖. Hair-cutting for them is in exceptional cases of need, such as sickness, and according to Mufti Taqi Sahib, for lengthening their hair, and to ❖equate❖ the uneven edges at the bottom of the tresses. But styles of misconceived beauty which are pure shaitaani

motivation, which involves shortening the hair considerably and making it ♦beautiful' in western kuffaar styles to satisfy the ostensible taste of a *dayyooth* husband, is undoubtedly, **haraam**. ***There is absolutely no scope in Islam for such ugly and shaitaani hair-cutting which come fully within the scope of the Qur'aanic aayat which prohibits taghyeer khalqillaah (changing the natural and created form of Allah), and which the Qur'aan attributes to Iblees.***

Since the deviate has ♦elevated' these insignificant Muqallideen of the Hanafi Math-hab to the pedestal of Imaam Maalik (rahmatullah alayh), albeit stupidly and unsuspectingly, it will not be difficult to understand that our claim of *Ijma'* was made in the same way as Imaam Maalik (rahmatullah alayh) had stated his claim of *Ijma'*. It is highly audacious, stupid and sheer madness for non-entities of this age ♦non-entities who possess no rank in the Ilm of this Deen♦ to even dream that Imaam Maalik (rahmatullah alayh) had made a baseless claim of the prevalence of *Ijma'* on an issue on which there did not exist *Ijma'* in the opinion of that Paragon of Ilm and Taqwa, whose glory and greatness were testified to by Rasulullah (sallallahu alayhi wasallam).

It is *dhalaal* (deviation) which can utterly ruin an insignificant Muqallid, leading to the elimination of his Imaan, to present argument to disprove Imaam Maalik's assertion of *Ijma'*. The deviate has embarked on a dangerous exercise of denigrating Imaam Maalik (rahmatullah alayh) by his averment that inspite of ♦well known difference of opinion on the issue♦ , the great Imaam claimed *Ijma'* . He still has the audacity to cite those authorities who held the contrary opinion.

Puny, insignificant *juhala* should try to understand that when they open their mouths, they should not cite the assumed and presumed errors of the great Heirs of Rasulullah (sallallahu alayhi wasallam), in a stupid bid to repudiate insignificant Muqallideen of this age who are propagating the *Haqq* of the Shariah. His audacity is disgusting. Imaam Maalik (rahmatullah alayh) cannot be given a lesson in Hadith by anyone, least of all deviates of this belated century♦far, very far from the age of *Risaalat*.

The *jahl* of the deviate is truly colossal. Flaunting this enormous *jahl* , he incredibly cites Al-Maawardi, a Shaafi authority who appeared on the scene three centuries after Imaam Maalik (rahmatullah alayh). Then he proceeds to apprehend Imaam Maalik (rahmatullah alayh), pointing out supposed errors, on a principle of Fiqh stated by Al-Maawardi three centuries after Imaam Maalik. The deviate cannot even understand that Al-Maawardi inspite of his lofty rank was not a Mujtahid in the *Usool* as the Aimmah-e-Mujtahideen were. By what stretch of Shar'i logic and Imaani understanding can any Muslim seek to fetter Imaam Maalik (rahmatullah alayh) to a Muqallid of the Shaafi Math-hab three centuries after his (Imaam Maalik's) departure from this world? And then all this dangerous trash simply to disprove insignificant Muqallids of this age!

The deviate then proceeds to criticize Ibn Abdul Barr whom the deviate refers to as ♦the fifth century muhaddith and faqih.♦ In his stupid criticism of Ibn Abdul Barr (rahmatullah alayh), the

deviate states:

❖ *The fifth century muhaddith and faqih Ibn Abd al-Barr was well known for the readiness with which he used to cite ijma; Many of his ijma' citations, however, were found lacking in the conditions required for a proper and authentic ijma'.* ❖

The deviate should define ❖ *a proper and authentic ijma'*. The deviate believes that he possesses the qualifications for ijtihaad and is cognizant of the ❖ *conditions required for a proper and authentic ijma'* ❖. But an authority of Ibn Abdul Barr's stature is ignorant of these conditions in the assessment of the deviate. The deviate ❖ knows ❖ what a proper and an authentic *Ijma'* is, but Ibn Abdul Barr is ❖ ignorant ❖ of it. Indeed the deviate has scraped the very bottom of the barrel of his *nafsaaniyat* and *jahaalat* in levelling this baseless criticism against Ibn Abdul Barr.

Even if it has to be assumed for a fleeting moment that Ibn Abdul Barr had erred on this issue, Men of Ilm do not cite the errors of great and illustrious Ulama in a bid to disprove insignificant Muqallideen who cannot reach the holy feet of such illustrious authorities of the Shariah even if they have to be reborn a thousand times, except if Allah wills, of course.

To disprove and demolish the *supposedly* ❖ *unsubstantiated whimper of ijma' in this belated era* ❖ let out by insignificant Muqallideen of the Hanafi Math-hab, there is absolutely no need to drag Imaam Maalik (rahmatullah alayh) and Ibn Abdul Barr (rahmatullah alayh) from their lofty Pedestals. While the deviate is guilty of this capital crime, he has succeeded in only messing his own face. When one looks up to the heaven and spits at the moon, the spit will land on one's face.

DOCUMENTATION OF IJMA'?

The deviate referring to the documentation of ❖ instances of *Ijma'* ❖ in some books of past Ulama, seeks to negate the *Ijma'* on the hair issue on the basis of it not having been documented. At this stage we shall assume that this specific *Ijma'* was not documented by Ibn Munthir and others. It not having been documented does not detract from the fact that the prohibition of women cutting their hair is a *mas'alah* on which there exists *Ijma'*. While ❖ instances of *Ijma'* ❖ have been recorded in some books, it does not follow that every *mas'alah* on which *Ijma'* exists has been documented.

The validity of *Ijma'* is not dependent on documentation. *Masaa-il* have reached us via the channel of authentic and reliable transmission by narration, from generation to generation. It is for this reason that there does not exist difference of opinion among our Ulama on the issue of hair-cutting for women. The *Math-habi Ijma'* of our Ulama and of the earlier Fuqaha is so absolute on this question, that they even debate the question of the permissibility of cutting hair, not for beauty or adornment, but for reasons which are valid to some Ulama and not valid to others. Thus, in our time Hadhrat Mufti Taqi Uthmaani is of the opinion that it is permissible for a woman to cut only a couple of inches of her uneven tresses with the intention of gaining longer

hair. Others do not necessarily accept the validity of this opinion. But they will not heap ❖abuse and vituperation❖ on Mufti Taqi Utmaani on account of his opinion on this issue for the simple reason that he has not deviated from the *Ijma'* on this prohibition. Nor has he ventured the corrupt opinion that it is permissible for women to cut their hair with the permission of their husbands for the sake of beauty. He does not claim that ❖on principle it is permissible for women to cut their hair.❖ He does not say that it is permissible for women to cut their hair to shoulder-length and even less. The venerable Mufi Sahib is therefore not a receptacle for ❖vituperation❖ while on the contrary, the deviate qualifies for valid and justified ❖vituperation'. When *the jahaalat* of a man can constrain him to make even a Soul such as Imaam Maalik (rahmatullah alayh) a target for his trash and drivel, he should not *whimper* and take umbrage when his deviation is vigorously criticized.

The argument of *documentation* which the deviate has proffered is an example of his beating about the bush in an attempt to sidestep the charge against him. To disprove us, he simply has to produce the names of the Fuqaha who have claimed that it is permissible for women to cut their hair for the sake of ❖beauty' to satisfy their husbands.

SHOCKING STUPIDITY

The deviate states in his **baatil** article:

❖*The spuriousness of ijma' is further underscored by the fact that none of the authorities whose views he cites ❖ Allamah al-Haskafi, Mawlana Rashid Ahmad Gangohi, Mawlana Ashraf Ali Thanwi, my own teacher Mufti Sa'id Ahmad Palanpuri and Mawlana Muhammad Yusuf Ludhyanwi ❖ have invoked ijma' on the issue.*❖

The stupidity of this man is indeed shocking. Let us for a moment assume that there is no *Ijma'* on this question, the irrefutable fact remains unassailed that all the authorities mentioned above and many others which have not as yet been mentioned and others which have already been mentioned in our earlier book but which the deviate has omitted from his abovementioned statement, are all agreed that it is **haraam** for women to cut their hair, the deviate's ❖teacher❖ included.

Now if there is no *Ijma'* on this question, then surely it should not pose an insurmountable obstacle for the deviate to provide a few names of authorities (Fuqaha) of the Shariah who hold the contrary view. We have provided the names of a galaxy of Ulama and Fuqaha who maintain the view of prohibition. It devolves on the deviate to furnish the names of those Fuqaha whom he believes shatter the claimed *Ijma'* with their view of permissibility.

Among the array of great Ulama we have presented in substantiation of the Shariah's position on the prohibition of hair-cutting for women, is Hadhrat Maulana Zafar Ahmad Uthmaani (rahmatullah alayh). He makes the following explicit claim on this issue:

❖ Nowhere is it established from the Mujtahideen that they had given permission for an unmarried woman or for a widow to cut her hair without the valid need occasioned by sickness, pain and Hajj. On the contrary the Fuqaha have totally prohibited women from shaving and cutting their hair. ❖

In order to disprove what we have said, the deviate will have to refute all the authorities we have mentioned, and point out exactly the ❖errors❖ of Hakimul Ummat Maulana Ashraf Ali Thaanvi, Hadhrat Maulana Zafar Ahmad Uthmaani, Hadhrat Shaikhul Hadith Maulana Muhammad Zakariyya and Mufti Taqi Uthmaani, all of whom have presented viable interpretations for the narration cited in Muslim Shareef, and all of whom have confirmed the ruling of prohibition.

We are saying exactly what these great Ulama as well as other authorities have said and are saying. Even if the deviate refuses to concede the existence of *Ijma'* on this question, he cannot deny the irrefutable fact that all those whom we have cited claim that it is *haraam* for women to cut their hair. The deviate has to divert some of his chagrin to all of these Ulama who deny his claim of permissibility. To prove his claim, the deviate should rationally refute with Shar'i facts the view of prohibition held by the Fuqaha and Ulama we have mentioned. He should further respond to their interpretation of the narration on which the deviate has laboured so much, albeit abortively, to raise the case for his *baatil* opinion of permissibility.

The case of permissibility cannot be substantiated by howling that there does not exist *Ijma'* on the issue. The correct way in which to prove a contention is to provide narrational evidences from the Shariah and to rationally in terms of the Shariah, refute the opponent's arguments. Furthermore, denial of the existence of *Ijma'* on a question implies the existence of the contrary view. Thus, the simplest way in which to disprove our claim is to simply state the names of those authorities of the Shariah who adhere to the permissibility of hair-cutting for females.

UTTER DRIVEL

Neither in his first essay of *baatil* nor in his ❖ a rejoinder❖ has the deviate substantiated his claim of permissibility from any of the Fuqaha of the Four Math-habs. While he walks a tight-rope in

his bid to squeeze out some support from such statements of the Fuqaha which are unrelated to the topic under discussion, his deviousness and academic bankruptcy will be apparent to even laymen who possess some discernment.

He perpetrates academic tricks to befuddle those who do not understand the technicalities of Shar'i laws, but he has miserably failed to cite even just ONE Faqeeh who explicitly opined that it is permissible for women to cut their hair. He mentions the names of all Four Math-habs, then lapses into some trickery, but no explicit rulings of Fuqaha to substantiate his vile opinion of the permissibility of the immoral act of women cutting their hair. Insha'Allah, we shall soon expose the deception and the stupidity in his arguments which he presents as the proofs of the Four Math-habs for the *baatil* opinion.

(Tasbeeh of the Malaaiikah in the Heavens)

?????? ??? ???? ??????? ??????? ? ???? ??????? ???????????

❖ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses .❖

URF OR CUSTOM

In the bid to confuse and mislead the unwary public, the principle of *Urf* is cited and a completely baseless concept is postulated for it. In terms of the meaning of *Urf* or Custom which the deviate wishes Muslims to swallow, the entire Culture of Islam ❖ the Sunnah ❖ is capable of being dismantled and substituted by just any vile and immoral practice of the kuffaar as long as it becomes a *norm of society*. A norm of society which scuttles the Sunnah and the *Ahkaam* of the

Shariah in general, does not come within the purview of the Shar'i principle of *Urf*.

But according to the meaning which the modernist deviates ascribe to *Urf*, almost any practice of the Sunnah can be displaced and substituted with something which is an integral constituent of kuffaar culture and totally repugnant to the Shariah. Thus, on the basis of the fallacious interpretation of *Urf* presented by the deviate, Hijaab (Purdah), Sunnah method of eating and dressing, etc. can be displaced. In fact this is precisely the prevalent situation. When the Ulama-e-Haqq condemn such evils, the convenient and stupid retort is that Purdah, etc. are the propagations of the Indo-Pak Ulama.

The deviate has unwittingly conceded that for women to cut their hair was not the norm of Rasulullah's society; it was not the norm of the society of Sahaabah nor was it the norm of the society of the Taabieen nor of the Tabi Taabieen. In fact, we claim with emphasis that cutting hair by woman was never the norm of any segment of Muslim society from the time of Rasulullah (sallallahu alayhi wasallam), and from the time of Hadhrat Aadam (alayhis salaam) to this day.

Since this immoral practice which is in violent conflict with even the Culture of Jannat (as we shall show later, Insha'Allah), is not the norm of even present-day Muslim society anywhere in the world, except perhaps among the inhabitants of brothels. Women influenced by western kuffaar norms, but still fearful of the Shar'i implications, are asking questions about the permissibility of cutting hair. When they obtain the *fatwa* of impermissibility, they accept it and refrain from this abomination which makes women extremely ugly. But, deviates who have been completely bowled over by western liberalism which is nowadays a strong undercurrent in even our Madaaris in general, and in particular in the recycling plants of the Middle Eastern countries, advocate the falsehood of the permissibility of hair-cutting for Muslim women.

As a consequence of such satanic misguidance provided by modernist deviates, women become brazen and jettison from their constitution all shame and modesty to cut their hair. The *baatil* fatwa is their smokescreen and their basis for destroying the beauty Allah Ta'ala has bestowed to them in their tresses. They cite the ♦fatwas♦ of ignoramuses and deviates in vindication of their ruined modesty and shame. If cutting hair by woman was a *norm of Muslim society*, the need for seeking fatwas of permissibility would not have arisen just as there is no need for men to seek fatwas for cutting their hair.

NO ABROGATOR

Where in the world, even in this day of the Ummah's moral, spiritual and Deeni decadence and degeneration, is there a Muslim community whose *norm of society* tolerates women cutting their hair? Modern and lewd women, the victims of western secular institutions and colleges, are of no consideration. They do not constitute a segment of Muslim society. They are mutants and

fall-outs who are more comfortable in western society.

The practices of a handful of such women do not constitute any norm of an Islamic society. It should be well understood that even if an entire community changes its Islamic norm and adopts the norm of kuffaar society as Muslims have done and are doing today in other spheres of daily life, then too, such norms adopted from kuffaar society are not accepted by the Shariah if it conflicts with the Sunnah ♦ with Islamic norm ♦ which has been categorically instituted by the Qur'aan and Ahaadith and the society of Nabi-e-Kareem (sallallahu alayhi wasallam).

Changing norm of society cannot cancel out the Sunnah nor any law of the Shariah, which is structured on the *Nusoos* of the Qur'aan and Ahadith. The prohibition of women cutting their hair is a Shar'i *hukm* substantiated by the *Nusoos* of the Ahaadith, by the Culture of the Sunnah, by the *Ijma'* of the Fuqaha and by the permanent practice of the entire Ummah right from the time of Hadhrat Aadam (alayhis salaam) down to this day. In fact, from long before the time of Hadhrat Nabi Aadam (alayhis salaam) long hair for women was ordained for even the females of Jannah.

Allah Ta'ala created the Damsels of Jannat with long hair. It is part of the Culture in Jannat. The Malaaikeh glorify Allah Ta'ala with a *Tasbeeh* which asserts that the beauty of females is in their long tresses. And, in the Aakhirah, women will have long tresses like the damsels of Jannat. So, even if all Muslim women abandon every vestige of Islamic modesty and adopt the practice of cutting their hair, it will in no way whatsoever affect the position of the Shariah regarding the prohibition of this abomination.

Subhaanallah-The One who has beautified men with beards and women with tresses. (Tasbeeh of the Malaaikeh)

URF IN CONFLICT WITH NASS

The deviate has presented devious arguments pertaining to *Urf* ♦ such arguments which only confuse ordinary people unschooled in academic knowledge of the Shariah. For the benefit of the layman, the uncontaminated and simple Shar'i principle of *Urf* is stated in all the books of the Shariah dealing with this topic:

♦ *Urf in Mansoos Alayh is not valid.* ♦

♦ *Practise in conflict with Nass is not valid.* ♦

Mansoos Alayh refers to such teachings of the Shariah for which there exists Qur'aanic or Hadith or Ijma' proofs. The clear rulings of the Fuqaha also come within the ambit of Nass.

Let the deviate dig out these principles from wherever he is able to and present his silly *nafsaani* arguments to refute the irrefutable and the immutable facts of this Deen of Islam ♦ an exercise of which he is dastardly guilty of throughout his *baatil* ♦ *a rejoinder* ' in his nefarious attempt to make *halaal* what *Nass* has made *haraam* solely for the sake of satisfying the evil whimsical fancies of westernized women

On page 20 of his ♦ *a rejoinder* ' he cites a lengthy passage of the authority, Shaami, only to confuse people. He, however, ignores the following vital factors stated by Allamah Ibn Aabideen in the quoted passage:

♦ *If the hukm should be left to the way it was before, it would invariably lead to difficulty and harm upon the people, and it would go against the Shariah's fundamental principles of creating ease and facilitation, and the removal of harm and corruption in order to maintain the world upon a complete system and the best of laws.* ♦

What is the difficulty and harm upon the people which necessitates cancelling the *norms of Rasulullah's society* to legalize hair-cutting for women? In which way will the Ummah be harmed if women do not cut their tresses? What difficulty and unbearable calamity will settle on the Ummah if Muslim women adhere to the Culture of Rasulullah's society and to the Culture of the women of Jannat by keeping long tresses and refraining from cutting their tresses like lewd kuffaar women?

Which ♦ *fundamental principles of creating ease and facilitation* ♦ does prohibition of hair-cutting violate? In fact, the Shariah never allowed hair-cutting even to render ghusl easy for women. The Ahaadih are explicit on this.

In which way will hair-cutting for women constitute ♦ *removal of harm and corruption* ♦ from the Ummah? On the contrary, hair-cutting for women promotes evil, immorality and is a stepping stone for zina. It is designed to attract, not the husband, but immoral men on the streets. It is purely an act of *tashabbuh bil-kaafiraat* (emulating the kuffaar women) regardless of any pious intentions the deviate tries to attribute for this vile practice. Never can it be accepted that women, especially in this immoral age of nudity and zina, desire to cut their hair for any altruistic purpose. They simply are crazy about imitating the hair-styles of the kuffaar women in the same way as they insanelly emulate the dress-styles of kuffaar women.

Adherence to the Sunnah style, i.e. refraining from cutting hair, is never a cause for corruption whereas, on the contrary hair-cutting is a great promoter of evil and immorality. It brings the woman under the *la'nat* of Allah Ta'ala. How can the Practice commanded by Rasulullah (sallallahu alayhi wasallam) ever be a springboard for corruption and immorality, and the *norm of a kuffar society* be the creator of ease and comfort? Indeed, when one thinks with the blinkers of western liberalism, then the conclusions spawn preference for the *norms of kuffaar society*.

In which way will abrogation of the *norm* of Rasulullah's society ♦ *maintain the world upon a complete system and the best of laws* ♦ ? Can there be any sanity left in a brain which reasons that if Muslim women begin cutting their tresses the *world will be maintained on a complete system and the best of laws*?

From the foregoing, it should be clear that hair-cutting by woman is not a *mas'alah* related to the principle of *Urf*

IBN HAJAR AL-HAITAMI'S VIEW

In a sweeping claim of falsehood, the deviate alleges:

♦ *The lead of Imam an-Nawawi was followed by the two muhaqqiqs of the later period, Ibn Hajar al-Haytami and Shams ad-Din ar-Ramli.* ♦

This myth is debunked by Ibn Hajar Haitami himself in his *Haashiyah alaa Sharhil Eedhaah fi Manaasikil Hajj lil Imaamin Nawawi*. In this Commentary Ibn Hajar Haitami (rahmatullah alayh), while discussing the prohibition of *halq* (shaving) and *taqseer* (cutting) for women during Hajj for the purpose of being released from ihraam, states that the *illat* (the reason/cause /rationale) for the prohibition of shaving the hair for a woman, is ***tanfeer*** which means ♦ to detest, to abhor' ♦ to view with revulsion', etc. The discussion in his context pertains to *hurmat* (being *haraam*) and *karaahat* (being *Makrooh Tahreemi*) of both *halq* and *taqseer* in excess of one *anmulah* for a woman. The ruling of prohibition according to the Shaafi Math-hab oscillates between ***Haraam*** and ***Makrooh Tahrimi***.

One *anmulah* is the size of one third the finger.

Ibn Hajar reports that according to the Shaafi Fuqaha there exists difference of opinion even on the issue of cutting more than one *anmulah* even for being released from ihraam. This is in spite of the fact that *taqseer* for females is compulsory for release from ihraam. Thus, Ibn Hajar Haitami records in his *Haashiyah*:

♦ *Taqseer of more than an anmulah is like halq in terms of the foregoing explanation.* ♦

However, as far as a free woman is concerned, according to the Shaafi authority, Al-Isnawi, it remains *Mustahab* for her to cut one *anmulah* (in length) even if the husband prevents her because this extent (*anmulah*) is Sunnat, hence imperative, except when the woman happens to be a slave-girl. In this case, according to Al-Isnawi, if her master prohibits her from cutting even the size of one *anmulah*, then she may not cut even this little bit. Rather, she should cut only three strands of her hair.

The prohibition, whether it be *Haraam* or *Makrooh* is the product of ***tanfeer*** and the decrease of

the man's (husbands or masters) *istimtaa'* (conjugal inclination). Indeed, it is most significant that Ibn Hajar Haitami and the Shaafi Fuqaha in general, attribute the prohibition to these factors. From this attribution, the degree of revulsion for not only *halq*, but for cutting the hair more than just one *anmulah*, is conspicuous. So abhorrent do the Shaafi Fuqaha, including Ibn Hajar, view hair-cutting that even one *anmulah* length of hair may not be cut even on the occasion of Hajj without the permission of the husband according to some Fuqaha inspite of the express permission granted by Rasulullah (sallallahu alayhi wasallam). The prohibition is not attributed to *urf* by the Shaafi Fuqaha nor by the Fuqaha of the other Math-habs.

Indeed, so revulsive is hair-cutting for females, that Al-Isnawi, among the Shawaafi prohibits cutting more than only three strands of hair without the permission of the master. The cutting of three strands will suffice to release her from ihraam.

Now when the *illat* for the prohibition is *tanfeer* (abhorence) and *nuqs - e-istimtaa'* (decrease in conjugal inclination) according to Ibn Hajr Haitami, then by what stretch of honesty can anyone claim that he has opined that stylish hair-cutting for women is permissible? Remember that the whole argument among the Shaafi'i Fuqaha on the issue of *halq* and *taqseer* is restricted to the occasion of Hajj and Umrah, and in relation to *taqseer* the dispute centres around one *anumlah*. The question of cutting the hair on occasions other than the need for *tahallul* (release from ihraam), and that too, massive cutting and kuffaar style cutting, simply does not arise in even the wildest dreams of the Fuqaha of any Math-hab

There is absolutely no *daleel* in any of the statements of Ibn Hajar Haitami and Ramali for permissibility of hair-cutting for woman as the deviate falsely and cunningly alleges. If there is, let him state their unequivocal statements. He must necessarily refrain from his corrupt method of inference which has no validity.

CONDEMNING THE HANAFI FUQAHA

The deviate avers:

❖ *There exists, however, the unfortunate convention with many dispensers of fiqh to simply dish out whatever is documented in the works of the fuqaha of the past without applying any discretion whatsoever.* ❖

Let us have the names of some of these ❖dispensers of fiqh who simply dish out whatever is documented, without applying any discretion whatsoever.❖ You may put your august Ustaadh, Hadhrat Maulana Saeed Ahmad Palanpuri first on your list of such ❖indiscrete' ❖dispensers of fiqh❖ who lack discretion whatsoever and ❖dish out whatever❖ ❖drivel' has been documented. Your illustrious Ustaadh in this present age did not say that cutting hair for women is *Makrooh* or *Makrooh Tanzihi*. To refreshen your memory, listen again to what he says:

❖ *It is haraam for a woman to shave her head or to cut her hair, and she is deserving of la'nat.* ❖

The Ustaadh of the deviate, in substantiation of his statement of categoric prohibition (being **haraam**) of hair-cutting for women, cites from the very same Allaamah Ibn Aabideen's Kitaab from which the deviate quoted the discussion on the principle of *Urf*. Supporting his claim of prohibition, Hadhrat Maulana Saeed Ahmad Palanpuri (the Ustaadh of the deviate) quotes Shaami as follows:

❖ *(If) she cuts her hair, she has sinned and is cursed.* ❖

Haraam and *La'nat* are the terms which Hadhrat Maulana Saeed Ahmad Palanpuri employs for the woman who cuts her hair. While the principle of *Urf* is explained by Shaami, he upholds the prohibition of hair-cutting.

Next on his list of ❖irresponsible' and ❖indiscrete' *dispensers of fiqh*, the deviate can put the name of Hadhrat Maulana Abdul Hayy Lucknowi in whose honour the deviate sings the following praises ❖

❖ *Maulana Abd al-Hayy of Farangi Mahal, Lucknow died just over a century ago in 1304 AH. With his brilliance of mind, unequalled command of fiqh and hadith, phenomenal literary output and ❖ probably his most admirable quality ❖ his fair-mindedness and impartiality, he must be ranked one of the subcontinent's greatest luminaries. Two of the fiqh texts included in the dars-e-nizami (the curriculum taught at the dar al-ulums) carry his annotations: Sharh al-Wiqayah and al-Hidayah.* ❖

Let the deviate read what this ❖greatest of luminaries of the subcontinent ❖ says about women cutting their hair. In his Fataawa, He states:

❖ *It is not permissible for women to pluck from the hair of the head in the same way as it is not permissible for men to pluck hair from the beard. Although adornment for women is permissible, it never means changing (her) naturally created appearance. It appears in Nisaabul Ihtisaab: It is mentioned in Nawaazil that Abu Bakr was asked about a woman who cut her hair. He said: ❖Istighfaar is obligatory on her. She should repent and not again return (i.e. commit its likes).' It was then said: If she did so with the permission of her husband? He said: ❖There is no obedience for makhlooq (created beings) in disobedience to Khaaliq (The Creator). ❖ It was said to him: ❖Why is that not permissible for her?' He said: ❖Because, verily, she created a resemblance of herself with men, and because, verily, hair for woman is like the beard is for a man. Just as it is not permissible for a man to cut his beard, so too, is it not halaal for a woman to cut her hair.'* ❖

Further supporting the prohibition, Hadhrat Maulana Abdul Hayy states:

❖ ***And it appears in Majmaul Barakaat: A woman's act of emulating men is Makrooh. So is it in Al-Kubra and Az-Zaheeriyah.*** ❖

One of the Indo-Pak subcontinent's ❖ *greatest luminaries* ❖, a Faqeeh of ❖ *unequalled command of fiqh and hadith* ❖, Hadhrat Maulana Abdul Hayy (rahmaullah alayh), stated the prohibition of the accursed act of female-hair-cutting very categorically.

Next on the deviate's list of ❖ *indiscrete* ❖ ❖ *dispensers of fiqh* ❖ are Hakimul Ummat Hadhrat Maulana Ashraf Ali Thanvi, Hadhrat Maulana Zafar Ahmad Uthmaani, Hadhrat Mufti Ludhyanwi, Hadhrat Mufti Sayyid Abdur Raheem Laajpuri (Author of Fataawa Rahimiyyah), Hadhrat Maulana Muhammad Masihullah and innumerable senior Ulama of Deoband. All of these Akaabireen unanimously proclaimed hair-cutting for women to be **haraam**. Those interested, should refer to our first book, *THE FEMALE'S HAIR*, for the full text of the statements of some of these Akaabireen.

Another authority whom the deviate can add to his list of ❖ *indiscrete* ❖ and ❖ *indiscriminate* ❖ ❖ *dispensers of fiqh* ❖ is Imaam Abul Hasan Maawardi whose statement the writer of ❖ *a rejoinder* ❖ quoted in his attempt to negate the *Ijma'* on the prohibition of women cutting their hair. In terms of the crooked logic of the deviate, Imaam Maawardi should also be included in his list of *indiscrete dispensers of fiqh who simply dish out whatever the Fuqaha have documented without applying any discretion whatsoever*. ❖ Imaam Maawardi states:

❖ ***She should not cut from her tresses because, verily, it makes her ugly. But she should take (cut) from the place under it.*** ❖ (*Kitaabul Majmoo'*, Vol.8 Page 177)

Imaam Maawardi refers to cutting to the extent of just over one centimetre when she has to release herself from *Ihraam* during Hajj or Umrah. Even cutting one or two centimetres from the tresses is the creation of ugliness in a woman according to Imaam Maawardi.

Next on his list can be added the name of Hadhrat Mufti Taqi Uthmaani whose aid the deviate had abortively tried to enlist to substantiate his *baatil* opinion. According to the deviate, Mufti Taqi Sahib is ❖ *a faqih and muhaddith of the highest rank* ❖. The Dissociation of Hadhrat Mufti Taqi Uthmaani appears in this book on page 17 & 18.

All these senior Ulama and Fuqaha come within the purview of the deviate's claim:

❖ ***There exists, however, the unfortunate convention with many dispensers of fiqh to simply dish out whatever is documented in the works of the fuqaha of the past without applying any discretion whatsoever.*** ❖

All these senior Ulama say that it is *haraam* for women to cut their hair. Thus, all of them are now ♦ indiscreet dispensers of fiqh who simply dish out anything they see in the Fiqh books without understanding what they are saying and dishing out. ♦ The audacity of the deviate suffering from oblique vision is shocking. He implies that he is the only one in contemporary times who has the ability to be a discrete dispenser of fiqh. Every Muslim who is aware of the great personalities we have mentioned above can now draw their own conclusions regarding this man who is hell-bent on satisfying the evil fancy of misguided women who desire to disfigure themselves by cutting their tresses.

THE NUSOOS

The principle of *Urf* is regulated by the *Nusoos* (the Qur'aan and Ahaadith) of the Shariah. Any custom or norm of society which leads to the abrogation of a *Mansoos Alayh hukm* is not valid. We have discussed the *Nusoos* as well as other relevant facts pertaining to the *Nusoos* in our book, *THE FEMALE'S HAIR*. It is a redundant exercise to repeat the same arguments here. Those who are interested, should read the book and they will not fail to understand the fallacy of the arguments of the deviate. We shall restrict our discussion in this book largely to respond to the baseless objections and devious methods and technical ruses which the legalizer of *haraam* has raised in his ♦ *a rejoinder*'.

Since cutting of hair for women is in conflict with the *Nusoos* as well as the *Urf* of the Society of Rasulullah (sallallahu alayhi wasallam) and of the *Urf* of all the Muslim societies of all the Ambiya (alayhimus salaam), and of the *Urf* of the Sahaabah, the Taabieen, Tabe Taabieen and of the entire Ummah right until the present day, the *haraam* preferences of a handful of modernist misguided women egged on by deviates, can never be cited as valid Islamic *Urf* to override the *Nusoos* and the *Urf* of all Muslim Ummats ♦ the present Ummah and the Ummats of bygone times.

In addition to the *Urf* of Muslims on earth, is the *Urf* of the Damsels of Jannat, the *Houris*. In Musnad-e-Imaam A'zam (Imaam Abu Hanifah), in the section describing Jannat Imaam Abu Hanifah (rahmatullah alayh) narrates a Hadith in which Rasulullah (sallallahu alayhi wasallam) said: ♦ *Verily, in Jannat is a city of musk. Its water is Salsabeel. Its trees have been created from noor. In it (Jannat) are such chaste Houris (Damsels) on each one of whom are 70 Zawaabib (Tresses)* ♦ "

Long tresses for women have therefore been the *Urf* of all Muslim Ummats from time immemorial and in Jannat. It will be the *Urf* and the norm of the Society of Jannat in the Aakhirah. But the deviate wishes people to believe that hair-cutting for women has become the *Urf* of present-day Muslim society. Far from this baseless claim, on the contrary, hair-cutting by women is viewed with repugnance and associated with immodesty and imitation of kuffaar women and men.

SHAVING FOR MEN

The deviate attempts to 'prove' by means of a fallacious analogy and example that if hair-cutting by women becomes the norm of a crooked society of despoiled and corrupt moral tastes, then such a norm will cancel out *the Urf* which has been in vogue in Jannat and on earth since the earliest times of Man's appearance in this world. Citing Allaamah Muhammad Murtadha Zabidi, he writes:

❖ *It is not proven that Rasulullah sallallahu alayhi wasallam shaved his head except during nusuk (hajj or umrah). The same goes for the Sahabah ridwanullahi alayhim and the Tabiun after them. Rather, leaving the hair to grow was the shiar (distinguishing characteristic) of Islam, and shaving was the sign of the Khawarij. Then a time came when the land of the Persians was conquered. They (i.e. the Muslims) started to shave their heads and this sunnah was forgotten. Leaving the hair to grow became the shiar of the Alawis, the Turks and the Mutasawwifah, and shaving became the sunnah which was followed. The bottom line about shaving the head is that there is no harm in it today for the purposes of hygiene.* ❖

It is with this type of devious argument that attempts are being made to confuse and mislead ordinary people who have no understanding of the intricacies of *fiqhi* principles and technicalities. But men of *Ilm* will see through the smokescreens which the deviate is at pains to create in his desperate pursuit to get women to cut their tresses thereby joining the ranks of the lewd women of the west.

The analogy with *halq* (shaving) is baseless and false. As mentioned earlier, *Urf* cannot displace a *Mansoos Alayh hukm*. Firstly, Allaamah Zabidi's version is not the final word on the issue of head-shaving for men. There is an abundance of Shar'i evidence to debunk the opinion of Allaamah Zabidi. It is not a question of us pitting ourselves against the Allaamah. A mass of Shar'i evidence produced by great authorities of the Shariah exists to contradict the views of Allaamah Zabidi. So, the deviate should not expect anyone to be brow-beaten by what Allaamah Zabidi has stated. We cite hereunder the declaration of just one authority of the Shariah in refutation of the claim made by the deviate.

❖ *Verily Ibn Abdul Barr said: The Ulama of all the lands have enacted Ijma' on the permissibility of Halq (shaving for men)* ❖ (Al-Aadaabush Shariah, Vol 3 page 233)

Since the purpose of this book is not to discuss the question of *halq* for men, we shall content ourselves with the above mentioned ❖documented❖ *Ijma'* on the permissibility of *halq* .

According to the statements of Allaamah Zabidi as cited by the deviate, shaving became the ❖*sunnah*' thereby displacing the ❖original sunnah' of keeping long hair. Before we pursue this argument, it is noteworthy that hair is the Sunnah for even males, albeit not tresses in the style of women. When this is the case, how much more will it not be *Sunnah* for women to keep long hair and their tresses intact when the *norm* of Muslim society on earth and in Jannat is and will

always be long tresses?

Furthermore, according to Zabidi, the original *Sunnah* was forgotten and the *shiar* (salient feature) of the deviate Khawaarij was adopted as the *sunnah*. Yet all the countless thousands of great Ulama and Fuqaha down the centuries, more than thirteen centuries, maintained a deafening silence on the displacement, of the original *Sunnah*. Persia was conquered during the very Khilaafate of Hadhrat Umar (radhiyallahu anhu). When Sayyiduna Umar (radhiyallahu anhu) would ensure that the Muslims in the far flung territories of the Islamic Empire dressed Islamically and used the Miswaak, it is inconceivable that he and the succeeding Khulafa-e-Raashideen would have tolerated the displacement of the original *Sunnah* of Rasulallah (sallallahu alayhi wasallam) and allow the adoption of the style of the deviate sect of Khawaarij, especially Hadhrat Ali (radhiyallahu anhu) who fought several battles against these deviates.

It is significant that while the main adversary of the Khawaarij with their bald heads was the Khalifah, Hadhrat Ali (radhiyallahu anhu) who finally broke the power and backbone of this deviated sect, his permanent *Sunnah* was shaving his head, and this practice of his was initiated during the very lifetime of Rasulallah (sallallahu alayhi wasallam). Is it acceptable that Hadhrat Ali (radhiyallahu anhu) would have adopted the *shiar* and style of the Khawaarij? Allaamah Zabidi's interpretation is somewhat far-fetched and untenable in view of the abundance of Shar'i facts presented by the illustrious authorities of the Shariah to prove the **Sunnah** of shaving the head, not only during Hajj, but as a regular practice notwithstanding that the overwhelming majority of Sahaabah kept long hair as far as their earlobes and also as far as their shoulders.

The claim that the original Sunnah was displaced is untenable. If, as the deviate claims that ♦ in principle it is permissible for women to cut their hair ♦, will the principle of keeping hair by men not remain valid? Leave alone it being a principle, the practice of men keeping long hair can never be displaced as long as their long hair is not in imitation of any kuffaar style.

The fact that it was the Sunnah for the male Sahaabah to keep shoulder length hair, is further evidence for the prohibition of female hair-cutting to avoid *tashabbuh bir rijaal* (emulating males).

Shaving the head did not become a new *Sunnah* as the interpretation of Allaamah Zabidi implies. It was not a practice which the norm of any subsequent society had originated. It was a *Sunnah* which came down in the Ummah from the Sahaabah. The *Sunnah* of the Sahaabah is the *Sunnah* of the Rasool (sallallahu alayhi wasallam). If the need arises for further refuting the views of the deviate writer of ♦ a rejoinder' on the question of shaving the head for men, we shall, Insha'Allah, prepare a separate treatise on that issue. Here it will suffice to say that Allaamah Zabidi's conclusions on the issue of shaving the head for men are untenable in view of the explicit documentation of *Ijma'* on the permissibility of *halq*.

While there is difference of opinion among the authorities on the *Sunniyat* (being Sunnat) of shaving the head for men, there is perfect unanimity on its permissibility. Allaamah Teebi (rahmatullah alayh) proclaimed shaving the head as being the permanent *Sunnah* of Sayyiduna Hadhrat Ali (radhiyallahu anhu). Imaam Tahaawi (rahmatullah alayh) and Allaamah Zandwaisti

(rahmatullah alayh) uphold the *Sunniyat* of shaving the hair. In fact, Imaam Tahaawi attributes this to Imaam Abu Hanifah, Imaam Abu Yusuf and Imaam Muhammad (rahmatullah alayhim). Besides these, there are other evidences also for the validity of *halq*, which we shall, Insha'Allah, present when the need arises.

In view of the foregoing explanation, Allaamah Zabidi's opinion and exposition are of no consequence. The view of *halq* being the product of *Urf* with its consequence of displacing the original *Sunnah*, is simply unacceptable. The deviate will have to search diligently for another analogy in his exercise to legalize *haraam* female hair-cutting.

There is absolutely no *Nass* which prohibits shaving the head for men. On the contrary, there exists *Nusoos* on the prohibition of hair-cutting for women. On the admission of the deviate, Rasulullah (sallallahu alayhi wasallam) and his entire Society of Sahaabah disapproved of women cutting their hair. But there is not a single Hadith criticizing *halq* for males. Not a single lady among the females of Rasulullah's Society cut her hair, but some Sahaabah, notably Hadhrat Ali (radhiyallahu anhu), did shave their heads on a regular basis in the presence of Rasulullah (sallallahu alayhi wasallam). Nabi-e-Kareem's condonation of their practice of *halq* and his abstention from reprimanding them, are clear evidence for not only the *ibaahat* (permissibility) of *halq*, but for it being *Sunnah*.

The difference between shaving for men and hair-cutting for women is therefore self-evident. The analogy is false and has absolutely no bearing to the argument on the female-hair issue. The only similarity between the two issues is the factor of *Ijma'*. There exists *Ijma'* on the permissibility of *halq* for men as well as *Ijma'* on the prohibition of women cutting their hair. And, while there is difference of opinion on the *Sunniyat* of *halq* for men, there is no difference on the prohibition of hair-cutting for women. In the unanimous verdict of all the Math-habs of Islam, it is not permissible for women to cut their hair. The only difference in this regard pertains to the technical classification of the prohibition.

The category of the prohibition varies from Makrooh to Haraam. Even according to those Math-habs which generally employ the term *makrooh* in the meaning of *Tanzeehi*, apply the meaning of *Tahreem* when used for the prohibition of hair-cutting for females. We shall now cite some references of the authorities of the different Math-habs.

SHAAFI'I MATH-HAB

Allaamah Ibn Hajar Haitami (rahmatullah alayh) states:

◆ *It is preferable for her to make taqseer (trim) the hair (i.e. during Hajj) to the extent of one anmulah (about one or two centimetres) on her entire head. Maarwadi said so, except the tresses because cutting some of it makes her ugly.* ◆

(*Tuhfatul Muhtaaj*, Vol.3, page 49)

An act which makes a woman ugly is not *makrooh tanzih*

Imaam Nawawi (rahmatullah alayh) says:

❖ *Imaam Shaafi'i and (his other) Companions say: It is Mustahab for a woman (during Hajj) to trim (her hair) to the extent of one anmulah (not less) from all sides of her head. And, Maarwadi said: She should not cut from her tresses because, verily, that act makes her ugly. But she should lift her tresses and cut from the place under it.* ❖

(Al-Majmoo' of Imaam Nawawi, Vol.8 Page 151)

We shall, Insha'Allah, revert to these significant statements of Imaam Nawawi (rahmatullah alayh) when we discuss the Hadith on which the deviate bases his case of permissibility.

Allaamah Shabramallisi (rahmatullah alayh), the Annotator of *Nihaayatul Muhtaaj* of Allaamah Ramali (rahmatullah alayh) says in the footnotes of *Nihaayatul Muhtaaj* :

❖ *Allaamah Ibn Hajar Haitami said: (She should cut) from the whole head,(i.e. during Hajj the extent of one anmulah), except the tresses because, verily cutting some of it makes her ugly.* ❖
(*Nihaayatul Muhtaaj*, Vol.3, page 304)

This explicit statement of Ibn Hajar Haitami is another categoric refutation of the deviate's allegation that according to Ibn Hajar, hair-cutting is permissible for women. The deviate's false attribution to Ibn Hajar Haitami has already been discussed earlier.

Baldness as a result of shaving does not conflict with any principle or teaching of the Shariah. Hence, assuming that *halq* for men did not exist at all during the age of Rasulullah (sallallahu alayhi wasallam), its permissibility can be based on the principle of *Urf* provided that there are no prohibited elements accompanying it. If, for example, this style is accompanied by *tashabbuh bil kuffaar*, it will then not be permissible merely on the basis of *Urf*. On the other hand, hair-cutting for women is in conflict with the *Nusoos* of the Shariah, with the permanent *Urf* of the Society of Rasulullah (sallallahu alayhi wasallam), with the practice of the entire Ummah since the very inception of this Ummah, with the practice of the previous Ummahs and in conflict with the *Urf* of the Damsels of Jannat ❖ their present practice as well as their practice in the Aakhirah, and also of the culture of the Mu'minaat in Jannat in the Aakhirah.

The presentation of the *halq* argument in terms of *Urf* to justify hair-cutting for women on the basis of this principle is thus palpably false, having no validity in the Shariah. While men may adopt or abandon *halq* at the behest of their fancies, women may not destroy their tresses by any means whatsoever. The Malaikah do not sing the praises of Allah Ta'ala by the baldness of the

heads of men. But they do sing the praises of Allah Rabbul Izzat by the long tresses of beauty of women. The deviate's attempt to befuddle unwary and ordinary people with his deceptive and untenable argument should now be quite conspicuous.

Urf is a weak principle. It is not among the Sources of the Shariah. It will be adopted subject to its restrictive conditions and as a last measure. Its effect is wide open to rejection because no Faqeeh is under obligation to submit to the interpretation of his contemporaries on this issue. What is *Urf* in the opinion of some, may not be *Urf* according to others. The opinion of deviates have absolutely no consideration in the determination of *Urf*. Those in this belated age in close proximity to Qiyaamah, who set themselves up as ♦mujtahids' by a process of selective and stupid *taqleed* on specific issues, are not Mujtahids in Shar'i terms. In fact, they have been assigned to that category of so-called ulama ♦who gather firewood in the darkness.♦ They know not whether their hands fall on *najaasat* or on snakes. They wander aimlessly in valleys of deception like *fussaaq* poets ruining their Imaan and their Aakhirah.

The claims of *Urf* made by such miscreants have no substance in the Shariah. The *Urf* of Islam pertaining to women cutting their hair has never changed nor will it ever change since keeping long tresses is the Command of Allah Ta'ala.

The ignorance of the writer of the *baatil* ♦*a rejoinder*,' is manifest in his presentation of his assumed *Urf* as the abrogater of the Sunnah and Command of Rasulullah (sallallaahu alayhi wasallam). He has miserably failed to cite the name of even one Faqih who claimed that the *Urf* of long hair has died in the Muslim community of any age. He has failed to produce one Faqih who claims that hair-cutting does not bring about ugliness in a woman. He cannot cite one Faqih who has commented adversely on the view of Maawardi (a Shaafi'i authority), namely, that due to the ugliness resulting from cutting, a woman should trim one or two centimetres from the place under her tresses when it has become Waajib on her during Hajj/Umrah. She has to lift her tresses and trim this slight amount, not from her tresses, but from the hair at the back of her neck under her tresses.

In fact, Imaam Nawawi on whose statement the deviate has abortively laboured to build his *baatil* case of permissibility, is in agreement with the view of ugliness propounded by Al-Maawardi.

THE ZAAHIRUR RIWAAYAH

In another attempt to divert attention from the thrust of our argument, the deviate cites Ibn Aabideen:

♦ *Neither the mufti nor the qadi should judge according to the zahir ar-riwayah and abandon urf.*

All of this is clear proof of the fact that the mufti may not remain static upon what is quoted in the

books of the zahir ar riwayat without taking into consideration the time and its people. ♦

There has never been any contention in the ranks of our Fuqaha and Ulama, old and new, of the former ages or of the present age, on the issue propounded by Allaamah Ibn Aabideen (rahmatullah alayh) in the aforementioned statements. These statements have absolutely no relevance to the hair-cutting question. The deviate lacking in entirety in any Shar'i evidence, is grasping at straws in a futile attempt to sustain his *baatil* opinion.

By citing the aforementioned statements of Allaamah Ibn Aabideen (rahmatullah alayh), the deviate implies that all our great Akaabir Ulama of recent times, namely, Hakimul Ummat Maulana Ashraf Ali Thaanvi, Hadhrat Maulana Rashid Ahmad Gangohi, Hadhrat Maulana Saeed Ahmad Palanpuri (the deviate's Ustaadh in Deoband), Hadhrat Maulana Zafar Ahmad Uthmaani, Hadhrat Maulana Muhammad Masihullah and others were all static and had failed to take into consideration the time and the people.

Furthermore, the same implication is directed to contemporary Ulama such as Mufi Taqi Uthmaani who according to the deviate is a Hanafi ♦ Faqih and Muhaddith of the highest rank ♦, and all the other Ahnaaf Ulama who state with unanimity that it is not permissible - it is ***haraam*** - for women to cut their hair. The accusation is not in fact directed against us. We are merely the narrators of the *Fatwa* which all our Ulama adhere to, right to this day. None of our Ulama accept the deviate's claim of *Urf* on the question of women cutting their hair. It appears that he is trading the impression that he is the only ♦ mufti', nay, ♦ mujtahid' who is not static and who has understood the prevalent custom of the Ummah while all the other senior Ulama remain blissfully ignorant. How should such self-conceit be interpreted?

He cites Ibn Aabideen (rahmatullah alayh) as if all the Ahnaaf Ulama are unaware of these principles, and all of them have ignored valid *Urf* on issues where *Urf* has to be taken into consideration. His comments on *Urf* will not haul him out of his predicament in the quagmire which he has cast himself into. With each devious argument unrelated to the hair-cutting issue, he only sinks deeper into the mess he has created for himself.

Readers should not lose sight of the one vital fact which he desperately endeavours to conceal with a plethora of technical arguments unrelated to the issue under discussion. That fact is his total inability to cite just one Faqih of any Math-hab who has stated explicitly that it is permissible for women to cut their hair. On the contrary there exist explicit statements of the Fuqaha and Ulama of all Math-habs on the prohibition of hair-cutting for women.

He introduces issues such as *Taqseer* (trimming one mere anmulah) which is restricted to the occasions of Hajj and Umrah. He introduces the male practice of *halq* in a devious attempt to ♦ prove' that it is the product of *Urf*. Then he seeks to extend the supposed *Urf* of *halq* as a basis for legalizing hair-cutting for women. Then he speaks about *Zaahirur Riwaayat* in a devious and in a despicable attempt to convey the impression that the Hanafi Fuqaha and Ulama have acted in conflict with this principle and that they have remained ♦ static' by their adherence to the *fatwa*

of *hurmat* on the hair-cutting issue. Then again, he plays with the technical definitions of terms such as *makruh* and *haraam* in a bid to negate the prohibition.

In similar fashion he employs a variety of devious and deceptive stratagems to fool unwary readers. But he has miserably failed to present even one explicit reference of a Faqih of any of the Math-habs to prove his shaitaani and nafsaani claim of the permissibility of hair-cutting for women.

He has resorted to baseless interpretations in his exercise of forging a ruling of permissibility. But no one is interested in his personal interpretations which anyway are all *baatil*. The Ulama are not in need of the deviate's understanding and interpretation of the *Usool* of the Shariah. He has to provide explicit textual references for his *baatil* opinion. The simple and straightforward demand on the deviate is this: ***Present explicit textual references to bolster your claim that it is permissible for women to cut their hair. Demolish our claim of Ijma' by citing authorities who say that it is permissible for women to cut their hair.***

He will not achieve his goal by presenting his deductions from the principles of the Shariah. He is not in the category of a Mujtahid, hence his interpretations are of no substance. On the other hand, we are insignificant Muqallideen of the Hanafi Math-hab who present the *Fataawa* of great Fuqaha and of all our Ulama of the distant past, the recent past and of the present time.

Can the deviate cite the *fatwa* of Maulana Abdul Hayy in his support? He should not lose sight of the plaudits which he has lauded on Maulana Abdul Hayy (rahmatullah alayh). This Maulana according to the deviate was ♦one of the greatest luminaries of the Indian subcontinent♦. But he should also remember that the Maulana Sahib held an Indo-Pak identity card and that this Maulana of ♦unequalled brilliance♦ explicitly ruled that it is not permissible for women to cut their hair. Was Maulana Abdul Hayy, ♦one of the greatest luminaries♦, also static? Did he not understand the supposed intricacies related to the issues of *Zaahirur Riwaayat and Urf*?

While the deviate has cited Ibn Aaabideen (rahmatullah alayh) on the principle of *Urf* and *Zaahirur Riwaayat*, he has not applied it to show how the unanimous ruling of prohibition of all our Ulama conflicts with these or any other principle of the Shariah. He has not explained how Hadhrat Thaanvi, Hadhrat Zafar Ahmad Uthmaani, Maulana Abdul Hayy and many other senior Ulama have remained ♦static' in their adherence to ♦Zaahirur Riwaayat♦ and in their rejection of ♦Urf♦.

APPLICATION OF THE PRINCIPLE OF URF

The deviate then says:

◆ Now, to be able to apply the principle of *urf* one needs to be well acquainted with the proof upon which the *fuqaha* have based their rulings◆◆. The disapproval of those *fuqaha* who did disapprove of cutting the hair for females, boils down to two reasons: *zinah* (adornment and beauty), and *tashabbuh* (imitation).◆

Alhamdulillah! The Ulama-e-Ahnaaf of all ages were and are well-grounded in *Ilm* . They do not need the advice of a modernist deviate to instruct them in the correct method of application of the principle of *Urf*.

The deviate has also arbitrarily assigned the issue of hair-cutting for females to the domain of *Urf* when in reality it has no relationship with this principle. Our *Fuqaha* have not based nor argued the prohibition on the principle of *Urf*. For substantiating the prohibition they have provided *Ahaadith* of Rasulullah (sallallahu alayhi wasallam). They have established the prohibition on the basis of a variety of *Ahaadith*. While the *illat* (reason) of *Tashabbuh* (emulating kuffaar women and emulating males), and the *illat* of ugliness and disfigurement have been advanced, the ruling of prohibition is not based on the reasons in the same way as the prohibition of pork is not based on whatever the reasons of the prohibition are. If tomorrow the technology and science of the kuffaar evolve a system by which the pig can be made cleaner and healthier than sheep thereby eliminating every vestige of possible disease, then too, the prohibition of pork-consumption will remain in force.

The *Ahkaam* of the Shariah on which there exist categoric *Nusoos* are not reliant on reasons for their permissibility or prohibition, etc. *Zakaat* will remain *fardh* even if there are no *fuqara* and *masaakeen* . The absence of the reason does not abrogate the *Ahkaam*. However, since the deviate is entirely bereft of any valid Shar'i argument for his miserable and doomed cause, he desperately searches for a crutch. He has made the principle of *Urf* his crutch simply because he has nothing else to produce. On the momentary assumption that there is no longer any *Tashabbuh* in female hair-cutting, then too the *hurmat* (prohibition) remains in place. The deviate cannot produce a single explicit reference of permissibility. We are not interested in his crutches .

Besides this, it should be understood that the actual reason for women in this age desiring to cut their hair is nothing other than emulation of the styles of kuffaar women. They will have to go to some lewd woman who is an expert in this satanic trade to get the style of their desire. Women will not accept any haphazard hair-cutting. The style must be there. It will be only a style of the kuffaar. There are no Muslim hair-styles for female hair-cutting. The primary motive is nothing but emulation of the western women. A woman who desires to cut her hair should at least be honest to herself and scale her motive on the standard of the Qur'aanic aayat:

◆ In fact, *insaan* (the human being) has awareness of his (or her) heart even though he (she) presents excuses (to justify *nafsaaniyat* and *haraam*).◆

The argument of wanting to please the husband is preposterous and extremely devious. Firstly, if this is so then the stupid husband will not be pleased with some haphazard hair-cut. He will demand a western style hair-cut to satisfy the lust of a warped concept of beauty he has acquired by goggling at the semi-nude females prowling the streets. To satisfy the husband in this *haraam* act, the woman will have to adopt *Tashabbuh* otherwise her hair-cutting will be meaningless. The

concept of beauty in this age among the westernized Muslim females who roam the streets, is the western idea of beauty. The deviate can fool and deceive himself if he wishes. But he cannot succeed in befuddling concerned and sincere Muslims even if they perpetrate *haraam*.

The idea that women in general, especially young women and the not so old, desire to cut their hair for some motive of altruism is totally unacceptable. No one should be deceived to believe such palpable falsehood. The idea is nothing other than emulating the western kuffaar women. *Tashabbuh bil nisaail kuffaar* (emulating the kuffaar women) is the primary reason of women for their desire to have their hair cut.

The streets abound with Muslim women fitted out in the latest immoral fashions of western dress-styles. They strut about with their hair exposed. The scenes of immorality in Islamic terms are appalling on occasions when relatives and friends see off those who are departing for Hajj. The airports are flooded with women in varying degrees of exposure in kuffaar style. It is for such women that the campaign of hair-cutting has been launched by the modernist deviates who have enlisted so-called ulama for giving respectability and Shar'i acceptance to the vile behests of the nafs.

The very same *Urf* of female exhibition which existed among the Bani Israaeel, and which led to the ban of females attending the Musjid, today has become the custom of modern, westernized Muslim women who spend the greater part of the day on the streets and in public places. The deviate desires to legalize a *haraam* act for such females. Women of piety do not hanker after practices which invite the *la'nat* (curse) of Allah Ta'ala.

In fact, the element of *Tashabbuh* is *Mansoos Alayh*. It is not a factor which can be dispensed with by the process of fallacious interpretation (*Ta'weel-e-Baatil*). Remember, that in a prohibited act, the *niyyat* (intention) is of no consequence for securing a ruling of permissibility. If someone who perpetrates an unlawful deed is non-committal in regard to *niyyat* or the intention is good, then too, the *haraam* act remains *haraam*, and the act retains its characteristics. Thus, if a man wears a female's attire without the intention of *tashabbuh bin nisa* (emulating females), the act will remain *haraam* . His intention does not legalize the unlawful misdeed. The element of *tashabbuh* remains regardless of intention.

In exactly the same way will the *hukm* apply to the evil deed of hair-cutting for women. Regardless of intention, this act is a male deed, hence if perpetrated by a woman, she will be guilty of emulating males regardless of her *niyyat*. The principle of *Urf* has no operation in this sphere, and it cannot cancel and make lawful what was prohibited by Rasulullah (sallallahu alayhi wasallam), and what has always been the Way of Islam from the time of Hadhrat Aadam (alayhis salaam) and which is the Way of the Damsels of Jannat. Did the Mother of the human race, Hadhrat Hawwaa (alayhis salaam) have long or short hair, whether in Jannat or here on earth? What was the *Urf* during the time of Hadhrat Hawwaa (alayhas salaam) and her daughters? Undoubtedly, they all had long tresses. They came with the *Urf* of **Zawaajib** (Tresses) from Jannat and all Muslim females who will Insha'Allah enter Jannat, will enter with long tresses.

The deviate is constrained to concede:

❖ *The principle of tashabbuh and the condemnation thereof are no doubt based upon nass*❖❖..However, what the invokers of tashabbuh cannot comprehend is that while the principle of tashabbuh is nass based, its identification and application in circumstances is not based upon nass.❖

This sweeping claim is another example of the *jahaalat* of the deviate. The claim that the identification and application of the *Mansoos Alayh illat* (reason for the *hukm*) are not based upon *nass* is not entirely correct. The element of *tashabbuh* is ❖*nass based*❖. The deviate has conceded this fact. Once the *illat* has been identified in an act, the deed will acquire whatever the *hukm of the Shariah* is. On the basis of the presence of the *illat*, the *hukm* will be extended and applied as a necessary corollary to the deed which is the substratum of the common *illat*.

In the statement of the deviate quoted above, he refers to the ❖*principle of tashabbuh*❖ and says that ❖*its identification and application in circumstances is not based on nass*❖. The term ❖*application*❖ which he has employed here is meaningless in the context of his statement. While the Ulama can identify the existence or non-existence of the element of *tashabbuh*, they cannot apply it to any circumstances. A *haraam* act is not for application. It has to be extinguished by banning the deed which it accompanies. The *hukm* (the ruling) is extended and applied on the basis of the commonality of the *illat* (the reason) to the new development on which the *Nass* is silent.

Alhamdulillah! Allah Ta'ala has blessed this Ummah in this belated time with such Ulama-e-Haqq who possess the *Ilmi* capabilities, the *Noor of Fahm* and the *Baseerat*, to identify the *illat* and to correctly apply the *hukm*.

Furthermore, the deviate and all those of his ilk should understand that *tashabbuh bil nisaail kuffaar* in the act of female hair-cutting is *Mansoos Alayh*. The deed, its *illat* and its *hukm* are all *Mansoos Alayh*. The identification and application of all factors relevant to the misdeed of female-haircutting have been identified by *Nass*. There, is therefore, no scope for the operation of any identification and application process. It is an immutable *Hukm* of the Shariah.

The summary of what has been explained above, in simple terms for easy understanding is that the element of emulating kuffaar women has been determined by the Shariah, not by man's reasoning although every unbiased intelligent Muslim will readily understand the motive which prompts westernized Muslim women to commit the heinous misdeed of cutting their hair. The Shariah has decreed that such emulation is *haraam*. That such emulation is present in the female act of hair-cutting is confirmed by the Shariah. The law of prohibition of this cutting of hair is a decree of the Shariah. It is not the product of man's reasoning and interpretation.

Whenever and wherever the element of emulation of kuffaar exists, the ruling of prohibition will be extended to the new act. While the new act may not have a categoric reference in the Shariah, the ruling of prohibition based on the existence of the element of prohibition does exist.

Although the deviate is at pains, labouring to convince people that the element of emulating kuffaar women no longer exists, every straight-thinking Muslim understands that this element does in fact exist in the practice of women cutting their hair. While the deviate denies this, Hadhrat Mufti Taqi Uthmaani, whose aid he has endeavoured to enlist for his *baatil* opinion, says in a statement released on 27th March 2003 :

❖ I have to make it clear that I have not issued any fatwa for the permissibility of the haircut prevalent among modern women which has a clear resemblance with non-Muslims❖❖❖. I presumed that the person who had asked the question knows and admits the impermissibility of prevalent haircut which resembles (the styles) of non-Muslim women❖. I have never issued a fatwa for the permissibility of cutting hair for women upto the shoulders or upto the ears as is practised by the European or American women, and in their imitation by some others.❖

Hadhrat Mufti Taqi Uthmaani has been acknowledged by the deviate to be a ❖ *Hanafi faqih and muhaddith of the highest rank*.❖ But even in this day when the deviate denies the existence of *tashabbuh* , Hadhrat Mufti Taqi confirms with emphasis that the female haircut styles are emulation of the kuffaar women. We are certain that the deviate can at least understand that an Aalim who happens to be ❖ *a Hanafi faqih and muhaddith of the highest rank* ❖, does understand the principle of *Urf*. The deviate should also concede that the venerable Mufti Sahib who is a ❖ *Hanafi faqih and muhaddith of the highest rank*❖ will necessarily be ❖ *well acquainted with the proof upon which the fuqaha have based their rulings*❖.

Assuming that women are cutting their hair for some reason other than *tashabbuh*, then too the act of hair-cutting will remain haraam for them in view of the fourteen century prohibition which initiated from the very time of Rasulullah (sallallahu alayhi wasallam). As mentioned earlier the prohibition is not dependent on the *niyyat* accompanying the misdeed.

The prohibition of hair-cutting for women is assigned to the category of immutable *Ahkaam* . There is not the slightest vestige of doubt in this Shar'i decree. All argument and interpretation tendered to the contrary are pure bunkum.

A SIMPLE RATIONAL FACT

A simple fact which does not require much intelligence for understanding the fallacy of the opinion of the deviate is the conflict of the view of one single non-entity with the Ruling of all the Authorities of the Shariah in all ages and all lands. Are all the Fuqaha and Ulama in error while the puny deviate is right?

SHAAFI'I MATH-HAB

The deviate lapses into utter drivel in sheer desperation for lack of viable Shar'i evidence for his miserable opinion. Purporting to proffer evidence of the Shaafi Math-hab, he cites the solitary narration of ambiguous meaning and multiple interpretations which appear in Muslim Shareef and Imaam Nawai's interpretation. Thus he states:

◆ *The view of the Shaafi madhab is expressed by Imam an-Nawawi in his commentary of Sahih Muslim where he states about the hadith of Abu Salamah. ◆ This hadith is proof of the permissibility of making the hair lighter for a woman. ◆*

The conclusion of the deviate is fallacious. What Imaam Nawawi stated is not the ruling of the Shaafi'i Math-hab. It is basically his interpretation to reconcile the contradiction which the narration of Abu Salamah had created. The writer of the **baatil** makes the following astonishing statement in which he has been compelled to concede that neither the Holy Wives of Rasulullah (sallallahu alayhi wasallam) nor the other ladies of Islam for all the centuries down to the age of Imaam Nawawi used to cut their hair. Thus, he is constrained to say:

◆ *Both Qadi Iyad and Imam an-Nawawi were aware of the fact that the norms of the society wherein the wives of the Nabi sallallahu alayhi wasallam lived disapproved of a woman's removing her tresses. They knew this because the norm had still not changed in their own times. They also knew that the dutiful wives of Rasulullah (sallallahu alayhi wasallam) would not remove their tresses during his lifetime because this would amount to removing something over which he had a right. ◆*

The deviate has finally admitted, albeit without realising, that :

- Rasulullah (sallallahu alayhi wasallam) disapproved of women cutting their hair.
- The Ummah comprising of the Sahaabah of Rasulullah (sallallahu alayhi wasallam) did not allow the womenfolk to cut their hair.

Now regardless of the *Fiqhi (Juridical)* category the deviate chooses to lump in the **disapproval of Rasulullah (sallallahu alayhi wasallam) and his august body of Sahaabah**, he has conceded the irrefutable fact that for women to abstain from cutting their hair is the Sunnah of Rasulullah (sallallahu alayhi wasallam). Like so many deviate modernists who prowl the world hunting to destroy the Imaan of Muslims, this deviate assigns this extremely important Sunnah of Rasulullah (sallallahu alayhi wasallam) and the Sahaabah to the vagaries of ◆ the norm of society ◆ subject to change from one wave of *nafsaaniyat* to another. Now it is *Tashabbuh bil kuffaar*, then it is *Tashabbuh bir rijaal* . What it will be later on as the norms of society change from one gay cult of sodomists and lesbians to another, only Allah knows.

The criterion of *norms of society* which the deviates of this time have forged, and which they baselessly dub ◆ *urf* , is not the *Urf* of the Shariah. It is a satanic *urf* spawned by the nafs of deviates who have unshackled themselves from the divine fetters of Islam at the behest of

Shaitaan-in-Chief, namely, Iblees.

The satanic society with its ever-changing norms is a ruse to destroy Islam. One after the other, the *Ahkaam* of the Shariah are gradually eroded until they reach the ebb of insignificance. At that stage it is extremely simple to abandon what Allah Ta'ala has commanded.

It is on the very basis of the satanic criterion of the changing norms of society that the Waajib *ahkaam* pertaining to the Beard, Hijaab, Islamic Dress, Islamic Headgear and many other Sunnats of Rasulullah (sallallahu alayhi wasallam) have been displaced, mutilated and murdered by modernist deviates who masquerade as 'ulama'. Yes, they may be 'ulama' in terms of scrolls of paper depicting some 'qualifications'. But, in reality they are the 'ulama-e-soo' about whom Rasulullah (sallallahu alayhi wasallam) had alerted the Ummah.

Their despicable stunt which this deviate also perpetrates, is to confuse and mislead their flock and following by means of the blatant falsehood that the 'rigid' stand which some Ulama have adopted on the Sunnah of Rasulullah (sallallahu alayhi wasallam) is either the teaching of the Hanafi Math-hab or the propagations of the Indo-Pak Ulama. Since in this age, the obligation of *Amr Bil Ma'roof* and guarding Islam has been divinely imposed on the shoulders of the Hanafi Ulama, chiefly from the Indo-Pak continent, the deviates and deceits among the modernists have latched onto this fact to deceive innocent and unwary Muslims.

IBN HAJAR HAITAMI AND SHAMSUDDIN RAMLI

Trying to convince people that the Shaafi'i Math-hab condones hair-cutting for females, the deviate states:

◆ The lead of Imam an-Nawawi was followed by the two muhaqqiqs of the latter period, Ibn Hajar al-Haytami and Shams ad-Din ar-Ramli. The latter writes: ◆ It is makruh (to) shave the head, or to remove the hair by some means◆◆...for anyone besides a male, such as a female and a hermaphrodite, because it constitutes disfigurement for them. Therefore, should any of them make a vow to do it, the vow will not come into effect. This is different from the case of shortening the hair.◆

Commenting on this, the writer of *◆ a rejoinder' says:*

◆ The obvious meaning of the text is that when a woman makes a vow to shave her head, this vow will be ineffective for the simple reason that shaving is makruh for her, but if she makes a vow to trim her hair, the vow is effective because trimming is not makruh for her. The annotator, Allamah Ali ash-Shabramallisi indicates that ruling does not apply to hajj exclusively, but to all situations.◆

SUBHAANALLAAH!

This is another typical argument presented to confuse and deceive laymen who do not understand the operation of the principles of the Shariah. Also it illustrates the gaffe committed by the deviate.

He has made vociferous claims that according to the Shaafi'i Math-hab, it is permissible for women to cut their hair. After his laborious searches through the Shaafi'i kutub, he miserably fails in his *baatil* mission to subvert and alter the Shariah with his blatantly fallacious interpretations. He has now managed to come up with a *mas'alah* which is unrelated to the prohibition of hair-cutting for women. Where is the explicit declarations of the Shaafi'i Fuqaha on the permissibility of hair-cutting for women which he has led people to believe?

In the passage he cited, Ibn Hajar Haitami (rahmatullah alayh) and the Annotator, Shamsuddin Ramli (rahmatullah alayh) do not discuss the question of the permissibility or prohibition of hair-cutting for women. The following facts are salient in the quoted passage:

- The discussion pertains to only *halq* (shaving of the head) for women.
- The prohibition of *halq* for women is stated regardless of the technical classification of the prohibition.
- The effect of vows is mentioned.
- If a woman takes a vow that she will make *halq*, the vow according to the Shaafi'i Math-hab is ineffective.
- If a woman takes a vow that she will make *taqseer*, the vow is effective **and this applies exclusively to the occasion of Hajj or Umrah.**

The two Shaafi'i authorities of the 10 th century do not claim here or anywhere else that it is permissible for women to cut their hair. Their views have already been presented earlier on. On the very same page from which the deviate has quoted this passage, the Annotator quotes Ibn Hajar's explicit statement of prohibition which is:

❖ *Ibn Hajar Haitami said: ❖ She should cut (the anmulah size) from her whole head except the tresses because cutting part of the tresses makes her ugly.* ❖

(*Nihaayatul Muhtaaj*, Vol.3. Page 304)

It is the deviate who infers from the effectivity of the vow in relation to *taqseer*, that hair-cutting is permissible for women. Lost in a complete quandary in his search for clear-cut evidence for his

baatil view, the deviate finds no option other than to resort to baseless interpretation and inference on the basis of misunderstanding the text to squeeze out some phantom which could have the appearance of proof.

In such a grave issue as we are discussing, the deviate is required to furnish explicit textual reference for his claim of the permissibility of hair-cutting for women. His inferences are of no substance and totally unacceptable. Now consider the following example:

A person makes a vow that he will fast on the day of Eid. According to the Hanafi Math-hab, the vow is valid. It takes effect although it is not permissible to fast on the day of Eid. He will have to fast on another day. It is now improper to argue that since the oath is valid, it is permissible to fast on the day of Eid.

Another similar example is of a man who makes a vow that he will never speak to his father or that he will commit theft or any other sin. According to the Hanafi Math-hab, the vow is valid. It takes effect, but it is not permissible to commit the sins stated in the vow. Only an ignoramus will infer from the effectiveness of the vow that the sinful acts are permissible.

It is not proper to infer permissibility or prohibition from the validity or invalidity of an oath or vow. This is entirely a different issue. For permissibility of women cutting their hair, an explicit ruling of the Fuqaha is imperative. For the claim that Rasulullah's disapproval of hair-cutting for woman has been cancelled by some imagined *Urf*, an inference from a *mas'alah* on another question cannot be cited as a basis.

The difference between the effects of the two vows is a different issue. There will obviously be the rationale of the Shaafi'i Math-hab for differentiating between the effects of the two vows, which is another matter beyond the scope of our present discussion.

In the comments the deviate makes here, he stated:

◆ *The annotator, Allamah Shabramallisi indicates that this ruling does not apply to hajj exclusively, but to all situations.* ◆

He extracted the passage from Ibn Hajar Haitami's kitaab, *Nihaayatul Muhtaaj*, Vol.3, page 304. But, nowhere on this page (page 304) on which the discussion pertaining to the issue ends, does there appear the claim he has attributed to the Annotator, Allaamah Shabramallisi (rahmatullah alayh). The Annotator says:

◆ *(Halq is Makrooh)*, i.e. *The same (ruling applies) whether the halq is during Hajj or on an occasion other than Hajj.* ◆

In this comment, the Annotator is not referring to the vow taken on the act of *taqseer* nor to the vow regarding *halq*. Allaamah Shabramallisi states the rule pertaining to a woman shaving her head. He says that regardless of the time when the woman shaves her head, it remains Makrooh during Hajj as well as at any other time when it is not Hajj. He does not say what the deviate has claimed. The text of the Annotator on page 303 of *Nihaayatul Muhtaaj*, nowhere says that the vow on *taqseer* is effective whether made during Hajj or at any other time. If according to the Shaafi'i Math-hab this vow on *taqseer* is valid if it was made outside the Hajj period, it has to be proven explicitly. An inference for its validity is unacceptable. And, to a greater degree is the inference of the permissibility of hair-cutting unacceptable since it is based on an inference which is the product of another inference. Inference upon inference. Nothing explicit despite the trumpeting that hair-cutting for women is permissible in the Shaafi'i Math-hab.

The claim by the deviate that Allaamah Shabramallisi ♦ indicates that this ruling does not apply to hajj exclusively, but to all situations ♦ is palpably false. Either the deviate perpetrated deliberate deceit to forge permissibility for his claim, or he has failed to understand the text in the kitaab.

Since the vow on *taqseer* referred to by *Ibn Hajar Haitami* pertains to the Hajj period, it (the vow) will necessarily take effect because *taqseer* for gaining release from the state of *Ihraam* is compulsory for women. Without *taqseer*, a woman is not released from *Ihraam*.

Taqseer is not trimming and shortening of the hair in general. The length to be cut is *Mansoos Alayh*, there existing explicit *nass* which instructs that a woman should cut the size of one *anmulah* (about one and half centimetres), and this too according to the Shaafi'i Math-hab from the hair on the back of the neck under her tresses. She should lift her tresses and cut this slight bit of the hair under the tresses. On the very same page Hafiz Ibn Hajar explicitly states this rule of cutting under the tresses not from the tresses, yet the deviate blatantly attributes the permissibility of cutting to Hafiz Ibn Hajar.

Furthermore, this *taqseer* is restricted to Hajj and Umrah. In view *taqseer* being necessary during Hajj, the vow takes effect. There is no permissibility for hair-cutting in general ♦ no licence for emulating the western kuffaar women with their hair-styles.

BASELESS DEDUCTION

We have mentioned earlier the incorrectness of the opinion of permissibility based on an inference from a vow which takes effect. Neither can permissibility or impermissibility be concluded and confirmed in this manner.

Imaam Ar-Rabeeh (among the Shaafi'i Fuqaha) is of the opinion that if a woman vows that she will fast during her haidh days, the vow takes effect. However it is not permissible for her to fast during these days, but she will have to pay the *Kaffaarah* (Penalty) of having violated her vow notwithstanding the fact that violation of this type of vow is incumbent. It will be only an ignoramus who will infer from the view of Imaam Ar-Rabee' that fasting on the days of haidh is permissible in view of the effectiveness of the vow. Although this is not the verdict of the *Jamhoor* Shaafi'i Fuqaha, it is the opinion of a Shaafi'i Faqeeh of repute.

When a person makes a vow to commit a sin, and he does not honour his vow, there is no *Kaffaarah* incumbent on him according to the *Jamhoor* Shaafi'i Fuqaha. However, according to Imaam Ar-Rabee' and Haafiz Abu Bakr Al-Baihqi, *Kaffaarah* is incumbent notwithstanding the prohibition of sin. *Kaffaarah* is incumbent due to the effectiveness of the vow. Will it be valid to infer from this *mas'alah* that it is permissible to consume liquor, commit fornication, etc. on the basis of the validity of a vow taken to commit these sinful acts?

According to the Hanafi Math-hab, vows taken to commit sin although haraam, are valid and effective. *Kaffarah* will have to be paid for the compulsory violation of this type of oath. If a person vows to fast on the day of Eid, and then does fast on the day of Eid, his vow is valid and discharged although he will be guilty of a grave sin for having fasted on a day on which fasting is *haraam*. But to infer permissibility of fasting on the day of Eid on the basis of the validity of the vow, is pure ignorance. This is precisely what the deviate does to secure his opinion of permissibility of hair-cutting for women.

Since he has absolutely no Shar'i evidence, no explicit statement of any authority from any of the Math-habs to substantiate his opinion, he grabbed hold of a straw and tried to lean on it.

THE URF OF UGLINESS

It should further be understood that Ibn Hajar Haitami and Allaamah Shabramallisi appeared on the scene almost three centuries after Imaam Nawawi (rahmatuylah alayh). Yet, citing Ibn Hajar Haitami, the Annotator, Allaamah Shabramallisi states:

❖ *Ibn Hajar Haitami said: ❖ She should cut (the anmulah size) from her whole head except the tresses because cutting part of the tresses makes her ugly.* ❖

(*Nihaayatul Muhtaaj*, Vol.3. Page 304)

Earlier we have already mentioned that in his *Haashiyah alaa Sharhil Eedhaah fi Manaasikil Hajj lil Imaamin Nawawi*, Ibn Hajar Haitami explicitly mentioned that the rationale underlying the prohibition is *tanfeer* (revulsion, abhorrence, detestation of the husband).

In addition hair-cutting for women is in diametric conflict with the Islamic and Jannat concept of beauty, and in conflict with the *Urf* of Jannat, *Urf* of all Muslim Ummats of bygone eras from the very inception of Man's appearance on earth, and the *Urf* of Rasulullah's Ummat since the very inception of Islam.

Let us momentarily revert to the deviate's claims based on his assumed belief that *Urf* has abrogated the Sunnah on the issue of hair-cutting for women. Remember that the deviate had claimed that if the norm of society changes, the ruling will change. He explicitly declares on page 22 of his *❖a rejoinder❖*:

❖ Thus, if the norms of a society become such that shorter hair is no longer viewed as ugly or unsightly for women, then the disapproval of those fuqaha who did disapprove of it on such grounds will no longer be relevant.❖

Now, the deviate claims on the basis of his inference of the vow question that according to the two Shaafi'i muhaqqiqs, Ibn Hajar Haitami and Allaamah Shabramallisi, trimming or shortening the hair is permissible. The inference that should be drawn from this claim is that since the norm of society in the time of these two muhaqqiqs had changed, and shortening the hair was no longer viewed as ugly and unsightly, the permissibility is established. But, how can we be made to believe that the *❖norm of society❖* during the time of these two Shaafi'i authorities had changed to regard shortening of women's hair as beautiful, when these very two authorities categorically state:

❖❖..except the tresses, because cutting part of the tresses will make her ugly.❖

Futhermore the deviate contradicting himself has claimed in his *❖ a rejoinder❖* :

❖Both Qadi Iyad and Imam an-Nawawi were aware of the fact that the norms of the society wherein the wives of the Nabi sallallahu alayhi wasallam lived disapproved of a woman's removing her tresses. They knew this because the norm had still not changed in their own times.❖

The norm of Rasulullah's society was prohibition of hair-cutting for women. The norm in Imaam Nawawi's society was also prohibition, and the norm during Hafiz Ibn Hajar's time was also prohibition as it is abundantly clear from his statement of the ugliness of cutting one *anmulah* from the tresses.

Another fact of significance to note is that in *Al-Majmoo'-Sharhul Muhath-thab of Shiraazi* , Imaam Nawawi attributes the statement pertaining to *❖ugliness❖* to Al-Maawardi who lived two

centuries before Imaam Nawawi. The norm in Maawardi's age was still disapproval of hair-cutting since it produced ugliness in a woman. Two centuries thereafter, Imaam Nawawi upholds this view. Then, four centuries later Ibn Hajar Haitami and Allaamah Shabramallisi (all Shaafi'i authorities) repeat this norm. It is clear that from the age of Rasulullah (sallallahu alayhi wasallam) to the age of Al-Maawardi, the norm had not changed. Then from the age of Maawardi to the time of Imaam Nawawi, the norm of society remained the same, viz., cutting hair for women produces ugliness in them. From the age of Imaam Nawawi to the time of Ibn Hajar Haitami, in the tenth century of Islam's history, the norm of society remained unchanged on this aspect, hence the two latter Shaafi'i Muhaqqiqs confirm the ugliness which hair-cutting brings to women. From the 10th century to the present 14th century, the norm of Muslim society on this issue remained unchanged, and it will, Insha'Allah, remain unchanged until Qiyaamah. And should it change due to a glut of profligate men and women, it will not alter the ruling of prohibition for the simple reason that the prohibition is *Mansoos Alayh*. No *Urf*, least of all the *urf* of *fussaaq* and immoral women can abrogate the prohibition and the *Urf* divinely imposed on the Ummah of the world and the Ummah of Jannat.

The deviate has tied himself in quite a lot of knots from which he cannot extricate himself except by a complete and an honest retraction of the *baatil and haraam* he is propounding at the peril of his Imaan.

The fact that Ibn Hajar Haitami and Allaamah Shabramallisi explicitly declare the ugliness which hair-cutting creates in a woman, should be ample testimony for the contention that the *Urf* regarding hair-cutting for women during the time of these two Shaafi'i Fuqaha was the same as the *Urf* which had prevailed in the Society of Rasulullah (sallallahu alayhi wasallam). The deviate himself has conceded that Rasulullah (sallallahu alayhi wasallam) disapproved of women cutting their hair. He disapproved because it makes them ugly. It is unnatural and in conflict with the Command of Allah Ta'ala. A thousand years after the demise of Rasulullah (sallallahu alayhi wasallam), the Fuqaha in general of all Math-habs maintained that hair-cutting makes a woman ugly.

Now in term of the deviate's logic and understanding of *Urf*, the unchanged norms of society sustains the original prohibition which existed during the age of Rasulullah (sallallahu alayhi wasallam) and of the subsequent ages as well. Thus, it is utterly baseless to infer that according to Ibn Hajar Haitami and Allaamah Shabramallisi, hair-cutting for women is permissible. They claim that it makes women ugly. The deviate may now swallow his own inferences of falsehood.

RASULULLAH'S DISAPPROVAL

On pages 26 and 27, the deviate states:

❖ Both Qadi Iyad and Imam an-Nawawi were aware of the fact that the norms of the society wherein the wives of the Nabi sallallahu alayhi wasallam lived disapproved of a woman's removing her tresses❖❖. They also knew that the dutiful wives of Rasulullah sallallahu alayhi wasallam would not remove their tresses during his lifetime because this would amount to removing something over which he had a right.❖

The deviate does concede that Rasulullah (sallallahu alayhi wasallam) disapproved of women cutting their hair. It will be interesting to know of the basis of his conclusion. It appears that he has inferred this from the categoric statement:

❖ *It is unimaginable that they would have done so during the lifetime of Rasulullah (sallallahu alayhi wasallam).* ❖

In view of this emphatic claim by the authorities, he is constrained to make the concession. But then he attributes Rasulullah's disapproval to *Urf*. However, for this claim he has no basis other than his personal conjecturing. He is the first person to suggest that the prohibition of hair-cutting for women during the age of Rasulullah (sallallahu alayhi wasallam) is the product of *Urf*. Imaam Nawawi does not say so. Qaadhi Iyaadh does not say so. None of the Fuqaha of any Math-hab says so. None of our senior Akaabir said so nor do any of the contemporary senior Ulama say so. The deviate should state his basis for his ludicrous assumption.

From the foregoing discussion, the following very salient facts emerge:

- The deviate has endeavoured his utmost to squeeze some type of ❖proof' from the Shaafi'i Math-hab for his fallacious opinion.
- He has miserably failed to produce a single statement of the Shaafi'i Math-hab which declares the permissibility of hair-cutting for women.
- His ❖best' attempt was to cite an irrelevant *Nathar* (Vow) mas'alah, then to infer permissibility from it.
- Neither Ibn Hajar Haitami nor Allaamah Shabramallisi whom he cited, states that it is permissible for a woman to cut her hair.
- On the contrary, both these two senior Shaafi'i Fuqaha explicitly confirm that hair-cutting makes a woman ugly even if it is just one centimetre from her tresses. .

In the light of these facts, his claim of permissibility in terms of the Shaafi'i Math-hab have to be dismissed as utterly fallacious.

The statement of Imaam Nawawi, viz., ❖This hadith is proof of the permissibility of making the hair lighter for a woman.❖, is not the view of the Shaafi'i Math-hab for the following reasons:

- Imaam Nawawi himself, cites Al-Maawardi who proclaimed that cutting hair produces ugliness in a woman. Imaam Nawawi did not contest this fact.
- Ibn Hajar Haitami and Allaamah Shabramallisi confirm the ❖ugliness' claim made by

Maawardi.

- Besides the solitary statement of Imaam Nawawi, no other Shaafi'i authority has been cited as the holder of the permissibility opinion.
- Imaam Nawawi's statement was an interpretation which no one from any of the Math-habs confirmed or agreed on nor did Imaam Nawawi issue any fatwa of permissibility.

If hair-cutting for women was permissible in the Shaafi'i Math-hab, it would have been a widely reported fact in the Shaafi books of Fiqh just as the prohibition is widely reported in Hanafi kutub. And the reason for this is that hair-cutting was prohibited during the age of Rasulullah (sallallahu alayhi wasallam), during the age of the Taabieen and the age of the Tab-e-Taabieen. In fact, many centuries thereafter we still have Shaafi'i authorities confirming the ugliness it creates in a woman. For such a well-established and well-known prohibition, there would have been many Shaafi'i Fuqaha who would have recorded the supposed permissibility due to the supposed change in the norms of the succeeding Muslim societies.

(Tasbeeh of the Malaaiikah in the Heavens)

?????? ??? ???? ??????? ??????? ? ???? ??????? ???????????

◆ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses .◆

THE MAALIKI MATH-HAB

The deviate has really scraped the very bottom of the barrel in his stupid attempt to find succour for his *baatil* in the Maaliki Math-hab. He says:

◆ *I have not found any explicit and definite statement in the Maliki literature which explains its position on the shortening of the hair for a woman. However, the fact that Qadi Iyad* ◆ *a leading Maliki faqih* ◆ *admits the literal purport of the hadith of Abu Salamah, and only suggests that the cutting of the hair must have been done by the wives of Rasulullah sallallahu alayhi wasallam after his death, could well be taken as an indication that the Malikis do not hold the view that it is absolutely haram for a woman to shorten her hair.*◆

He has indeed stretched his deviousness to the limits in an attempt to eke out permissibility from the Maaliki Math-hab. His deviousness is further complicated by his crass jahaalat. In fact, the Maaliki position appears to be the severest. The severity of the Maaliki position leaves no doubt in doubting the doubtfulness of the hurmat, i.e. hair-cutting for women is absolutely Haraam according to the Maaliki Math-hab. Qaadhi Iyaadh who is a senior Maaliki authority believes that it is Haraam for a woman to cut even a beard/moustache which grows abnormally on the face of

a woman. How can the Maaliki Math-hab countenance permissibility for cutting the natural and beneficial tresses of a woman's hair?

Immediately prior to the abovementioned comments he makes on the Maaliki Math-hab, he expounded his theory of inference as he applies it to the Shaafi'i Math-hab. His statement:

❖ *I have not found any explicit or definite statement in the Maliki literature* ❖..❖

implies that he had found explicit and definite statements of permissibility in the Shaafi'i Math-hab. But as we have shown, he has miserably failed to cite even just one Shaafi'i authority who had explicitly stated that it is permissible for women to cut their hair. Imaam Nawawi's comment is not an explicit statement stating the view of the Shaafi'i Math-hab for the reasons already explained. The deviate has only inferred baselessly his opinion of permissibility from unrelated *masaail* , and that too, in a baseless manner.

The assumption that Maaliki literature is devoid of any explicit and definite proclamation of permissibility is not only an indication, but clear proof for the prohibition. This is so because Qaadhi Iyaadh and all the other Maaliki Fuqaha are well aware of the indisputable truth that hair-cutting for women during the *Khairul Quroon* was prohibited and viewed with disgust in the same way as the Ummah has viewed it in every age of its history. Now if the emphatic ruling of the prohibition prevalent in Rasulullah's time had changed, there would have been copious references on this subject in not only Maaliki literature, but in the literature of all the Math-habs.

The deviate's inability to find any explicit and definite statement of prohibition is not a basis for concluding that the literature of the Maaliki Math-hab is devoid of any such explicit ruling. By his conceit the deviate implies that he has encompassed all the Maaliki literature available in this world. We shall assist him with an explicit statement from Maaliki authorities.

❖ *Ibn Abdul Barr said: ❖It is Makrooh for a woman to shave her head, and more than one (among the Fuqaha) say that cutting (hair) is also Makrooh for her without valid reason. (It being Makrooh) is one riwayat, and it has been said that both acts (shaving and cutting) are haraam for a woman.* ❖

(*Al Aadabush Shariah, Vol. 3 page 233*)

Lamely and in a whisper, the deviate whimpers that Qaadhi Iyaadh's ❖*suggestion*' indicates ❖*that the Malikis do not hold the view that it is absolutely haraam for a woman to shorten her hair.* ❖ In his statement, the view he attributes to the Maaliki Math-hab is totally unfounded and baseless. It is noteworthy that he does not infer this time permissibility from the Maaliki Math-hab. He infers: ❖*that it is not absolutely haraam* ❖

If it is not ❖absolutely haraam', then what is it? Is it somewhat ❖haraam'? Perhaps haraam, but not absolutely? If so, is there no term in Maaliki Fiqh for what is abominable, detestable, evil, vile, but not ❖*absolutely haraam*'? The deviate has truly spoken drivel. Such drivel is not expected of a ❖mujtahid'.

Let us assume that according to the Maaliki Math-hab it is not ❖*absolutely haraam*' for a woman to cut her hair. If now the detestable act is assigned to a category below ❖*absolute haraam*' (*Qat'i haraam*) , it does not follow that the detestable act is permissible as the deviate wants Muslims to believe. Furthermore the explicit statement of Ibn Abdul Barr provides clarity on the prohibition of hair-cutting for women in the Maaliki Math-hab.

An unbiased Muslim who has some thinking ability will readily understand that every Math-hab will view with strong disapproval an act which was disapproved and detested by Rasulullah (sallallahu alayhi wasallam)❖ a disapproval which continued in the Ummah throughout the ages when the Fuqaha reigned Islam's world of *Ilm*, and even the deviate has been constrained to make this admission. While there may be a difference in the technical classification of the disapproval of the abomination, there is unanimity on the disapproval, i.e. disapproval of the kuffaar act of women cutting their hair.

The deviate is endeavouring his best to get Rasulullah's disapproval and detestation of women cutting their hair cancelled. For this nefarious goal he has no support from any of the Four Math-habs. His last and only stand is on the straw of his idea of *Urf* which he has made his crutch.

So far, it has been established that there is no substantiation, whether explicit or implied in the Shaafi'i and Maaliki Math-habs for the deviate's view of permissibility of cutting-hair for women.

While the deviate could not find any ❖*explicit statement in Maaliki literature which explains the position of shortening of hair for a woman*❖ , we have, Alhamdulillah, found more than explicit and definite proof for the absolute prohibition of hair-cutting by women. The deviate has laboured much to gain some support from Qaadhi Iyaadh, a senior authority among the Maaliki fuqaha, whose interpretation of Abu Salamah's Hadith the deviate presents as ❖proof' for his fallacy of hair-cutting. By his interpretation Qaadhi Iyaadh does not even remotely imply permissibility for hair-cutting for women.

Qaadhi Iyaadh is among the senior Maaliki Fuqaha who believe and teach that it is unlawful to cut off even a deformity or growth on the body, e.g. an extra finger or an extra tooth. Even if a woman has unbecoming long teeth protruding from her mouth, it is not permissible for her to cut it at the ends nor is it permissible to have the extra finger, which is a deformity, removed. Such acts of removal of any part from the body is termed *taghyeer li khalqillaah* (to change the natural form created by Allah). Qaadhi Iyaadh mentions this stand of the Maaliki Math-hab. (*Al-Jaami li*

Ahkaamil Qur'aan of Qurtubi). Imaam Nawawi too states this ruling of the Maalikis in his *Sharah on Muslim Shareef*. More discussion will appear on this topic further on in this book.

This is not all. Imaam Abu Jaafar Ibn Jareer Tabari who is among the Mujtahideen of the Maaliki Math-hab states:

❖ *Similarly, it is not permissible for her to shave the beard or moustache or hair growing below the lip, which grows on her because in so doing is taghyeer khalqillah ta'ala.* ❖

A beard and moustache growing on a woman's face are deformities, a disfigurement and ugliness. In spite of this fact and in spite of the other Math-habs allowing a woman to remove a beard which grows on her face, the Maaliki Fuqaha, including Qaadhi Iyaadh prohibit a woman from cutting any hair growth on her face. She is not allowed to cut off the beard from her face. How can it be accepted that Qaadhi Iyaadh implied that it is permissible for women to cut off their beautiful tresses when it is not allowed in his Math-hab to cut off the deformity of a beard and moustache growing on her face?

This extremely strong position of the Maaliki Fuqaha testifies that according to the Maaliki Math-hab hair-cutting for women is *Taghyeer khalqillaah*, *muthlah*, ugliness and disfigurement. The Prohibition on women cutting their hair is thus confirmed by the Maaliki Math-hab.

HAIR-CUTTING ❖ A PUNISHMENT

In some societies of bygone times, the tresses of immoral women (prostitutes) were cut off as a form of punishment. A woman without tresses was thus recognized as a prostitute when she was devoid of her Tresses.

HAMBALI MATH-HAB

We now come to the Hambali Math-hab. The deviate, once again embarking on a rigmarole course of deviousness, says:

❖ *In the Hanbali madhab both the shaving and the shortening of the hair is regarded not as haram, but as makruh. Those acquainted with usul-al-fiqh will know that the term makruh in the Hanbali madhab ❖ as well as in the Maliki and Shafi'i madhabs ❖ means the same as what the Hanafi ulama call makruh tanzih.* ❖

In addition to this claim being false it is an attempt to sidetrack the issue which is being discussed. The question is the prohibition or the permissibility of hair-cutting for women. The question does not pertain to the *Fiqhi* classification of the abomination. The deviate's claim is that it is permissible for women to cut their hair. But from the Hanbali Math-hab he comes up with the ruling that shortening the hair is *Makruh* without understanding that *Makruh* here is akin to *Haraam* according to even the Hanaabilah. The Hambali view is adequately reflected in the following explicit *Fatwas* of the Hanaabilah Fuqaha and Ulama:

❖ *It is said in Ar-Riaayatul Kubraa: ❖ Shaving (the head) and cutting (the hair) for women is Makrooh (Tahrیمی) without valid reason. And it has been said that both these acts are Haraam.* ❖

(*Al-Insaaf*, Vol.1. Page 123)

Allaamah Ibn Muflih Al-Hambali (rahmatullah alayh) says in Al-Adabush Shariah : ❖ It is Makrooh for a woman to shave her head, and more than one (among the Ulama) have added cutting (as well), without valid reason. And, it has been said that both these acts are Haraam. ❖
(Vol.2, Page 424)

It will be understood from these references of the Hanaabilah Ulama that the prohibition oscillates from *Makrooh* to *Haraam*. This means *Makrooh Tahrیمی*, not *Tanzihi*.

Shaikh Ibn Uthaimin, one of the top Hambali Ulama of Saudi Arabia very clearly states that the act of hair-cutting by women is either *Makrooh* or *Haraam*. He describes it as an act which is among the greatest of sins. See his full *Fatwa* in the chapter on Contemporary Ulama on page 311 of this book.

Makruh does not mean permissible. Regardless of the category of *Makruh*, it does not mean permissible even if it happens to be *Makruh Tanzihi*. In fact, constancy in the commission of *Makruh Tanzihi* transforms the act into *Makruh Tahrیمی* which is a punishable offence in the same way as perpetration of *haraam* is. The consequence of both *haraam* and *Makruh Tahrیمی* is the Fire of Jahannum. The flagrant perpetrator of *Makruh Tahrیمی* is a *faasiq*.

In his desperate bid to convey the impression of the permissibility of hair-cutting for females, the deviate tries his best to minimize the gravity of the abomination of this act, he introduces the technical term of *Makruh*. The Ulama of Islam have said that those who minimize the gravity of *Makruh Tanzihi*, will land themselves in *Makruh Tahrیمی*. The process of sliding into the abyss of kufr is incremental. It is initiated by shaitaan who first demolishes the Muslim's fortress of *Mustahabbaat*. The culmination of the incremental process of sliding into evil by abandoning *Mustahab* acts and committing *Makruh* with reckless audacity is shaitaan's assault on the Bastion of Imaan.

The exposition of *Makruh* which the deviate presents encourages Muslims to commit *Istikhfaaf*.

This means to regard the laws of the Shariah lightly and insignificantly. *Istikhfaaf* of any Shar'i *hukm* is kufr, hence the Fuqaha rule: ❖ *Miswaak is Sunnat, but to deny it is kufr.* ❖ Irrespective of the *Fiqhi* classification of a teaching of the Shariah, its importance may not be minimized.

The only thing the deviate has said in relation to the Hanbali Math-hab is that shortening the hair is *Makruh*. Again we must say that this does not mean permissible. Even if he can succeed to assign hair-cutting by women to the *Makruh Tanzihi* category in terms of the Hambali Math-hab, it does not substantiate his claim of permissibility. But, Insha'Allah, it shall be shown that according to the Hambali Math-hab this abominable act is not *Makruh Tanzihi*, but is *Makrooh Tahreemi* and prohibited ❖ in fact, it is *Haraam*.

Commenting on the meaning of *Makruh*, he claims:

❖ *Those acquainted with usul al-fiqh will know that the term makruh in the Hanbali madhhab* ❖ *as well as in the Maliki and Shafi'i madhhabs* ❖ *means the same as what the Hanafi ulama call makruh tanzih.* ❖

This is baseless and bunkum. This is not a general principle. The word is used with different connotations. While the general principle in the Hanafi Math-hab is that the term, *Makruh* refers to *Makruh Tahreemi* which is akin to *haraam*, according to Imaam Muhammad (rahmatullah alayh), every *Makruh* is *Haraam*. Explaining Imaam Muhammad's statement, the following appears in *Ad-Durrul Mukhtaar*:

❖ *Every Makruh, i.e. Karaahat Tahreem (Makruh Tahreemi) is Haraam, i.e. like haraam in (the matter of) punishment in the Fire, according to Muhammad.* ❖

(*Shaami*, Vol.5 page 214)

There are innumerable examples in all the books of the Ahnaaf of acts which are technically *Makruh Tahreemi*, but which are described by the Fuqaha with the term *Haraam*. There is not the slightest scope to deny this irrefutable fact. In view of the gravity of the *Makruh Tahreemi* act and the consequence of punishment in Jahannum for committing it, the Ahnaaf Fuqaha and all our Ulama describe *Makruh Tahreemi* acts as *Haraam*. *Makruh* is, therefore, not something to trifle with. *Istikhfaaf* (to view it lightly or insignificantly) in fact is kufr.

The Shaafi'i Math-hab also does not view *Makruh* with the attitude of *Istikhfaaf* as the deviate does. The Fuqaha of the Shaafi'i Math-hab do not present the term *Makruh* as a licence for perpetration. In *Nihayatul Muhtaaj*, Ibn Hajar Haitami states: ❖ *Halq is makruh* ❖. ❖ For females shaving the head is *Makruh*. But, he does not view *Makruh* in this context as being *Tanzih*. On the same page (page 304), Ibn Hajar Haitami says:

❖ ❖ *shall not be ordered with halq* ❖ *because it is disfigurement for them both (i.e. for a woman and a khunthaa), hence if any one of them makes a vow to commit it (halq), it (the vow) does not*

take effect❖.❖

According to the Shaafi'i Math-hab, a vow does not come into effect if the act on which the vow is made is sinful. There is no need to present references for this very obvious principle of the Shaafi'i Math-hab. The fact that the vow on *halq* is not effective and there is no *Kaffaaarah* (Penalty) for disregarding this vow, is a clear indication of the gravity of the *Tahreem* (makruh) of *halq*. If it was not a sinful act as *Taqseer* (trimming) which is not sinful during Hajj and Umrah, then the vow would have taken effect. Hence, Ibn Hajar Haitami explicitly states in regard to *Taqseer*:

❖The vow on *halq* has not taken effect in opposition to *Taqseer*.❖

In other words, the vow on *Taqseer* is effective when taken for the occasion of Hajj/Umrah. While according to the principle governing the validity and invalidity of vows according to the *Jamhoor* Shaafi'i Fuqaha, the vow on *Taqseer* implies permissibility, it is restricted to the occasion of Hajj and Umrah. But the deviate states in his ❖a rejoinder' that the ruling of permissibility applies to a vow on *Taqseer* at any time and is not exclusive with Hajj. He then attributes this view to Allaamah Shabramallisi. But the Allaamah (the Annotator) does not make this claim. His comment refers clearly to *halq* as we have explained earlier on.

The above is our *inference* which is entirely correct. However, besides our inferences, Allaamah Shabramallisi explicitly states in his annotation on Ibn Hajar Haitami's statement: ❖*Halq* is *Makrooh*❖:

❖*Halq* is prohibited for her.❖

Thus, this *Makrooh* is not *makrooh tanzihi* according to the Shaafi'i Fuqaha. And, how can it be *Makruh Tanzihi*, when even with regard to cutting one centimetre from the tresses produces ugliness in a woman according to the explicit statements of Maawardi, Imaam Nawawi, Ibn Hajar Haitami, Allaamah Shabramallisi and many other Shaafi'i Fuqaha?

In *Kitaabul Majmoo'*, Imaam Nawawi commencing on *halq* for females, says:

❖The Ulama have enacted consensus (Ijma') on the fact that a woman shall not be ordered with *halq*. But her act (of *ibaadat*) is *Taqseer* (slight cutting) from her head. Shaikh Abu Haamid, Daarami, Maawardi and others said: ❖*Halq* is *Makruh* for her.' Qaadhi Abu Tayyib and Qaadhi Hasan said: ❖*Halq* is not permissible for her.' Perhaps both of them intended *Makrooh* (in saying, ❖not permissible').❖Maawardi said that if she shaves (her head), then she is a sinner.❖ (*Kitaabul Majmoo'*, Vol.8 Page 177)

In the foregoing comments of Imaam Nawawi, the Shaafi'i Fuqaha have described *Makruh* variously. The meaning given is ❖not permissible❖, and the perpetrator is a ❖sinner❖.

When the effect of the *Makruh* act of shaving is disfigurement and ugliness, and it is declared ❖not permissible❖, and the perpetrator is ❖sinful❖, then to infer that this *Makruh* refers to ❖what the Hanafi ulama call *makruh tanzih*❖, is palpably false. The deviate has said that according to the Shaafi'i, Hambali and Maaliki Math-habs, *Makruh Tanzih* is an act which is ❖not sinful❖ and ❖not punishable❖ if committed. But Imaam Nawawi cites Shaafi'i Fuqaha who say that ❖it is not permissible❖ and its perpetrator is ❖sinful❖. This is an adequate commentary on the deviate's understanding of the technical terminology of the Fuqaha of the Math-habs.

Another example of *Makruh* not meaning *tanzih* is also given by Imaam Nawawi who says:

❖The Ulama are unanimous on the Tahreem (prohibition being haraam) of nicknaming people with such (names) which are Makrooh.❖ (Kitaabul Majmoo', Vol. Page 422)

On page 419, Vol. 8 of Kitaabul Majmoo' of Imaam Nawawi, the meaning of *Makruh* in the context of particular question is described as follows:

❖Verily it is such a Makruh whose karaahat (detestability) is severe.❖

From the numerous examples which can be produced from the books of the Shaafi'i Math-hab, it is abundantly clear that the word *Makruh* does not mean only *Tanzih*.

Fasting one day or two days before Ramadhaan in certain instances is enumerated among the *Makruh Saum* according to the Shaafi'i Math-hab. In *Kitaabul Fiqh alal Mathaahibil Ar'ba'ah*, page 559, volume 1, these *Makruh* fasts are mentioned as follows:

❖The Shaafi'iyyah said: Fasting one or two days before Ramadhaan is haraam.❖ The effect of this *Makruh Saum* is invalidity: ❖However, if a person intends to fast that day because it happens to be Yaumush Shakk (the Day of Doubt), then his fast is not valid.❖ (Mathaabee-Arba'ah)

This is also the ruling of the Maaliki Math-hab. This is a far cry from the claim of *Makruh* always having the meaning of *Tanzih* according to the three Math-habs besides the Hanafi Math-hab.

The examples of the term *Makruh* meaning other than *Tanzih* are numerous in the kutub of the Shaafi'i Math-hab. Let us now proceed to the Hambali Math-hab and see how correct the deviate is in his audacious, but blatantly false claim that the word *Makruh* in terms of the three Math-habs has the same meaning as *Makruh Tanzih*. He made the claim that this is a *principle* in the three Math-habs.

On the act of shaving the back of the neck, the Hambali Math-hab rules as follows:

❖ *Shaving the back of the neck is Makruh for one who does not shave his head*.. Maroozi said:
❖ *I asked Abu Abdullah about shaving the back of the neck, and he said: It is the act of the Majoos (Magians ❖ Fire-Worshippers). Whoever emulates a people, he is of them.'*❖
Al-Mughni, Vol. 1, page 105)

Tashabbuh bil Kuffaar (Emulating the Kuffaar) is **haraam** on the basis of *Nass*. The effect of such *Tashabbuh* is not *Makruh Tanzihi*. While the word *Makruh* is stated without any descriptive condition, the Hambali Fuqaha clarify that this particular form of *halq* is *Tashabbuh Bil Majoos* , hence it cannever have the meaning of *Tanzihi*.

In the Hambali Math-hab there is difference of opinion on the permissibility of shaving the head for males. Al-Mughni, Vol.1, page 103, explains:

❖ *The narrations from Ahmad (Imaam Hambal) regarding shaving of the head differ. It is narrated from him that it (halq for men) is Makrooh.*❖

Among the narrations cited in substantiation of this view are:

❖ *Ibn Abbaas said: The one who shaves his head in Misr is a shaitaan.*❖

❖ *Abu Musaa narrates from Nabi (sallallahu alayhi wasallam): ❖ He who shaves (his head) is not of us.*❖

The force of the narrations proffered by Imaam Ahmad Bin Hambal (rahmatullah alayh) for the view of prohibition of *halq* debunks the claim that the word *Makruh*, as a principle, means *Tanzihi* in the terminology of the Fuqaha of the three Math-habs.

Another example, also in *Al-Mughni*, Vol.1, page 104:

❖ *However, shaving part of the head is Makruh and it is described as al-qaza' because*❖❖ *..verily, Nabi (sallallahu alayhi wasallam) prohibited from al-qaza' and he said:*
❖ *Shave it all off or leave it all.'*❖

It should be quite obvious that the effect of this *Makruh* is not *Tanzihi*. On the contrary it is *Tahreemi*.

On the issue of *halq* for females, the ruling of the Hambali Math-hab is unanimous on its being a *Makruh* act. To understand the effect and gravity of his *Makruh* , we present the following discussion from *Al-Mughni*, Vol.1, page 104:

❖ *The narrations regarding the karaahat (detestability) of a woman shaving her head without need, do not differ.*

Abu Musaa said: Rasulullah (sallallahu alayhi wasallam) freed himself from a woman who wails and a woman who shaves.' Muttafaq Alayh. Khilaal narrates with his Isnaad from Qataadah who narrates from Ikramah who said: ❖ Nabi (sallallahu alayh wasallam) prohibited that a woman shaves her head.' Hasan said: ❖ It (halq) is muthlah (disfigurement).❖

On the same question of *halq* for women, Imaam Mardaawi Saeedi says:

❖ *It is Makruh for a woman to shave her head without valid excuse in terms of the correct version of the (Hambali) Math-hab. And, it has been said that it is haraam.*❖

(Al-Insaaf, Vol. 1, page 123)

An effect which oscillates between *Makruh* and *Haraam* is not in the meaning of *Makruh Tanzihi* of the Hambali Math-hab nor of any of the other Math-habs.

Allaamah Mansur Idrees Bahuti states in *Kash-shaaful Qinaa'*:

❖ *Shaving her head and cutting (her hair) are Makruh..*❖

(Vol.1 Page 78)

It is worthy to note here, that Allaamah Bahuti presents the Ahaadith which prohibit *halq* for women also as the evidence for the prohibition of cutting hair by women. The irrefutable fact is that according to all Math-habs, shaving for women is prohibited. It is not *Makruh Tanzihi*. The prohibition is severe. Allaamah Bahuti brings both *halq* and *qass* (cutting of hair) within the scope of the prohibition.

Ibn Qudaamah states in *Al-Mughni*, Vol.3, page 8:

❖ *The Ulama regard fasting on the day of Shakk (doubt) to be Makruh❖❖..because of the prohibition of Nabi (sallallahu alayhi wasallam). Ammaar said: ❖ He who fasts on the day of shakk, verily, he has disobeyed Abul Qasim (i.e. Rasulullah❖sallallahu alayhi wasallam).'*❖

Disobedience to Rasulullah (sallallahu alayhi wasallam) is not *Makruh Tanzihi*, It is a sinful act. It is *Makruh Tahreemi*.

Ibn Qudaamah states in *Al-Mughni*, Vol. 3, page 89:

❖ *If the sick person notwithstanding this (i.e. the danger to his health if he fasts) bears (the difficulty) and fasts, then verily he has committed a Makruh act because of the harm he causes himself, and because of his abandonment of the ease (granted by) Allah Ta'ala, and because of not accepting the concession of Allah Ta'ala.*❖

The effect of this *Makruh* is clearly *Tahreem* , not *Tanzihi*.

The following discussion in *Al-Insaaf* of Imaam Mardaawi Saeedi should be of interest to the deviate:

❖It is said in *Ar-Riaayah*: ❖If he (Imaam Ahmad) says: ❖This is *haraam*', then thereafter he says: ❖I detest it (regard it as *Makruh*), or I do not approve of it', then it is *haraam*. And, it has been said that it is *Makruh*.

Regarding his statement: ❖I detest it' or ❖It does not approve to me, or ❖I do not like it', or ❖I do not regard it as good', ❖❖..there are two views.

❖One of the views is *Tanzeeh*❖❖❖.. The second view is that all of this is for *Tahreem*. *Khilaal* , his Companion and *Ibn Haamid* have adopted this (view of *Tahreem*)❖❖❖.He says in *Ar-Riaayatain*: ❖The best is to look at the indications in all.❖

(*Al-Insaaf*, page 15)

This evidence from the Hambali kutub refutes the contention of the deviate that when the word, *Makruh* is used by the Fuqaha of the three Math-habs, as a principle, it means *Makruh Tanzihi*, His claim is palpably baseless.

It should be clear from the foregoing comments that the act of women shaving their heads while classified as *Makruh* , does not mean *Makruh Tanzihi*, according to the definition of *Makruh Tanzihi* presented by the deviate, ❖namely the commission of which is not sinful or punishable❖. But Rasulullah (sallallahu alayhi wasallam) voicing his strongest disapproval , dissociated himself from women who shave their heads. He prohibited women from this act. Imaam Hasan said that it is disfigurement. Thus the meaning of *Tahreem* should be obvious.

Innumerable examples can be quoted from the Hambali kutub to substantiate the contention that *Makruh* does not, as a principle, mean *Makruh Tanzihi*.

We proceed now to the Maaliki Math-hab to ascertain the veracity or the fallacy of the deviate's claim regarding the meaning of the word *Makruh* as used by the Fuqaha of the three Math-habs.

According to all Math-habs, it is not permissible for a woman to go on a journey without being accompanied by a *mahram*. In this regard, the following appears in *Haashiyah Dusooqi*, Vol.2, page 209:

❖ Except if that she be at a far walking distance (from Makkah), for then it is Makruh for her (i.e. to go for Hajj without a mahram). ❖

The Commentator explaining this, says:

❖ In addition to this (i.e. the Waajib conditions for Hajj) for a woman is that she finds a mahram or her husband to accompany her on the journey because of the statement of Rasulullah (sallallahu alayhi wasallam): ❖ It is not lawful for a woman who believes in Allah and the Last Day that she journies for a day and a night except that there be a mahram with her. ❖

The proof cited for this *Makruh* is the Hadith in which Rasulullah (sallallahu alayhi wasallam) prohibits the woman with emphasis, saying that ❖ it is not lawful for her ❖. This categoric prohibition of Rasulullah (sallallahu alayhi wasallam) cited by the Maaliki Fuqaha indicates clearly that the meaning of *Makruh* in this context is *Tahreem*.

According to the Maaliki Math-hab, Salaatul Janaazah is not permissible without the presence of the mayyit.

❖ Verily, Salaat on the ghaaib (absent mayyit) is Makruh. ❖ (Bulghatus Saalik li Aqrabil Masaalik, Vol.1, page 198)

❖ Among the conditions is that the mayyit should be present. Thus the Salaat is not permissible on the ghaaib (absent mayyit). ❖ (Mathaab Arba'ah, Vol.1, page 523)

The effect of *Makruh Tanzihi* is not ❖ Laa Yajooz' (Not permissible). The *karaahat* in this mas'alah is *Tahreemi*.

Among the six *Makruh* acts of ghusl according to the Maaliki Math-hab is the exposure of the *aurah*:

❖ Revealing the *aurah* or to bath where people can view him, although he has no such intention (of exposing himself), if the intention is to expose, then it is haraam. ❖ (Al-Fiqhul Maaliki, Vol. 1, page 82)

The prohibition on nudity is not *Tanzihi*. Depending on the intention, the prohibition oscillates between *Makruh Tahreemi* and *Haraam*. Yes, in the understanding of those who feel that exposing the *aurah* and joining the nudists on their nude beaches are not acts of immorality, the meaning of *tanzihi* for a nude ghusl in the public is acceptable .

While the Hambali Math-hab uses the term *Makruh* to describe the prohibition of *halq* for women whether during Hajj or at any other time, the Maaliki Math-hab says:

❖ However, it is *haraam* for a woman to shave (her head). Only *Taqseer* for her is *Wajib*. ❖

The *Wujoob of Taqseer* for a female applies to Hajj. It is obvious that *haraam* in this context used by the Maaliki Fuqaha does not refer to *Haraam Qat'i*. The reference is to *Makruh Tahreemi*.

It has now been shown that in terms of all four Math-habs, the word *Makruh* does not necessarily mean *Makruh Tanzihi* when used by the Fuqaha of the three Math-habs. It can mean *Makruh Tanzihi*, *Makruh Tahreemi* and even *Haraam*. In fact, there are innumerable examples in all the kutub of the three Math-habs to prove that the term is copiously used in the *Tahreem* meaning.

It is at least comforting that the deviate has been forced to admit that both shaving and shortening the hair is *Makruh* for women according to the Hambali Math-hab. The *Makruh* we have already indicated, is of the *Tahreem* category. In other words it is strictly prohibited. Its consequence is the Road to Jahannum.

Alhamdulillah, thus far it has been shown that none of the three Math-habs (Maaliki, Shaafi'i and Hambali) espouses the baatil opinion of the deviate. He has miserably failed in his aimless quest for proofs for permissibility in the three Math-habs. In his dastardly exercise of deviousness, he tried to pull wool over the eyes of unwary people with his misinterpretation of the term *Makruh*.

?????? ??? ???? ??????? ??????? ? ???? ??????? ???????????

❖ *Glory to Allah (i.e. He is above all defect) Who has adorned men with beards and women with tresses* . ❖

HANAFI MATH-HAB

The deviate's sojourn in the Preserve of Hanafi Fiqh has displayed not only his stark *jahaalat*, but also the despicable extent to which he can plunge in his brazen exercise of deviousness and deception in a bid to hoodwink those who are not versed in the Shariah. Just read carefully what he says:

❖ **Ibn Nujaym in al-Bahr ar-Ra'iq describes a woman's act of shaving (not just cutting) her hair in express imitation of men as makruh,**

which in the terminology of the Hanafiyyah means makruh tahrimi❖❖.. According to the principles of the Hanafi fiqh, if the proof of prohibition is qat'i (categorical) the act will be haram; if it is zanni (non-categorical) the act will be makruh tahrimi. Ijma' is qat'i. If this issue was thus based upon ijma' as the objector boldly claimed, it would have been classified as haram and not makruh.❖

In these statements he has once again employed a diversionary trick to confuse readers. Let it be well understood what the contention of our Fuqaha and Ulama is on the question of women cutting their hair. We all say with emphasis that it is prohibited and it is an act of *fisq*, and it is such transgression which leads to the Fire of Jahannum. The claim of our Fuqaha is that the act of women cutting their hair is accursed. Such women are *mal'oonaat* (women on whom Allah's curse descends). Our contention is that women who cut their hair are deserving of the punishment of the Fire. Now whether this act is described as *haraam* or *makruh tahreemi*, it is immaterial in so far as the perpetrators are concerned. They cannot argue on the Day of Qiyaamah in the Divine Court that they had committed only a *Makruh Tahreemi* act, so why are they being consigned to the Fire?

Does Ibn Nujaim in *Bahrur Raaiq* or in any other kitaab dissociate from the ruling of Imaam Abu Hanifah (rahmatullah alayh) and all the Hanafi Fuqaha and Ulama right to the present age ❖ the ruling that the word *Haraam* also applies to *Makruh Tahrimi*? Does the deviate contest the fact that according to the Hanafi Math-hab the term *Haraam* also refers to *Makruh Tahrimi*? We have already, earlier on, stated the categoric and explicit statement of Imaam Muhammad (rahmatullah alayh) on this issue. For the benefit of interested persons, we cite here the view stated by Imaam Abu Hanifah (rahmatullah alayh), himself. When Imaam Muhammad (rahmatullah alayh) asked Imaam Abu Hanifah (rahmatullah alayh) regarding the Imaam's meaning of the term *Makrooh* he (Imaam Abu Hanifah) said that he meant thereby *Tahrim*. Allaamah Ibn Aabideen states:

❖ Verily, Muhammad stated explicitly that every Makrooh is haraam, i.e. like haraam in the consequence (of athaab) with the Fire (of Jahannum),❖ (Shaami)

Allaamah Ibn Nujaim also states in *Bahrur Raaiq* :

❖ It has been mentioned that recitation (of the Qur'aan for a woman in her haidh) is Makruh.

And, in numerous kutub it is said to be haraam.❖

The Ahnaaf use the term *haraam* for *Makruh Tahrimi* as well. Either the deviate is entirely ignorant of this fact or he has deliberately attempted to conceal it in the hope that his deception would go undetected. The statement in *Bahrur Raaiq* regarding *halq* being *Makruh* does not detract from the issue under discussion nor minimize or denigrate the gravity of the prohibition of hair-cutting for women. A *Makrooh* which leads to the Fire of Jahannum is not different from *Haraam* which also leads to Jahannum.

The statement in *Bahrur Raaiq* , namely, that *halq* is *Makruh Tahrimi* does not affect the position of the Hanafi Fuqaha who have ruled on the question of hair-cutting for women. Allaamah Ibn Nujaim does not contest the Hanafi prohibition.

The deviate had lavishly conferred the following accolades on Maulana Abdul Hayy:

❖ *Brilliance of mind; unequalled command of fiqh and hadith; phenomenal literary output; his most admirable quality of fairmindedness and impartiality; he is ranked as one of the subcontinent's greatest luminaries; his annotations appear on the two famous kitaabs, namely Hidaayah and Sharhul Wiqaayah*❖.

On the question of hair-cutting for women, this great luminary explicitly states the prohibition. In his answer to this question appear the terms:

❖ 'Not lawful', she has to repent and not repeat the act; she should not obey her husband if he orders her to cut her hair; it is not permissible for her to obey him in this regard; in this act she emulates men; Nabi (sallallahu alayhi wasallam) cursed such women; the hair for a woman is what the beard is for a man; just as it is unlawful for a man to cut his beard so too is it not lawful for a woman to cut her hair.

The full fatwa of Maulana Abdul Hayy (rahmatullah alayhi) appears on page 10. Now is this great luminary who is unequalled in his command of fiqh and hadith, also one of those indiscrete dispensers of fiqh who are ignorant of the applicability of *Urf* ? Is Maulana Abdul Hayy's fatwa of prohibition in conformity with the verdict of the Hanafi Fuqaha and the numerous senior Ulama of the Indo-Pak subcontinent or not? Or will the deviate now demote this great luminary of unequalled command in fiqh and hadith and lump him together with all the senior Ulama of the Indo-Pak subcontinent, whom the deviate has accused to be *indiscrete dispensers of fiqh lacking in understanding of the principles of fiqh*?

Does the severity of the *fatwa* issued by Maulana Abdul Hayy convey the impression that hair-cutting is an insignificant *Makrooh* act which may be set aside?

Since the deviate lacks the courage to hurl his umbrage against the Akaabir Ulama of India and Pakistan, among whom is his Ustaadh, Hadhrat Ahmad Saeed Palanpuri, he tries his very best to attribute the opinion of prohibition to us, the insignificant Muqallideen of Imaam Abu Hanifah (rahmatullah alayh). He cannot be so blind and so stupid as not to be aware of the irrefutable and conspicuous truth that all our *Akaabireen* unanimously proclaimed all hair-cutting for women to be **Haraam**. Although we have already enumerated their *fataawa* we briefly repeat them here so that readers can understand that the view of hair-cutting being *Haraam*, is not our fatwa. We are merely narrating what has come down from one generation of Ulama to the other until it reached us.

- Maulana Abdul Hayy's fatwa has already been mentioned above.
- Hadhrat Maulana Saeed Ahmad Palanpuri, the Ustaadh of the deviate, states: **❖It is *haraam* for a woman to shave or cut the hair on her head, and she has been made deserving of *la'nat* . (In substantiation of his fatwa, Maulana Palanpuri quotes from Shaami as follows): ❖If a woman cuts her hair, she has sinned and is accursed.❖**
- Hakimul Ummat Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) states: **❖It is *haraam* for a woman to shave or cut the hair of her head. In the Hadith is *la'nat* for her.❖**
- In another *fatwa* , Hadhrat Thaanvi, citing from Ad-Durrul Mukhtaar, says: **❖ A woman who has cut her hair has sinned and she is accursed. Bazaaziyah adds: ❖...and even if her husband consents because there is no obedience to any creation in an act of disobedience to Khaaliq (Allah, The Creator).❖**
- Hadhrat Maulana Zafar Ahmad Uthmaani (rahmatullah alayh) states: **❖The Fuqaha have totally prohibited women from shaving and cutting (their hair).❖**
- Hadhrat Mufti Yusuf Ludhyanwi (rahmatullah alayh) said:
❖It is not permissible for women to cut the hair of their head.❖
- Other senior Ulama too cite Ad-Durrul Mukhtaar in substantiating their respective *fataawa* of prohibition.

The argument of *qat'i and zanni* did not preclude all these Ulama from proclaiming hair-cutting for women to be *Haraam*.

The deviate has alleged that **❖ the madhhab with the severest position on cutting of hair for women is the Hanafi madhhab.❖** His conclusion is erroneous. The strongest stand against the abomination of hair-cutting for women has been taken by the Shaafi'i Math-hab. It is for this reason that very senior Shaafi'i authorities such as Maawardi of the fourth century Hijri, Imaam Nawawi of the sixth century, Ibn Hajar Haitami, Allaamah Ramali of the tenth century and Allaamah Shabramallisi prohibited women from cutting even one or two centimetres from their tresses even when executing the Waajib *Taqseer* during Hajj. Thus they say:

❖She should not cut from her tresses, She should lift her tresses and cut from the spot under them.❖

The severity of the Maaliki Math-hab is adequately conveyed by the prohibition of shaving or cutting even an abnormal beard or moustache which grows on the face of a woman. From this severe position adopted by the Maaliki Math-hab the severity of the prohibition of cutting the normal and beautiful tresses of a woman can be gauged.

This is not the Hanafi view. For fulfilment of the necessary *Taqseer* rite, the Hanafi Math-hab allows trimming of the tresses to the extent of one *anmulah*. By his averment that the Hanafi Math-hab has adopted the severest position, the deviate has not achieved anything. It is a futile comment. He has simply attempted to mislead the community by this gimmick.

NAJMUDDIN ZAAHIDI

The deviate then attempts to denigrate the authoritativeness and force of the Hanafi position by making a stupid comment. He says:

◆Its (i.e. the Hanafi Math-hab's) position is usually quoted from al-Haskafi's *ad-Durr al-Mukhtar* where it is mentioned on the authority of Najm ad-Din az-Zahidi's *al-Mujtaba* that a woman who cuts her hair is sinful and accursed.◆

So what if the Hanafi Ulama cite from Al-Haskafi's *Ad-Durrul Mukhtar* ? What is wrong with this authoritative kitaab which your Ustaadh, Hadhrat Maulana Saeed Ahmad Palanpuri and your Imaam, Maulana Abdul Hayy (rahmatullah alayh) cite? What stupid impression does the deviate wish to convey by this futile comment?

He should rather probe the source from where Allaamah Haskafi (rahmatullah alayh) obtained this ruling of stringent prohibition, violation of which is a grave sin and invites the *la'nat* of Allah Ta'ala on the woman.

Imaam Naasiruddin Abul Qasim Muhammad Bin Yusuf Husaini Samarqandi (died 556 A.H.), states in his Kitaab, *Al-Multaqat*:

◆It is not lawful for a woman to cut her hair just as it is not lawful for a man to cut his beard. It (the prohibition) is the same even if the husband permits. It is not permissible for her.◆

(*Al-Multaqat*, Page 107)

Imaam Naasiruddin Samarqandi appeared long before Najmuddin Zaahidi. Perhaps the deviate would be interested to know what *one of the subcontinent's greatest luminaries*, Maulana Abdul

Hayy Farangimahali had to say about Imaam Naasiruddin Samarqandi (rahmatullah alayh).
Maulana Abdul Hayy (rahmatullah alayh) said:

❖ He was an Imaam of great rank, powerful in knowledge unique in the literary field, mujtahid of his age. He had authored books of considerable benefits. Among them is *An-Naafi'*. It is a blessed concise treatise in Fiqh. May Allah bestow benefit with it (the kitaab) to numerous among creation. And *Al-Multaqat* is in *Fataawaa* ❖❖

(*Al-Fawaaidul Bahiyyah*, Page 289)

Will the deviate also lump the illustrious Imaam Naasiruddin Samarqandi among those whom he has dubbed indiscrete dispensers of fiqh without understanding the applicability of the norms of society? Undoubtedly, this is a vile criticism which the deviate subtly hurls at the Hanafi Fuqaha and Ulama, including his Ustaadh whose spiritual salt he had lapped up for a number of years.

The vindictiveness, childishness and stupidity of the deviate is adequately portrayed by his silly statement:

❖ I am leaving the full reference to the page and volume numbers of *al-Bahr ar-Ra'iq* out on purpose as a challenge. ❖

It is dishonourable to answer silly challenges made by deviates and self-proclaimed tintop ❖ mujtahids'. We think that if he furthers his defective ❖ research' in Shi'ism, he will be able to better acquit himself in future when met by the challenges of the Shiahs.

The deviate is patting himself on the back for quoting a statement of Allaamah Ibn Nujaym, the author of *Bahrur Raa-iq*. Firstly the statement does not detract in the least from the contention of prohibition as we have explained earlier. When Allaamah Ibn Nujaim said in *Bahrur Raa-iq*, as the deviate claims, that it is *Makruh* for a woman to shave her head, he meant thereby *Makruh Tahreemi* and *Laa Yajooz (Not Permissible)*, the commission of which brings the perpetrator to the Fire of Jahannum.

There is no need for us to devote any time to search for the statement in *Bahrur Raa-iq*. However, it is necessary to apprise the deviate of the ruling of Ibn Nujaim, author of *Bahur Raa-iq*, on the issue of hair-cutting for women. Allaamah Ibn Nujaim states on this question:

?? ???? ?????? ??? ????? ? ?? ???? ? ?????

❖ ***It is not permissible for a woman to cut her hair even with the permission of her husband.***

The deviate can devote some time in the quest of the reference for this explicit confirmation of prohibition which Ibn Nujaim makes. And, perhaps it will be of interest to the deviate to know the source of Ibn Nujaim. He obtained the ruling of prohibition from *Al-Multaqat* of Imaam Naasiruddin Samarqandi.

Now that the deviate has been apprised of the fact that in view of hair-cutting being unlawful according to Ibn Nujaim, shaving the head for a woman will be unlawful to a greater degree. On the issue of *halq* for females, the *Ijma'* is so conspicuous that further discussion on this question is superfluous and futile.

For the information, and perhaps benefit, of the deviate, let us delve further back, years before even *Saahib-e-Multaqat*. Shaikh Imaam Taahir Bin Ahmad Bin Abdir Rashid Al-Bukhaari states in his *Khulaasatul Fataawaa*:

❖ ***If a woman cuts her hair, then it is incumbent on her to seek forgiveness from Allah Ta'ala.*** ❖ (Vol.2, page 52)

The illustrious Author of *Khulaasatul Fataawaa* died in 542 A.H several years before Imaam Samarqandi, the Author of *Al-Multaqat*.

Let us go back further into history in our quest for the source of the prohibition which the deviate implies is *only* Allaamah Zaahidi. In this quest, we shall cite none other than ❖ *one of the greatest luminaries of the Indo-Pak subcontinent* ❖, he who has phenomenal literary output and who happens to be a great (if not greatest in the imagination of the deviate) Hanafi Faqih and Muhaddith, Hadhrat Allaamah Abdul Hayy Lucknowi. He cites the prohibition from Abu Bakr Al-Iskaaf (rahmatullah alayh) who died in 333 A.H. Maulana Abdul Hayy Sahib states about Al-Iskaaf in his *Al-Fawaaidul Bahiyyah*:

❖ Abu Bakr Al-Iskaaf Al-Balkhi: He was a great Imaam of glorious rank. He acquired Fiqh from, Muhammad Bin Salamah who had in turn acquired (Ilm) from Abu Sulaimaan Al-Jauzjaani ❖. ❖ (page 160)

More than three centuries, 325 years to be precise, before Allaamah Najmuddin Zaahidi, the illustrious Imaam Abu Bakr Al-Iskaaf reported the prohibition in almost identical terms as all the Fuqaha and Ulama of the Ahnaaf did. Insha'Allah, the history of this *Fatwa* will be traced back further into antiquity as more information reaches us from the Ulama-e-Haqq.

But of what real benefit is this? The deviate displays conspicuous intransigence by demanding a citation directly from the *Zaahirur Riwaayat* of the Ahnaaf. It is nothing but his *jahaalat* which

impels him to make such a stupid demand. The unanimous view of, so far, eleven centuries of Hanafi Fuqaha, of all persuasions, right until Al-Iskaaf, has already been presented. Most assuredly, Al-Iskaaf acquired the *mas'alah* from above, and the Chain will link up to the highest echelons among the Fuqaha-e-Ahnaaf.

But there is no need for all this if the deviate can only divest himself of his intransigence and his inflated ego which constrains him to believe that he has ascended the pedestal of *Ijtihaad fil Usool*, when in reality he languishes in the squalid dregs of such *jahaalat* which imperils the very Imaan of such deviates. After all, the deviate has conceded, albeit much to his chagrin, that hair-cutting for women was most certainly prohibited during the age of Rasulullah (sallallahu alayhi wasallam) and in the subsequent ages. Now when this prohibition is traced right to Rasulullah (sallallahu alayhi wasallam) on the very admission of the deviate, what does he want to do with the *Zahirur Riwaayat* of the Ahnaaf? His demand is an exhibition of his *Jahl-e-Murakkab* (Compound Ignorance ♦ ignorance piled ontop of ignorance ♦ darkness on darkness). May Allah Ta'ala save us all from such *dhalaalat* (shaitaani deviation).

QAT'I AND ZANNI

The dispute is not one of *Qat'i and Zanni dalaa-il* (proofs). The question is: Is it permissible or prohibited for women to cut their hair? Is it sinful or not for women to cut their hair? Since the deviate is totally incapable of proving his opinion of permissibility, he attempts to set up a smokescreen by detracting from the ONLY argument. He seeks to achieve this aim by diverting attention from the issue of permissibility or prohibition and introduces the futile and uncalled for discussion on the strength of the proofs of the Shariah.

He further attempts to confuse the issue with the diversion of the technical meanings of *Makruh* and *Haraam*. In this attempt he hopes to entrench in the minds of ordinary Muslims the idea that a *Makruh* act may be committed in view of its ♦ *insignificance* ♦, since it is not *haraam*, there is nothing wrong in its commission, hence he presents the meaning of *Makruh Tanzeehi* while conveniently ignoring the meaning of *Makruh Tahreemi*, and hoping that his ploy of deception to hoodwink will succeed. Read the Deviate's Usthaadh's comment on this issue. See pages 374 ♦ 375.

He blatantly alleges: ♦ *In these madhhabs makruh is commonly defined as something abstinence (?) from which will be rewarded, but commission of which is not sinful or punishable.* ♦

His desire is to create this impression in the minds of people. We have presented a number of examples of acts which are *Makruh in terms of the three Math-habs (Maaliki, Shaafi'i and Hambali)*, but none of them fit the definition of *Makruh* provided by the deviate. A glaring example of the utter fallacy the deviate peddles is the *Ijma'* of the entire Ummah (all four Math-habs) on *halq* being prohibited for women. Yet, the three Math-habs and even some Hanafi

Fuqaha describe it as *Makruh*. None of them classify this *Makruh* act as *Makruh Tanzeehi*.

At no stage did we ever contend that the term *Haraam* for the prohibition of hair-cutting by woman, is being used in the technical meaning of the word. We use the word in exactly the same manner in which the Fuqaha and all our Akaabireen use it for anything which is prohibited and sinful and for *Makruh Tahrimi* acts. Whether the *hurmat* (prohibition) is based on *Qat'i or Zanni* proofs is of no benefit for Muslims who understand the meaning of Divine Punishment and the Fire of Jahannum. The ultimate effect of committing *Haraam* as well as *Makruh Tahrimi*, is the Fire of Jahannum. Our Fuqaha state this fact explicitly and we have already mentioned this earlier.

If for a short while it is accepted that the *hurmat* of women cutting their hair is structured on *Zanni dalaail*, in which way is this a consolation for the perpetrator of the prohibited act? And what does the deviate actually hope to establish by his argument of *Qat'i and Zanni*? He is only bent on misleading people and indicating to them the path of Jahannum. Rasulullah (sallallahu alayhi wasallam) said:

❖ *I fear for my Ummah the Aimmah-e-Mudhilleen.* ❖

They are the so-called ❖ scholars' and hopeless ❖ mujtahids' who mislead the community with baseless and devious interpretation which results in the abrogation of even Qur'aanic and Ahaadith Nusoos.

Let the deviate ask his Ustaadh, Hadhrat Maulana Saeed Palanpuri Sahib to explain why he uses the word **Haraam** and **Qat'i Prohibition** for the prohibition of hair-cutting for women. We shall refreshen the mind of the deviate on the Fatwa of his Ustaadh:

❖ ***Therefore, it is prohibited for a woman to cut the hair of her head. Shaving the head or cutting the hair is haraam for a woman. (Citing Shaami, he further adds): If she cuts her hair, she has sinned and is accursed. It is Qat'an unlawful to shorten the hair according to the fashion which is in vogue nowadays, neither for little girls nor for widows. And Allah is well aware of the thief lurking in the heart.*** ❖

(Ambiyaa ki Sunnate, Pages 96 and 97)

It will serve the deviate good to debate this issue with his Ustaadh. It matters not whether the prohibition is *Qat'i or Zanni*, there is no error in describing this prohibition with the term *Haraam*. No ordinary layman will accept that all the Fuqaha and Aimmah-e-Mujtahideen from the time of Imaam Abu Hanifah (rahmatullah alayh) were in error for describing to *Makruh Tahreemi* as *Haraam*.

On the question of *Ijma'* we have already, earlier on, explained that there exists *Ijma'* on the

prohibition. We have mentioned the explicit statement of Maulana Zafar Ahmad Uthmaani. We have also mentioned the fact that there is no recorded difference of opinion on this mas'alah and that there exists unanimity among all our Senior Ulama on the prohibition of hair-cutting for women. Furthermore, while the deviate is at pains in his attempt to 'prove' the non-existence of *Ijma'*, he has miserably failed to produce any explicit statements of any of the Fuqaha of any Math-hab on his claim of permissibility of the repugnant act of women cutting their hair.

CONTEMPORARY ULAMA?

Commenting on the views of contemporary Ulama, the deviate says:

◆ A few days after the appearance of my article there appeared on the internet a fatwa by Mufti Muhammad Taqi Uthmaani. It is my good fortune that my own view was fully in harmony with the view of Mufti Taqi. Mufti Taqi needs no introduction as a Hanafi faqih and muhaddith of the highest rank◆◆..◆ Earlier Shaikh Abd al-Aziz ibn Baz, the late grand mufti of Saudi Arabia had issued a similar fatwa.◆

We are sure that the deviate is sadly disappointed to learn that Hadhrat Mufi Taqi Uthmaani Sahib has distanced himself from the internet 'fatwa'. We have reproduced his full explanation of what he had actually said. (See page 17 & 18). In fact, Mufti Taqi Sahib became apprehensive when he saw the name of the Shaikh in the question posed to him. Hence, Mufti Taqi Sahib says in his clarification:

◆ Especially after reading the question once again, I noticed the citation from Shaikh Abdullah which might create misunderstanding◆◆◆.◆

The deviate should now understand and concede the unanimity in the ranks of at least the Hanafi Ulama of recent times and of the present time, if he has chosen intransigence in regard to his refusal to acknowledge the *Ijma'* of the Ummah on this question.

We also advise him to *revisit* the kutub of *Usul Fiqh* and to enlist the aid of his noble Ustaadh in the endeavour to understand the law of *Ijma'* and its ramifications. He will then understand that technically, every *Ijma'* is not based on *Dalaail Qat'i*. There are kinds of *Ijma'* which are based on *Zanni Dalaail*. If a need arises for further refutation of the deviate, this issue will be elaborated on, Insha'Allah.

HADITH CRITICISM

The deviate only succeeds in unnecessarily darkening pages by his futile and meandering exposition of what he terms 'hadith criticism'. However, in his attempt to divert from the topic of contention, he says:

◆ The seeds of this system (i.e.. Determining the authenticity of Hadith) were sown in the Qur'an and the Sunnah of Nabi sal-l allahu alayhi wasallam, and principles drawn from these sources were applied initially by the Sahaabah, subsequently by the Tabiun, and then by succeeding generations. ◆

He further acknowledges that:

◆ *The great mujtahid imams such as Imam Abu Hanifah, Imam Malik, Imam ash-Shafi'i and Imam ibn Hanbal contributed as much to the development of this science as did the muhaddithun such as Shu'bah* ◆ ◆ ◆

◆ *This system developed and perfected by the earlier authorities* ◆ *which includes the great mujtahid imams* ◆ *could be readily applied to the hadith legacy by the muhaddithun of the 3rd century. Their work was thus nothing but a continuation and fruition of the work of their predecessors.* ◆

Firstly, we refer all honest and unbiased readers to our discussion, *THE UTILITY OF THE MUHADDITHEEN*, in our earlier book, *The Female's Hair*. It is futile to reproduce the full discussion here. Nowhere in our discussion will anyone find one word of denigration of the illustrious Muhadditheen. The primary aim of our discussion centreing on the Muhadditheen, is stated clearly in our book. There we mentioned:

◆ ***This treatise has only highlighted a fact which most Ulama too have become unaware of. That crucial and vital point is that the Hadith classifications may not be cited in negation and refutation of the ahkaam of the Shariah such ahkaam on which the Fuqaha have issued their Fatwa. This treatise has endeavoured to show that the Mustadallaat of the Fuqaha are all authentic regardless of the categories to which the later Muhadditheen have assigned these Mustadallaat.*** ◆

From what we have said here, any level-headed Muslim who does not have a rabid desire for being proclaimed a mujtahid, will understand that:

- The Tabieen and Tabe Taabieen Aimmah Mujtahideen such as Imaam Abu Hanifah (rahmatullah alayh) and Imaam Maalik (rahmatullah alayh) who appeared more than two centuries before the later Muhadditheen, were the repositories of the Shariah.
- It were only these illustrious Fuqaha who had formulated the *Usul* (Fundamental Principles) of Fiqh. Only they had systematized and codified the Shariah. The later Muhadditheen had absolutely no role in this super-human task for which the Jamaat of Fuqaha was specially created by Allah Ta'ala.
- The finalisation of the process of codification and systematization of the *Ahkaam* were accomplished during the age of these illustrious Fuqaha by the Fuqaha themselves, not by the later Muhadditheen who were nowhere near to the pedestal of Fiqh occupied by the early Fuqaha whose Asaatizah (Ustaadhs) were either the Sahaabah or the Taabieen. While all the Muhadditheen were the students of the early Aimmah through a chain of intermediaries, the Fuqaha of the early era were Muhadditheen of outstanding calibre, second to none. In fact, the Aimmah-e-Mujtahideen were greater Muhadditheen than Imaam Bukhaari (rahmatullah alayh)

and others. However, since it was not their divinely imposed function to gather and compile all the Ahaadith, they concentrated on their role of codification of the *Ahkaam of the Shariah*. It is for this reason that they are not famous for being Muhadditheen. But the notion that a man can be a Mujtahid without being a Muhaddith is entirely erroneous.

- By the time the later Muhadditheen had appeared, the entire Structure of the Shariah was already completed, hence the Muhadditheen never ventured into this domain. They had a different role to act in.
- Thus, the Hadith classification of the later Muhadditheen does not affect the validity of the *Ahkaam* which the Fuqaha had formulated on the basis of Ahaadith which had reached them. It is inconceivable that *masaail* which the entire Ummah had accepted and authenticated by innumerable Fuqaha, be cancelled on the basis of Hadith classification which developed centuries later regardless of the fact that the ♦seeds of this system were sown in the Qur'an and the Sunnah♦.♦ The Aimmah Mujtahideen had nurtured and developed those ♦seeds' and had perfected the system adequately enough for their purposes of formulating the *Ahkaam* of the Shariah.
- The Aimmah Mujtahideen were fully qualified and equipped to determine the authenticity of Hadith narrations which reached them. It is therefore highly erroneous to submit the *Hadith Mustadallaat* of the Fuqaha to the scrutiny of the later Muhadditheen, and then to commit the capital blunder of attempting to revoke the *Ahkaam* of the Shariah if it be found that the *mustadal* of the Faqeeh or of the Imaam is a Hadith classified as *Dhaeef, Mursal, etc., etc.*, by Imaam Bukhaari (rahmatullah alayh).

The deviate has acknowledged that the great Mujtahid Imaams had played a vital role in determining the authenticity of Ahaadith and that they had ♦contributed as much to the development of this science as did muhaddithun such as Shu'bah♦..♦

After the compilation of the Hadith Books by the great Muhadditheen of the later period, was there a system among the Fuqaha of the Four Math-habs to submit the *Ahkaam* of the Shariah to the Hadith classification of the later Muhadditheen on *Masaail* which had already been formulated during the time of Imaam Abu Hanifah, Imaam Abu Yusuf and Imaam Muhammad, for example? Are there any examples of this imagined reviewing of the *Ahkaam* on which there existed two centuries of *Ijma'* by the time the Hadith compilations appeared? Did the later Fuqaha cancel out any *Fiqhi or Shar'i hukm* on the basis of the classification of Hadith by the later Muhadditheen? After the age of the Aimmah-e-Mujtahideen, there was no reviewing of the *Ahkaam* in the light of the Hadith compilations of the later Muhadditheen.

If centuries later, there appeared some semi-Muqallids or those who inclined heavily towards freelancing, then it should be understood that their views are of no significance. And, in relation to the multitude of deviates who have mushroomed in this age, it can only be said that they are the most ludicrous specimens of imagined ♦scholarship'. Their kuffaar university degrees never qualify them to speak on any topic of the Shariah. It is best for them to reflect on their own condition of Imaan. Truly, they hover on the brink of the pit of Jahannum.

It is quite reasonable and acceptable if a Faqeeh who appeared after the compilation of the Hadith books, utilized the facilities of the Muhadditheen on a *Fiqhi mas'alah* for which there is no ruling in the Shariah.

Ahaadith which are employed as *mustadallaat* for new issues on which the Fuqaha are silent, have to be subjected to the rulings of the Muhadditheen. Thus, the utility of the Muhadditheen's classification is for posterity. It is of no benefit in so far as the *already formulated Ahkaam of the Shariah* are concerned..

It is inconceivable that thousands of Fuqaha after the compilation of the Hadith Books remained ignorant of the contents and did not understand the utility of these works, hence they adhered to the verdicts of their Imaams of the respective Math-habs they followed. How come that great Fuqaha in every age accept as a *mustadal* a hadith which the Muhadditheen brand as *dhaeef*? Were all the Fuqaha, including the great luminary of the Indian subcontinent, Maulana Abdul Hayy whose knowledge in Fiqh, etc. was phenomenal, ignorant of this 'principle'? Did they not understand that if the *mustadal* of the early Fuqaha is 'weak' and 'unreliable', they had to reject it as well as the Shar'i *hukm* based on the spurious hadith? Is it only the deviate of this time who has understood this hidden 'truth'?

Did any Faqeeh or Aalim, besides deviated ghair muqallideen who set themselves up as cheap 'mujtahids', ever criticize the illustrious Fuqaha or reject their *mustadallaat*? At this juncture it is imperative to point out that while the deviate lauds much accolades on Maulana Abdul Hayy, the Akaabireen do not accept the Maulana as an authority for the simple reason that Maulana Abdul Hayy was on the verge of deviating from Siraatul Mustaqeem by renouncing the Garland of Taqleed. But, Alhamdulillah, as Hadhrat Hakimul Ummat Maulana Ashraf Ali Thaanvi states, the Maulana was saved from casting himself into destruction and into the abyss of 'freelancing' (*Admut Taqleed*) after he was convinced of his folly by one relatively 'small' Maulana Sahib. Thus, Maulana Abdul Hayy's adverse comments on the early Fuqaha are of no consequence. The criticism which some of the later *Mukharrijoon* (Hadith Examiners and critics) levelled against some of the *riwaayat* which are found in the Fiqh kutub has been adequately refuted by the Ulama of the Ahnaaf hence such criticism is of no substance and does not detract from the authenticity of the narrations contained in these authoritative Works of the Fuqaha.

Besides this, it will, Insha'Allah be shown that even Maulana Abdul Hayy has accepted as authentic such *mustadallaat* of the Fuqaha which the deviate rejects and brands as spurious. Since this exercise pertains basically and only to the *hair mas'alah*, it is necessary to confine the discussion to this particular issue so as not to lose sight of the primary aim. But the many diversions the deviate has created for concealing his inability to cite narrational evidence for his claim of the permissibility of hair-cutting for women, constrains us to respond to his diversionary tactics which are designed to dupe people and to distract them from the original *mas'alah* of contention.

Any sensible person, provided he is unbiased, will not infer from our earlier book on the Hair issue that we had even alluded to the existence of ❖*dichotomy between the mujtahid imams of the first two centuries, and the system of hadith criticism as used and applied by the muhadditheen such as Imam Bukhari.*❖ We had tendered a simple, rational and quite acceptable position, namely, that the *Ahkaam* of the Shariah formulated by the early Fuqaha cannot be subjected and submitted to scrutiny on the basis of the Hadith classification of the later Muhadditheen. If someone reads or imagines ❖*dichotomy*❖ in this statement which all the Ulama and Fuqaha uphold, then there is something drastically intemperate in his understanding of the sciences of the Shariah. Our discussion, *The Utility of the Muhadditheen*, in our earlier book is sufficient to dispel this fallacy of the deviate.

Now let us consider the following lie and deliberate misinterpretation of the deviate who says:

❖*The objector's delusion of dichotomy arises from the fact that he perceives this continuation as an aberration, from which point of departure he has proceeded headlong into a denial of the retrospective value and relevance of the work of the muhaddithun, admitting for them only the utility of compilation and a very limited role of authentication.*❖

For the benefit of ordinary readers he should have explained what exactly he means by ❖denial of the retrospective value ❖❖❖. This is another ploy to deceive people who do not understand head or tail of what is being discussed. Let us clarify for those who do not understand, what exactly the deviate is saying. He says here that we have in general denied the value and relevance of the Muhadditheen's work even after it has been established that a ruling has been based on a *dhaeef or maudhoo' (Weak or Fabricated)* hadith. He has not qualified his statement. Rather, he has made a sweeping statement for which he cannot produce any substantiation. The purport of what the deviate has alleged here is that if today someone such as the Ahl-e-Bid'ah (and he is included among them) formulates a fatwa, e.g. moulood is Sunnat, and the ❖mufti' cites ahaadith to substantiate his fatwa, then even after some time has lapsed if someone discovers from the works of the Muhadditheen that the *mustadallaat* of the Bid'ati mufti comprise of fabricated narrations, then in terms of what we have claimed in the *Female Hair* book, the *baatil* cannot be challenged in view of the *denial of retrospective value and relevance* principle. But this is blatantly false.

What is correct is that in relation to the Aimmah Mujtahideen and illustrious Fuqaha who preceded the age of Hadith compilation, the imagined retrospective value and relevance of the work of the Muhadditheen is not accepted. In other words, the Hadith classification of the later Muhadditheen can never be employed to abrogate the *Ahkaam* of the Shariah in both the *Usool* and *Furoo'* dimensions. If there was any scope for the operation of a retrospective principle in relation to the Aimmah-e-Mujtahiddin as the deviate claims, it would have been employed by all the Fuqaha of the *Mutakh-khireen* era.

The deviate is not a Mujtahid. He is not qualified to formulate *Usool* (Principles). His principle of ❖retrospective relevance❖ is rejected with contempt. Leave alone the principles, he lacks the ability and qualification for even issuing *fatwa* on contemporary developments which did not even exist during the age of the Fuqaha. The claptrap he has written is ample testimony for this.

In short, the thrust of what we are saying is: Regardless of all the devious arguments of the deviate, he simply has no right whatsoever to issue a stupid fatwa declaring hair-cutting for women permissible. He has no right to issue verdicts which abrogate the Rulings of the Fuqaha. And, he has no right to submit the *Ahkaam* of the Shariah for review on the basis of the classification of the Muhadditheen. That era has long ago passed by. Only the Mujtahideen were qualified to differ among themselves. The Muqallid has no right to set himself up an adversary of the Mujtahideen

Then the deviate makes another false claim by saying that we admit for the Muhadditheen only the utility of compilation and a very limited role of authentication. Anyone who has read our discussion, *THE UTILITY OF THE MUHADDITHEEN* in our earlier book, will be convinced of the falsehood which the deviate is perpetrating. It is a grand lie to allege that we had confined the utility of the Muhadditheen to only compilation and a ❖very limited role in authentication❖. Anyone who has an interest in the truth should read carefully our discussion in our earlier book. There is no need to repeat it here.

DETERMINANT OF AUTHENTICITY

We reiterate the claim that the authenticity of the Ahaadith which constituted the *mustadallaat* of the Aimmah-e-Mujtahideen cannot be and were not determined on the basis of the Hadith Compilations of Imaam Bukhaari, Imaam Muslim and the other Muhadditheen. It is absurd to even suggest that the Compilations and Classifications of these Muhadditheen who were not even born during the age of *Ijtihad* have to be the criterion for determining the authenticity of the Ahaadith employed by Imaam Abu Hanifah (rahmatullah alayh) as the basis for his formulation of *Ahkaam*.

Undoubtedly, the Rulings of the early Fuqaha and Mujtahideen are the determinants of the authenticity of the Ahaadith they had accepted as the basis for their Rulings.

A Hadith which Imaam Abu Hanifah, for example, used as his basis, will be authentic regardless of what category the later Muhadditheen had assigned to it. It is quite possible that by the time the Hadith reached the later Muhadditheen centuries afterwards, weak links in the chain had developed. But this development does not detract from the authenticity of the Hadith claimed by the Mujtahid, unless, of course, the Mujtahid himself had made *Rujoo'* (retracted). And, after retraction by the Mujtahid it is unlawful to labour in ignorance and continue to monotonously attribute the acceptance of the defective narration to him in the way the deviate conducts himself

by attempting to assail Imaam Abu Hanifah on the *nabeez* (date-water) mas'alah.

Regarding the *nabeez* issue, the deviate writes:

❖ *Imam Muhammad ibn al-Hasan, the other student of Imam Abu Hanifah too, does not seem to have regarded every hadith which his teacher used to base masail upon, as authentic. The hadith of laylat al-jinn upon which Imam Abu Hanifah based the permissibility of using the nabidh of dates for wudhu, was discarded by Imam Muhammad on account of the defect of idtirab.* ❖

This is another attempt to deceive and it is a veiled criticism by the deviate against the illustrious Imaam Abu Hanifah (rahmatullah alayh). Firstly, the difference on this issue and on many other questions with Imaam Abu Hanifah, is between great Mujtahids. Imaam Muhammad is not in the category of the deviate. He had every right to differ with his Ustaadh since he himself was an acknowledged Mujtahid of the highest calibre notwithstanding the fact that he was the Muqallid of Imaam Abu Hanifah (rahmatullah alayh) in the *Usool* formulated by the Imaam.

Secondly, it appears that the deviate does not know Imaam Muhammad's view on the issue of making wudhu with *date nabeez*. According to Imaam Muhammad if no water other than *nabeez* is available, then in addition to making Tayammum, wudhu should be made with the *nabeez*. Now, if the *idhtiraab* in the Hadith was of a degree to warrant its discardence, then what impelled Imaam Muhammad to adopt the ruling of wudhu with *nabeez* in addition to Tayammum? If the Hadith was unfit for a basis, it will logically follow that the ruling should be only Tayammum in the absence of water. It is clear that Imaam Muhammad did not wholly discount the Hadith either because he was in doubt or because the *idhtiraab* was eliminated by other stronger chains of narration of the very same Hadith or of similar Ahaadith.

Thirdly, it is a well-established and recorded fact that Imaam Abu Hanifah made *Rujoo'* of his *fatwa* on this issue. If the deviate is interested to know why Imaam Abu Hanifah retracted his earlier view, then he may refer to *I'laaus Sunan* which elaborately discusses this *mas'alah* over 12 pages.

Fourthly, it is not only Imaam Abu Hanifah whose view is permissibility of making wudhu with *nabeez*. It was the view of senior Sahaabah as well. Refer to *I'laaus Sunnan* for the full discussion.

Fifthly, mere *Idhtiraab* in a single chain of narration does not relegate that Hadith into the dustbin as the deviate implies. Consider the following *Sanad* : Abu Bakr Shaafi'i narrates from Muhammad Bin Shaathaan who narrates from Muallaa (Ibn Mansur) who narrates from Muaawiyah who narrates from Hajjaaj who narrates from Abu Ishaq who narrates from Harith who narrates from Hadhrat Ali (radhiyallahu anhu) that he did not see anything wrong with wudhu with *nabeez*.

(*Daaruqutni*)

❖ All its narrators are *thiqaat* (reliable and authentic), except that he said: ❖ Proof will not be taken from the hadith of Hajjaaj Bin Irtaad. ❖ I say: ❖ Muslim narrated from him in his *Saheeh*. Ahmad (Imaam Hambal) said: ❖ He was among the *Huffaaz* (of Hadith) ❖. Shu'bah said: ❖ Record (*Ahaadith*) from him and from Ibn Ishaq, for both of them are *Haafiz* (of Hadith). ❖ (*T'Laas Sunan*)

This is not the end of the story of the authentication of this Hadith by the Muhadditheen.

In spite of the Hadith being 'defective' according to some, another dozen authorities authenticate it. The disease in unqualified deviates who imagine themselves to be mujtahideen and muhadditheen is that their defective 'research' leads them to believe that a certain Hadith is fit for dumping in the trash-bin. Maybe one or two hadith investigators' like Ibn Hazam and Ibn Jauzi, condemned a specific *sanad*. Now if that particular narration goes against the grain of the proofs of the deviates, they accept as 'wahi' what such investigators disseminate. In their ignorance they fail to realize that their 'research' is not a true research. Their defective 'research' suffices only for satisfying their kuffaar university mentors who are all the products of orientalist influence. While their defective 'research' acquires for them kuffaar university certificates, it also paves the path leading to Jahannum. Invariably, these kuffaar university mutants, especially if they are molvis and shaikhs who pursue the satanism in which universities excel, become intoxicated with a sense of extreme false pride. They believe that they are not only on par with the Aimmah-e-Mujtahideen, but excel them in every branch of Shar'i Uloom. May Allah Ta'ala protect us all from such terrible spiritual darkness Hadhrat Faqih Abu Laith (rahmatullah alayh) said that a man who advertises his *ilm* (like these modernist deviates), and destroys his *amal* (i.e. he does not practise in accordance with the knowledge he has acquired), the **la'n**at of Allah descends on him. The one who has acquired knowledge for the sake of disputing with the Seniors and criticizing them, even if the criticism is veiled and subtle as the deviate is guilty of, will not smell of the fragrance of Jannat. This is what Rasulullah (sallallahu alayhi wasallam) said. The deviate should take note and consult with his august Ustaadh before **Maut** overtakes him.

In his reckless audacity and total disregard for the superior and lofty rank of Imaam Abu Hanifah (rahmatullah alayh), the deviate alleges:

❖ Imam Muhammad ibn al-Hasan, the other student of Imam Abu Hanifah, does not seem to have regarded every hadith which his teacher used to base masail upon, as authentic. ❖

Besides this exhibition of gross and compound *jahaalat*, the deviate does not have the faintest idea of the lofty rank which Imaam Abu Hanifah occupies in the realm of Hadith and in every branch of *ilm* related to Hadith. There is no need to even make reference to the loftiest of lofty rank Imaam A'zam occupied in the Field of Fiqh ❖ leave aside *Taqwa and Wara'*. It was precisely for the loftiest ranks which Imaam Abu Hanifah occupied in all branches of Shar'i Uloom that a Faqeeh of the calibre of Imaam Tahaawi bid farewell to the Shaafi'i Math-hab and fettered himself to the Math-hab of Imaam A'zam Abu Hanifah (rahmatullah alayh).

Is it possible for a Mujtahid of Imaam Muhammad's calibre to remain a muqallid of a teacher who not only narrates ❖unauthentic❖ narrations, but uses them as basis for the formulation of *Ahkaam*? The deviate really does not know what he is trumpeting. The Hadith on *nabeez* accepted by Imaam Abu Hanifah is not unauthentic. As mentioned earlier, the deviate should refer to *I'laaus Sunnan* and other kutub before he blurts out his drivel. The Hadith in question is corroborated by other narrations. Thus, collectively the *idhtiraab* in the one *sanad* is eliminated.

It is inconceivable that Imaam Muhammad entertained the blatantly false notion which the deviate claims. While one Mujtahid has every right to differ with another Mujtahid, be he the Ustaadh, the deviate does not have any such right to differ with even contemporary Ulama who narrate what is confirmed in the Shariah. His vile suggestion and the implication of incompetency of Imaam Abu Hanifah in the field of Hadith authentication has to be dismissed with revulsion and contempt.

The deviate seeks to bolster his ❖retrospective relevance' theory with differences of Mujtahid Imaams, hence he says:

❖A perusal of Imam ash-Shafi'i's disputations in Kitab al-Umm reveals how frequently he rejected ahadith upon which other mujtahid imams had based rulings, for no reason other than the lack of authenticity in those ahadith.❖

Firstly, the difference stated here is between Mujtahideen. It is not a case of a non-entity and a deviate clashing with a Mujtahid. Secondly, the difference which Imaam Shaafi'i (rahmatullah alayh) had was not based on the deviate's fallacious ❖retrospective relevance' idea. Imaam Shaafi'i did not have to consult Saheeh Bukhaari or Saheeh Muslim to ascertain the authenticity of a Hadith. It is therefore stupid to cite the disputation of Imaam Shaafi'i as proof for the idea of ❖retrospective relevance'. It is ridiculous to expect that the deviate has the authority to examine, criticize and refute Ahaadith on the basis of his idea of ❖retrospective relevance❖, thereby abrogating laws of the Shariah which have been accepted by the Ummah since the earliest times.

If according to Imaam Shaafi'i, a Hadith was perhaps unauthentic, then to other authorities it was authentic, hence they continued to cite the Hadith in question as their *mustadal* for the Shar'i *hukm*. The differences and disputations of the Mujtahideen among themselves do not constitute a licence for the deviate to blurt out just anything which rushes to his mouth. It is superior that thorns develop in a man's tongue before he starts to wag it against the illustrious Heirs of Rasulullah (sallallahu alayhi wasallam). There is absolutely no support for the deviate's ❖retrospective relevance' idea in the differences of the Mujtahideen.

As an example to bolster his fallacious principle, he cites the following imagined ❖incompetency' of Imaam Abu Hanifah (rahmatullah alayh):

❖As an example would be the hadith upon which Imam Abu Hanifah formulated the ruling that *riba* is permitted between Muslims and non-Muslims in *dar al-harb*. Imam as-Shafi'i quotes Imam Abu Yusuf as saying that Imam Abu Hanifah permitted *riba* under these circumstances on account of a hadith ❖which some shaykh narrated to us from Mak-hul❖❖❖❖. Imam Shafi'i remarks about this hadith:❖This (hadith) is unfounded, and hence unauthoritative.❖

While Imaam Shaafi'i being a Mujtahid had the right to differ with Imaam Abu Hanifah, it does not follow that the former's claim of unauthenticity is the last word and in the category of *Wahi*. If Imaam Abu Yusuf differed with his Ustaadh, he too had this right since he was a Mujtahid of lofty rank. But this does not entitle the deviate to seek to promote himself to the level of the Mujtahideen. In spite of Imaam Shaafi'i's contention, the Hanafi Fuqaha very ably substantiated the authenticity of the Hadith in question even after becoming aware of Imaam Shaafi'i's criticism.

In *I'laa'us Sunan* there is a 24 page discussion on this issue, and the viewpoint of Imaam Abu Hanifah is fully vindicated. Briefly, the position is as follows:

❖The Author states in *Al-Mabsoot*: It is narrated from Mak-hool from Rasulullah (sallallahu alayhi wasallam) that he said: 'There is no Riba between Muslimeen and the Ahl-e-Harb in Daarul Harb.'

Although this Hadith is Mursal, Mak-hool is a Faqeeh and Thiqah. A Mursal narration from one of his calibre is accepted.. It (this Hadith) is the proof of Imaam Abu Hanifah and Muhammad❖❖.

Imaam Tahaawi narrates from Ibraaheem Nakh'i that he said: ❖There is nothing wrong (in selling) one dinar for two dinars in Daarul Harb between the Muslimeen and the Ahl-e-Harb.❖ It (Ibraaheem's narration) is an excellent exposition for the Mursal narration of Mak-hool.' Imaam Abu Hanifah is not alone in what he said (regarding the *riba mas'alah*). In fact, for him there is the support among the Sahaabah and the Taabieen as well.

Verily, the statement of a Taabee in a matter which is beyond Qiyaas(logical reasoning) is in the category of Marfoo' Mursal. This is an excellent testimony for the Hadith narrated by Mak-hool from Rasulullah (sallallahu alayhi wasallam) in the Mursal class.❖

(*I'laa'us Sunnan*, Vol.14)

Commenting on the Hadith of Mak-hool, Imaam Shaafi'i (rahmatullah alayh) says:

❖This is not (i.e. this narration) substantiated, and there is no proof in it.❖

This view of Imaam Shaafi'i (rahmatullah alayh) is in the light of his principles, not on the basis of the principles of Imaam Abu Hanifah who was not the *Muqallid* of Imaam Shaafi'i who was born at about the time that Imaam Abu Hanifah departed from this earthly abode.

Allaamah Abu Muhammad Mahmud Bin Ahmad Aini (rahmatullah alayh), commenting on the statement of Imaam Shaafi (rahmatullah alayh) says:

❖ We do not accept that the narration is unsubstantiated because, most certainly, the loftiness of the rank of the Imaam (i.e. Imaam Abu Hanifah) does not dictate that he adopts for himself a view without explicit proof. Regarding Imaam Shaafi'i's statement: ❖ There is no proof in it ❖ ❖ that is in relation to him because according to his Math-hab amal is not made with Mursalaat except with the Mursal of Saeed Bin Musayyib. But according to us (the Ahnaaf), Mursal is a hujjat (proof/basis). ❖

(*Al-Binaayah*, Vol.7, page 385)

The claim of unauthenticity which the deviate has directed against this Hadith narrated by Imaam Abu Hanifah is therefore utterly baseless. Furthermore, his veiled attempt to assail Imaam Abu Hanifah by endeavouring to convey the impression that Imaam Muhammad believed that the narrations of his illustrious Ustaadh were spurious and unauthentic, is most despicable. In fact, the deviate is an extension of the orientalist conspiracy to scuttle Islam. This is the *ta'leem* they receive when they have to pursue their kuffaar doctorate degrees at kuffaar universities or such hybrid so-called Islamic institutions which are the handmaids of the cartel of orientalist.

Imaam Shaafi'i (rahmatullah alayh) did not have the good fortune to meet Imaam Abu Hanifah (rahmatullah alayh). Long after Imaam A'zam Abu Hanifah's demise, when Imaam Shaafi'i met Imaam Maalik (rahmatullah alayh), he (Imaam Shaafi'i) asked: ❖ *Did you ever see Abu Hanifah?* ❖ Imaam Maalik replied:

❖ *Yes, I saw such a man (i.e. of Ilm), that if he spoke to you about this pillar that he would make it gold, then most certainly, he will establish it with hujjat (proof).* ❖

(*I'laa'us Sunan*, Vol. 21, page 37)

Under the auspices of Hakimul Ummat Maulana Ashraf Ali Thaanvi (rahmatullah alayh), *I'laa'us Sunan consisting of 22 volumes*, was prepared by Hadhrat Zafar Ahmad Uthmaani. This entire kitaab beautifully vindicates the position of Imaam Abu Hanifah and answers all the baseless criticism levelled against the lofty integrity of this great Imaam by persons such as Ibn Hazam.

RIBA IN DAARUL HARB

The deviate has failed to understand what exactly Imaam Abu Hanifah said on this issue. The deviate alleges: ❖*Imam Abu Hanifah formulated the ruling that riba is permitted between Muslims and non-Muslims in dar al-harb*❖. This claim is baseless. Imaam Abu Hanifah did not say that riba is permissible in Daarul Harb between Muslims and non-Muslims. The deviate's lack of comprehension of Fiqhi issues led him to this conclusion.

Imaam Abu Hanifah's view is that in Daarul Harb there is no such thing as riba between a Muslim and non-Muslim. A transaction which is *faasid (corrupt)* and not permissible in Daarul Islam, does not develop in Daarul Harb. In the same way the question of riba does not arise between Muslims and non-Muslims in Daarul Harb. Since there is no riba, the question of riba being permitted does not arise. It is not a question of the permissibility or prohibition of riba in Daarul Harb. The simple fact is that in Daarul Harb there is no riba. Let the deviate refer to the Kutub of Fiqh to gain an understanding of this difference.

IMAAM TAHAAWI

In another attempt to justify his ❖retrospective relevance' fallacy, the deviate argues that Imaam Tahaawi too ❖points out the weakness in ahaadith adduced as proof by his adversaries ❖ who were mujtahid imaams.❖

The deviate is not in the class of Imaam Tahaawi who had the qualification and rank for scrutinizing the proofs of mujtahids. He too was a repository of Ijtihad. But inspite of having been a follower of Imaam Shaafi'i initially, he adopted the Hanafi Math-hab.

Furthermore, Imaam Tahaawi, inspite of his acknowledged rank among the Hanafi Fuqaha, is a third-level ranking Faqeeh who had no right to employ *Ijihad* in the *Usool* formulated by Imaam Abu Hanifah, and he never committed any such indiscretion. In addition to this, he neither had the right to employ *Ijtihad* in the *Furu-aat* (details or particular masaa-il based on the principles) in such *Ahkaam* on which there existed the *Nass* of the Aimmah Mujtahideen of the Math-hab. Regarding the level occupied by Imaam Tahaawi in the ranks of the Ulama of the Ahnaaf, the following appears in *Rasmul Mufti* of Ibn Aabideen:

❖*The Third Category (of Ulama) are the Mujtahideen in such masaail (furu-aat) regarding which there is no narration from the Imaam of the Math-hab. (In this category are Mujtahideen such as Khassaaf, Abu Ja'far Tahaawi, Abul Hasan Karkhi, Shamsul Aimmah Halwaani, Shamsul Aimmah Sarakhsi, Fakhrul Islam Bazdawee, Fakhruddin Qaazi Khaan and others. Verily, they do not have the ability to oppose the Imaam, neither in the Usool nor in the Furoo'. However, they formulate such ahkaam on which there is no nass from the Imaam. (And the formulation of the masaail) is in accordance with the principles which the Imaam had established, and in terms of the rules which were expounded by him.*❖

Now when this is the state of great Mujtahid Fuqaha such as Imaam Tahaawi and the illustrious Author of Hidaayah, what comment will be appropriate for the deviate of this age?

The deviate should stop thinking that he is in the category of Aimmah such as Baihaqi, Burhaanuddin Margheenaani (Author of Hidaayah) and others of this lofty class of Fuqaha and Muhadditheen. They had the right to examine and point out ❖defects' in the narrations of the other Math-habs. But they did so in the capacity of *Muqallids*, not as independent Mujtahids. So, when the illustrious Author of Hidaayah, claimed that certain narrations of Imaam Shaafi'i and Imaam Maalik were ❖unauthentic', it was not in denigration of the integrity and lofty rank of these great Imaams. The claim was made purely on the basis of the principles of the Hanafi Math-hab which Imaam Margheenaani followed. Being the Muqallid of Imaam A'zam, it was his obligation to substantiate the proofs of the Hanafi Math-hab, and in this process the principles of Imaam Abu Hanifah are utilized, not the opinion of the *Muqallid*.

From the foregoing discussion it will be clear that when Mujtahideen of the calibre of Imaam Burhaanuddin Margheenaani (Hidaayah) and Imaam Tahaawi were not qualified to ❖revisit' and review the masaa'il on which *nass* of Imaam Abu Hanifah existed, then the question of the applicability of the fallacy of the ❖retrospective relevance' idea of the deviate simply has no relevance and no validity.

(Tasbeeh of the Malaaiikah in the Heavens)

?????? ??? ???? ??????? ??????? ? ???? ??????? ???????????

❖ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses .❖

THE NASS OF THE AHNAAF ON THE HAIR ISSUE

In a conspicuous display of *jahaalat*, the deviate alleges:

❖But even if one had for argument's sake to assume that a mujtahid's appropriation of a hadith as proof renders its authenticity unassailable, it will first have to be proven that the mujtahid Imam did in fact use that hadith as proof. In the case in question there is to the best of my knowledge, no basis whatsoever for assuming that the prohibition of cutting the hair for females is traceable to Imam Abu Hanifah. Indeed it is stated in *ad-Dur al-Mukhtar* by Ala ad-Din al-Haskafi (died 1088 A.H.), and he ascribes it to al-Mujtaba, a commentary of al-Quduri's *Mukhtasar* by Mukhtar ibn Mahmud ibn Mahmud az-Zahidi (died 658 A.H.). But neither the personality of the author of this last mentioned work, nor the nature of the book itself generates the confidence needed to ascribe this view correctly to Imam Abu Hanifah.❖

The prohibition is traced to a much higher level of authority than Imaam Abu Hanifah (rahmatullah alayh) -- That Authority is Rasulullah (sallallahu alayhi wasallam) whose Ahaadith on the hair issue have been authenticated by the *Talaqqi Bil Qubool* principle of ALL our Fuqaha and Ulama, including Maulana Abdul Hayy Sahib as it will be shown later, Insha'Allah. So assuming that Imaam Abu Hanifah was silent on the issue, it is no cause for surprise. Perhaps the illustrious Imaam felt no need to comment on this mas'alah in the same way as there is silence from him on innumerable masaail. Perhaps he did speak on this mas'alah, hence we do find it recorded in the Fiqh books of the Ahnaaf in general. To date, the earliest such Kitaab which has come to our attention, and in which the prohibition is explicitly stated, is *Al-Multaqat* by Imaam Naasiruddin Samarqandi (died 556 A.H.).

The Author of *Al-Multaqat* was not a self-taught *jaahil* such as the modernist juhhaal and deviates. He was not the product of some kaafir university. He was a **Sanadi Faqih** whose *Silsilah* links up through Imaam Abu Hanifah to Rasulullah (sallallahu alayhi wasallam) . Neither the illustrious Author of *Al-Multaqat* nor the other Fuqaha sucked *masaail* out of their thumbs in the way the modernist deviates do. It is therefore found that the same prohibition and curse which Imaam Samarqandi mentions in *Al-Multaqat*, is narrated by Najmuddin Zaahidi a century later in his *Al-Mujtaba* . Then four centuries afterwards, Haskafi narrates it in *Ad-Durrul Mukhtaar* . Thereafter, all the Ahnaaf Ulama cited the same prohibition and curse in their books. The *mas'alah* was transmitted down the centuries by way of authentic narration from one *Sanadi Faqih* to another until it reached us.

Just as the Author of *Al-Multaqat* acquired the rule of the prohibition from above ♦ from his seniors, so too did Najmuddin Zaahidi acquire the knowledge of this particular prohibition from his seniors ♦ his Asaatizah who were all *Sanadi Fuqaha*. It is therefore a demonstration of gross ignorance for anyone to demand that we prove that Imaam Abu Hanifah (rahmatullah alayh) had registered *nass* on this particular prohibition. It is sufficient for us to state the names of the great authorities of the Ahnaaf Math-hab, present and past, who made explicit reference to this *mas'alah*. The *Sanadi* authorities whom we have cited are the soundest basis for the substantiation of this prohibition.

In addition to this, all our senior Ulama of the recent past and the present day are unanimous on this prohibition and on the authenticity of the *mas'alah* as recorded in the Hanafi kutub of many centuries ago. It is only this unfortunate deviate who has ventured the despicable audacity of rejecting what the illustrious Authorities of the Math-hab proclaim with unanimity. Even Maulana Abdul Hayy on whom the deviate lauds lavish praise, and whom the deviate cites in his nefarious and abortive bids to assail the Hanafi Ulama and the *Ijma'* of the Ummah, upholds the integrity of Najmuddin Zaahidi.

Alhamdulillah, just after writing the above in regard to *Al-Multaqat* , an earlier Authority of the Hanafi Math-hab was brought to our notice. He is Shaikh Imaam Taahir Bin Ahmad Bin Abdur Rashid Al-Bukhaari who died in the year 542 Hijri. His kitaab, *Khulaasatul Fataawa*, written some decades before *Al-Multaqat*, records the prohibition very clearly: ♦ **If a woman cuts her hair, then it is incumbent on her to seek Forgiveness from Allah Ta'ala.** ♦ (Vol.2, Page 52)

In the satanic attempt to dismiss the authenticity of the *fiqhi masaail* which Ad-Durrul Mukhtaar ascribes to Najmuddin Zaahidi, the deviate tries to lean on what Maulana Abdul Hayy had commented. He (the deviate) thus states:

❖ Mawlana Abd al Hayy remarks about him (i.e. Najmuddin Zaahidi) that he was a Hanafi of Mu'tazili persuasion in faith, and that his book al-Mujtaba contained many strange masa'il. ❖

Firstly, taking an audacious chance, the deviate claims that Maulana Abdul Hayy Sahib assailed Najmuddin Zaahidi in his book, *Al-Fawaaidul Bahiyyah*. Taking a blind and a false swipe against Allaamah Najmuddin Zaahidi, the deviate alleges:

❖ *Mawlana Abd al-Hayy remarks about him that he was a Hanafi of Mu'tazili persuasion in faith, and that his book al-Mujtaba contained many strange masa'il.* ❖ (*al-Fawaaid al-Bahiyyah*, p.213)

In *Al-Fawaaidul Bahiyyah*, Maulana Abdul Hayy Sahib, on the contrary, lauds considerable praise on Allaamah Najmuddeen Zaahidi. However, he also records the criticism which others made of him. But the deviate attributes to Maulana Abdul Hayy the criticism of Ibn Wahbaan and others to whom Maulana Abdul Hayy refers in his *Al-Fawaaidul Bahiyyah*. Maulana Abdul Hayy writes in his *Al-Fawaaidul Bahiyyah*:

❖ *He was of the great Aimmah and of the most excellent Fuqaha. He was a kaamil (perfect) Aalim. He had a perfect comprehension in difference (of masaail) and in the Math-hab., and his ability in speech and debate was phenomenal.* ❖

Maulana Abdul Hayy after confirming the lofty *Ilmi* status and integrity of Allaamah Najmuddin, records the criticism of Ibn Wahbaan. He thus says:

❖ Except that Ibn Wahbaan and others said that he was of Mu'tazili I'tiqaad and of Hanafi furoo', and that his books are unreliable if no confirmation is found for it from other sources ❖❖❖ (*Al-Fawaaidul Bahiyyah*)

While the charge of 'unreliability' is levelled against the books of Najmuddeen Zaahidi by Ibn Wahbaan and others, Maulana Abdul Hayy Sahib states with absolute clarity and emphasis:

❖ *Verily, I studied Al-Mujtaba, the Sharah of Qudoori and Quniah and I found them (i.e. Al-Mujtaba and Quniah) encompassing wonderful masaail, and in the elaboration of benefits I found them adequate.* ❖

(*Al-Fawaaidul Bahiyyah*)

It does not behove an impartial academician, a man of knowledge, an impartial critic and even a self-styled 'mujtahid', to commit the naked crime of false attributions, concealment, and selective criticism in a bid to promote his personal ideas. At least Maulana Abdul Hayy Sahib acknowledges both sides of the coin. We concede that one of his noble traits was his impartiality. Perhaps it was his impartiality being the product of his *Ikhlâas* which saved him from the vortex of the disaster of *adm-e-taqleed*.

Thus, Maulana Abdul Hayy acknowledges with glowing praise Najmuddin Zaahidi's integrity and lofty status in the Hanafi Math-hab.

Assuming that Maulana Abdul Hayy did slate and reject him as totally 'unreliable', then too this is not proof of Najmuddin Zaahidi's alleged unreliability because none of our senior Ulama who were authorities of the Shariah in their own right, endorsed such adverse comments expressed about the Author of *Al-Mujtaba*. Maulana Abdul Hayy's comments cannot be imposed on our Ulama especially when Hakimul Ummat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) has explicitly stated that Maulana Abdul Hayy Sahib was on the verge of slipping out of the fold of the *Ahlus Sunnah Wal Jama'ah* by the impending danger of abandoning Taqleed. But Allah Ta'ala saved him and bestowed His *fadh*l on Maulana Abdul Hayy. He thus remained within the fold of the Hanafi Math-hab.

Stating the *Sanad* of Najmuddin Zaahidi's knowledge, Maulana Abdul Hayy writes in his *Al-Fawaaidul Bahiyyah* : 'He acquired Uloom from the Akaabir (Fuqaha).

THE SANAD OF NAJMUDDIN ZAAHIDI

The *Sanad* (Chain) of his Asaatizah linking him directly with Imaam Abu Hanifah consists of the following Akaabir Fuqaha:

Najmuddin Zaahidi>Muhammad Bin Abdul Kareem Turkistaani>Ad-Dahkaanul Kaasaani>Najmuddin Umar Nasafi>Abul Yasar Muhammad Al-Bazdawi>Ismaaeel Ibn Abdus Saadiq>Abdul Kareem>Abu Mansur Maatureedi>Muhammad Bin Muhammad Bin Mahmud>Abu Bakr Al-Jauzjaani>Abu Sulaimaan>Imaam Muhammad Shaibaani>Imaam A'zam Abu Hanifah>Many Senior Taabieen>Numerous Sahaabah>Rasulullah (sallallahu alayhi wasallam).

This is not the only *Sanad* of qualification of Najmuddin Zaahidi. He also has another *Sanad* initiating with Naasiruddin Al-Mutrazi.

The deviate very selectively mentions only the criticism levelled against Najmuddin Zaahidi and conveniently conceals the glowing praises which Maulana Abdul Hayy, 'one of the

subcontinent's greatest luminaries❖, lauds on the deviate's victim.

Maulana Abdul Hayy further says:

❖Then, after he attained the rank of excellence and perfection (in Uloom), he journeyed to Baghdad where he debated with the Ulama and Fuqaha. Then he reached Room and resided there for some time and gave dars to the Fuqaha❖.❖

It should be abundantly clear that, Najmuddin Zaahidi, in the estimate of Maulana Abdul Hayy, was a Faqih of outstanding merit. What Maulana Abdul Hayy Sahib has said emphatically rebuts the stupid observation of the deviate, namely,

❖neither the personality of the author, nor the nature of the book itself generates the confidence needed❖.❖

This great luminary of the subcontinent has firmly spoken and stated his view regarding the personality of Najmuddin Zaahidi.

Regarding, the *book itself*, i.e. *Al-Mujtaba*, from which Allaamah Haskafi quotes, Maulana Abdul Hayy states in his *Al-Fawaaidul Bahiyyah*:

❖Verily, I studied *Al-Mujtaba*, the Sharah of Qudoori and Quniyah, and I found their scope encompassing wonderful masaail and the elaboration of the benefits adequate.❖

Maulana Abdul Hayy places his seal of approval and acceptance on *Al-Mujtaba*, and speaks glowingly of it while the deviate has abortively laboured to convey the idea that the Book is unreliable on account of the imagined ❖unreliability' of the Author. It should also be noted that Maulana Abdul Hayy does not say that *Al-Mujtaba* contains ❖strange masaail❖. He said:
❖Wonderful Masaail❖

The allegations and the false attributions of the deviate are indeed revulsive. Regarding the ❖unreliability❖ of *Al-Mujtaba*, the same Ibn Wahbaan mentioned above, says:

❖His books are unreliable as long as there is no confirmation in other books.❖

Arising from this discussion are the following salient facts:

Firstly, Maulana Abdul Hayy, in *Al-Fawaaidul Bahiyyah*, does not attribute unreliability to *Al-Mujtaba* or to any of the other books of Najmuddin Zaahidi. On the contrary, he glowingly praises the books.

Secondly, Maulana Abdul Hayy has cited Ibn Wahbaan as the critic, after he (Maulana Abdul Hayy) had lauded his plaudits on Najmuddin Zaahidi.

Thirdly, the criticism is conditional, Ibn Wahbaan himself stipulates the absence of corroboration from other sources. Thus, if corroboration is forthcoming from other kutub, the *masaail* cited by Najmuddin Zaahidi are confirmed as reliable even according to Ibn Wahbaan.

Fourthly, we do not accept that Ibn Wahbaan's criticism is a *hujjat* against the Ahnaaf Fuqaha who accept the citations from *Al-Mujtaba*, etc.

Fifthly, The acceptance of the *masaail* of *Al-Mujtaba* by Haskafi, Ibn Aabideen and all our Akaabireen without even a murmur of criticism is an excellent *DALEEL* for the reliability of the *masaail* in that kitaab.

Sixthly, if the whole kitaab is unreliable, then it will follow that credence cannot be accorded to anything recorded in *Al-Mujtaba*. But this is palpably absurd because this accepted kitaab comprises of all the *Abwaab* which all Fiqh kutub cover and the *masaail* of Tahaarat, Salaat, Zakaat, etc., etc., are in full conformity with the Hanafi Math-hab. The deviate should therefore inspect his brains before harping on just this one mas'alah of the hair for rejection to suit his *baatil* opinion of the permissibility of immoral hair-cutting for women.

Seventhly, the hair mas'alah recorded in *Al-Mujtaba*, is corroborated by Fuqaha who had appeared long before Najmuddin Zaahidi was even born. *Al-Multaqat* is a beautiful example. Imaam Samarqandi, the author of *Al-Mutaqat* strode the firmament of Shar'i Uloom a century before Najmuddin Zaahidi. *Khulaasatul Fataawa* of the Hanafi Mujtahid, Shaikh Taahir Abdur Rasheed Al-Bukhaari, appeared decades before even *Al-Multaqat*. Then to crown it all, this *mas'alah* of prohibition has so far been traced right back to Imaam Abu Bakr Al-Iskaaf who died in 333 A.H., i.e. 325 years before Najmuddin Zaahidi. For the information of the deviate this is recorded by none other than Maulana Abdul Hayy Sahib in his Fatawa. It is substantiated by citations from *An-Nawaazil*. Thus, Haskafi's reference to *Al-Mujtaba* is fully vindicated and substantiated by the authorities of the Ahnaaf, and it does not mean that this *mas'alah* of prohibition originated from Allaamah Najmuddin Zaahidi. The ridiculous claim of the deviate has to be necessarily dismissed with contempt.

Eighthly, even if Najmuddin Zaahidi was of ♦Mu'tazili persuasion', it has no relevance to the *Furoo-aat* of Fiqh which are the product of the *Usool* of the Hanafi Math-hab. To introduce Najmuddin Zaahidi's *I'tiqaadi* persuasion in the bid to denigrate and refute the entirely reliable works of this Faqih, is the consequence of gross *jahaalat* and a false notion of ijtihaad which the deviate imagines himself to be capable of. It is appropriate to mention here that there is no consensus on Najmuddin Zaahidi's alleged Mu'tazilli belief.

Ninthly, The critic of Najmuddin Zaahidi's kutub, Ibn Wahbaan conditioned the ❖unreliability' of these kutub with the absence of corroboration by other reliable sources. Therefore, if other authentic books and Ulama corroborate what is recorded in the books of Najmuddin Zaahidi, then even according to Ibn Wahbaan, the reliability of that *mas'alah* is confirmed. As far as the hair *mas'alah* is concerned, there are numerous reliable and authoritative books and Ulama, including Maulana Abdul Hayy Sahib, who corroborate the correctness of the prohibition stated in *Al-Mujtaba*. The question of ❖unreliability' thus falling away should not pose too much of a stumbling block for the deviate, if he has any respect for honesty and the *Haqq*, and if he discerns his error.

Tenthly, to clinch the argument pertaining to the false allegations the deviate makes of Najmuddin Zaahidi, we once again present Maulana Abdul Hayy's fatwa in corroboration of Haskafi's citation from *Al-Mujtaba*, and in testification of the *Ijma'* of the Ummah which has existed on the prohibition of the satanic act of hair-cutting by women. One of ❖the greatest luminaries of the Indo-Pak subcontinent, with brilliance of mind, unequalled command of fiqh and hadith, and phenomenal literary output, Maulana Abdul Hayy Sahib states, citing from various kutub:

❖It is mentioned in An-Nawaazil in Kitaabun Nikaah that Abu Bakr was asked about a woman who had cut her hair. He said: ❖Istighfaar and repentance are incumbent on her and she should not again commit (this deed).' It was said to him: ❖If she does so with the permission of her husband?' He (Abu Bakr) said (Citing a hadith): Obedience is not lawful for makhlooq (a created being) in any act which results in disobedience to The Khaaliq (The Creator, Allah Azza Wa Jal).' It was said to him: ❖Why is this not permissible for her?' He replied: ❖Because, verily, she imitates men, Verily, Nabi (sallallahu alayhi wasallam) said: ❖Allah curses males who emulate women and women who emulate males. And, because, verily, hair for a woman is in the category of beard for a man. Therefore, just as it is unlawful for a man to cut his beard so too is it unlawful for a woman to cut her hair.' It is recorded in Majmaul Barakaat: ❖A woman's tashabbuh with men is Makrooh. So it appears in Al-Kubraa and Az-Zaheeriyah.❖

The deviate may now contend that this great luminary has cited from ❖unreliable' books .

RIWAAYAH AND QAWL?

The deviate claims:

❖ In the Hanafi madhhab the term used to denote the views of Imam Abu Hanifah himself is riwayat while those of his followers are termed qawl❖.

Again the deviate displays his ignorance. Besides making this redundant claim, it is unbelievable that he who claims or implies to be a 'mujtahid' has committed this blunder. It is the other way around. Technically the term *qawl* applies to Imaam Abu Hanifah, and *riwaayat* to his Ashaab (Students). In spite of this fact, the terms are used literally for those for whom the technical meanings do not apply. For ascertaining both technical and literal use of these two terms, that they are used for both Imaam Abu Hanifah and his Ashaab, he only needs to browse through some Hanafi kitaab at random. And, for the technical meaning, he should refer to the books of *Usool* of this subject. Since his error is glaring, we shall pass by without presenting any examples, unless, of course, there arises a need.

Lest we forget, we take the opportunity of again reminding the deviate to present the names of the Fuqaha of any Math-hab who hold *the diametrically opposite view of permissibility of hair-cutting for women*. He has mentioned none. He has none to mention, hence his meandering and laborious exercises of diversion and deception, not only to dupe unwary Muslims, but to save face and to extricate himself from the whirlpool of mess he has landed himself in. He has nothing but inference. He makes one inference, then out of this inference he forges another inference, and in the process gets entangled in the mesh of the technical arguments he initiates.

Another false allegation against us is that the deviate attributes to us the claim that *all the masa'il contained in the books of a particular madhhab originated with the founder of that madhhab*. Where in our book did we make this claim? Or is it again one of the deviate's inferences? We repeatedly mention the Fuqaha and cite from the authoritative Fuqaha and our Akaabir Ulama

THE MUJTAHIDEEN WERE NOT PROPHETS?

Undoubtedly, they were not Ambiya. Nothing in our book will constrain a sensible Muslim who has no sinister agenda, to conclude that we had suggested that the Mujtahideen were Prophets. In this regard, the deviate says:

...they too, being human and not being Prophets, are not above error, as eloquently demonstrated by the fact that their closest followers and students could differ with them. There should hence be no reason aside from fanatical devotion called *ta'assub* for weaving a halo of infallibility around the great mujtahid imams.

It is not an issue of elevating the Aimmah-e-Mujtahideen to the pedestal of infallibility which is exclusive with only the Ambiyaa (alayhimus salaam) nor is it a question of *ta-assub*. It is a plain and simple issue, namely, that the deviate has no right to differ with the rulings of the Fuqaha even if these Fuqaha are not the Founders of the Mathaahib. We are only saying that the deviate has no alternative but to accept the rulings of the Fuqaha even if he believes that the *Ahkaam* which have been transmitted down the centuries by one generation of Ulama to the other, are

based on spurious narrations. Our claim is that he possesses no qualifications whatsoever to submit the *mustadallaat* which the Fuqaha have accepted and which are *mash-hoor* (well-known) and which have permeated the ranks of these great Ulama of Islam. He has no right and no qualification to oppose any *hukm* or to imagine defect in it or in its basis if there is consensus of the Ulama on it.

It does not help the *baatil* case of the deviate that he monotonously trumpets that there is no consensus on this issue. He has miserably failed to create even a dent in the *Ijma'* we have claimed. The very fact that all our Akaabir Ulama of the recent past and of the present proclaim hair-cutting for women *Haraam*, should be ample testimony for the claim of *Ijma'*. But the puny brother who has dreamt that he has achieved the pedestal of *Ijtihaad* cannot accept this *Ijma'*. He even huffs, puffs and perspires in abundance to denounce great Fuqaha who report that a woman who cuts her hair is *mal-oonah* (accursed). He labours under the lamentable idea that he possesses the capability of denouncing and refuting with his *Ijtihaad* of *jahaalat* the Fuqaha who reported the prohibition in their kutub many, many centuries ago such as Imaam Samarqandi in his *Al-Multaqat*, Shaikh Taahir Abdur Rasheed, in his *Khulaasatul Fataawa*, and Imaam Abu Bakr Al-Iskaaf as quoted by Maulana Abdul Hayy Sahib.

While the Students of the Aimmah-e-Mujtahideen had every right to dispute and differ with their Asaatizah, the deviate of this belated age of doom has no such right. He simply has to swallow his *takabbur* and bow to the rulings of the Fuqaha. It is indeed ludicrous and absurd for him to appropriate for himself the right to challenge the illustrious Fuqaha on the basis that the Students of the Aimmah had differed with their Mujtahid Asaatizah.

The *mas'alah* of prohibition has been narrated by illustrious *Sanadi* Fuqaha. This is adequate for the Muqallideen. There is no need to probe the source from whence Najmuddeen Zaahidi acquired the *mas'alah* from about eight centuries ago nor of the source of Imaam Naasiruddin Samarqandi, nine centuries ago, nor of the source of Imaam Abu Bakr Al-Iskaaf almost eleven centuries ago. The fact that they were top-ranking *Sanadi* Hanafi Fuqaha for whose Shar'i integrity Maulana Abdul Hayy, who was perhaps *the greatest luminary of the subcontinent*, vouches, should be more than adequate for the deviate.

What more *Ijtihaad* stronger' and more *Ijtihaad* authentic' *daleel* than the confirmation of the prohibition by Maulana Abdul Hayy Sahib does the deviate need?

Their (including Maulana Abdul Hayy's) *Isnaad* is the *daleel* for the veracity of the prohibition. Then the other powerful *daleel* is the acceptance of the prohibition by the Fuqaha from one generation to the other until it reached us. There is no difference recorded. The deviate may kick up much dust and blow a lot of hot air, he will not be able to maintain a smokescreen to obscure the Haqq.

The authenticity of this *mas'ala* of the prohibition of hair-cutting for women is one of the best examples of the operation of the principle of *Talaqqi Bil Qubool*. When *one of the greatest luminaries of the Indo-Pak subcontinent* who possessed *phenomenal* abilities and qualifications in the literary field, in Fiqh and Hadith, none other than Maulana Abdul Hayy Lakhnowi Sahib endorses, accepts and propagates the prohibition, then no one, least of all the deviate can contest the applicability of *Talaqqi Bil Qubool* basis of this *mas'alah*. Who then is the deviate to oppose Maulana Abdul Hayy Sahib?

MAULANA ABDUL HAYY SAHIB'S SELF-CONTRADICTION

Although Maulana Abdul Hayy Sahib speaks highly of Najmuddin Zaahidi and lauds abundant praises on him in his *Al-Fawaaidul Bahiyyah*, he criticizes *Al-Quniyah*, which is also Najmuddin Zaahidi's kitaab. Although he does praise even *Al-Quniyah*, in his *Al-Fawaaidul Bahiyyah*, he criticizes it in his *An-Naafiul Kabeer* wherein Maulana Abdul Hayy Sahib states:

♦♦.Its author has compiled in it weak narrations and obscure masaa'il from unreliable books even though he (the author) is a great faqeeh. (Of his type of book) is *Al-Quniyah*. Undoubtedly, its author is Mukhtaar Bin Mahmud Bin Ahmad Abur Rajaa' Najmuddeen Zaahidi♦♦.who was among the great Aimmah and excellent Fuqaha♦♦.

Yet, in his *Al-Fawaaidul Bahiyyah*, Maulana Abdul Hayy Sahib praises both kitaabs, namely, *Al-Mujtaba* and *Al-Quniyah*. He writes:

♦Verily, I have studied *Al-Mujtabah*, the *Sharah* of *Al-Qudoori* and *Al-Quniyah*, and I have found both (*Al-Mujtaba* and *Al-Quniyah*) encompassing wonderful masaa'il and adequate in the elaboration of benefits.♦

How is this self-contradiction to be reconciled? In both kitaabs, he speaks glowingly of the author, Najmuddeen Zaahidi. In one of the kitaabs, he lauds considerable praise on both kitaabs (*Al-Mujtaba* and *Al-Quniyah*), but in his other book, while highly praising the Author, he criticizes one of the kitaabs, namely, *Al-Quniyah*. Be that as it may. Neither Maulana Abdul Hayy nor anyone else has made a direct assault on the reliability of *Al-Mujtaba* which all our Akaabireen accept ♦including, of course, Maulana Abdul Hayy Sahib.

Furthermore, when there is such a glaring self-contradiction by Maulana Abdul Hay Sahib, then it is necessary to look elsewhere for a verdict on *Al-Mujtaba*, and that we have already found and mentioned

THE PRACTICE OF THE UMMAH

Besides the *Ijma'* of the Fuqaha, there exists *Amali Tawaaruth* of the Ummah on this prohibition. It is this consensus of practice of the Ummah that has necessitated the quest for the fatwa of permissibility so that the styles of the western kuffaar could be forged into Islamic culture by mismanipulation of the principle of *Urf*. Besides this principle which the deviate tries to stretch beyond its admissible limits, he has absolutely no proof from any of the Math-habs for his evil opinion of permissibility which will open up the avenue of immorality.

RESPECT FOR THE KUTUB

Hadhrat Maulana Anwar Shah Kashmiri (rahmatullah alayh) said:

❖ *Since the age of seven, I never touched a kitaab of the Deen without wudhu.* ❖

THE PRINCIPLE OF TALAAQI BIL QUBOOL

In our earlier book, the principle of *Talaqqi Bil Qubool* was invoked in specific reference to the prohibition of hair-cutting for women. This principle means that a Hadith whose acceptance has become *mash-hoor* (widely well-known and accepted) in the ranks of the Ulama, is an authentic Hadith. There is no need for a *sanad* for such a narration. The narration gains greater strength if the Fuqaha have adopted it for a *mustadal* (basis) for the formulation of a Shar'i *hukm*. The strength increases when such a Shar'i *hukm* has been accepted by the Fuqaha and the successive generations of Ulama and the entire Ummah practises accordingly.

The deviate in his attempt to minimize the importance of this principle has perpetrated his usual deception and has clutched at straws in the following way:

- He cites the views of Maulana Abdul Hayy.
- He alleges that we have stretched this principle beyond its valid parameters.

With regard to his first response, we say that even if he (i.e. the deviate) has understood what Maulana Abdul Hayy has said, the Maulana who died about a century ago did not possess the ability to override what the senior Fuqaha, including the Muhadditheen said on this issue.

The deviate had no one else other than Maulana Abdul Hayy to quote. It is for this reason that he had first to create a pedestal for Maulana Abdul Hayy to convey the notion that he is on par with the Aimmah-e-Mujtahideen when in reality he was a Hanafi Muqallid who had almost fell by the wayside. Refer to the assessment of Hakimul Ummat Maulana Thaanvi (rahmatullah alayh) on page 24 & 25.

The stark reality of the matter here is that the deviate has not understood the meaning of the

principle of *Talaqqi bil Qubool* nor has he understood what Maulana Abdul Hayy conveys in the extracts which he (the deviate) quotes from the book of the Maulana Sahib. Citing Maulana Abdul Hayy, the deviate quotes:

?This statement of al-Qari presents a useful point, which is that although the books of fiqh are in themselves reliable in terms of the ramificatory points of law, and although they are regarded as accomplished fuqaha, complete reliance cannot be placed upon the ahadith which they quote, and decisive statements on their authenticity cannot be made purely because they come in these books.?

Our response to this is:

- The deviate has grabbed this and similar comments of the Ulama to generalise the applicability of these statements. And, he does so in an attempt to divert from the main topic of dispute which is the specific *mas'alah* of the prohibition of hair-cutting for women. If he can apply the comments of Mullah Ali Qaari to this specific *mas'alah* and its *mustadallaat*, then he should proceed without hesitation. The comments of Mulla Ali Qaari do not bring within their purview each and every Hadith narration contained in every book of Fiqh under the sun. No one ever proffered such a hypothesis which the deviate has baselessly inferred from our explanation on this subject.
- We had argued the principle of *Talaqqi bil Qubool* in the context of the specific *mas'alah* on the prohibition of hair-cutting. The principle was directed specifically to the narrations which the Fuqaha present to substantiate their claim on this prohibition and on other important masaa'il of the Shariah.
- We are speaking of *Talaqqi bil Qubool*. In other words, the deviate still does not understand the meaning of this principle inspite of him citing Hafiz Ibn Hajar who fully confirms the correctness of what we are claiming about this important principle. Our contention is simply that such Ahaadith which satisfy the principle of *Talaqqi bil Qubool* are authentic and a valid basis for the formulation of *Ahkaam* by the Fuqaha notwithstanding any lack of *sanad* and any adverse classification by the later Muhadditheen.
- We at no stage claimed that every narration in every Fiqh kitaab is authentic. But those narrations which satisfy *Talaqqi bil Qubool*, must be regarded as authentic because the *Jamhoor Fuqaha* were not morons and unreliable deviates who are classified as *haatibul lail* or a gatherer of wood in the darkness of the night, not knowing whether the hand falls on a snake or on *najaasat-e-ghaleezah*. The Fuqaha by whose consensus the principle of *Talaqqi bil Qubool* operates in regard to the prohibition cannot be criticized for having accepted the Hadith of the Tasbeeh of the Mala'ikah, for example, and they can never be accosted by the comments of Mulla Ali Qaari who in fact never intended his comments to apply to the *Jamhoor Fuqaha* (including Maulana Abdul Hayy Sahib) on the *mas'alah* of prohibition with its accompanying stock of Ahaadith which the deviate finds spurious.
- Mulla Ali Qaari's comments do not bring the relevant Ahaadith such as the Tasbeeh of the Mala'ikah, within their purview, thereby refuting the *Talaqqi Bil Qubool* which the Fuqaha have accorded it.
- Mulla Ali Qaari's comments apply to only such narrations which do not satisfy the demand of

the principle of *Talaqqi bil Qubool*. But we are discussing this principle and the narrations authenticated by it. We did not claim that every narration in every Fiqh Kitaab happens to be there by *Talaqqi bil Qubool*.

- Without understanding the issue, the deviate quotes Hafiz Ibn Hajr: ? *One of the criteria for acceptance...is that the ulama concur in acting upon a particular hadith. Such a hadith will be accepted and it will be a matter of obligation to act according to it. A group of ulama of usul have made clear mention of this.*?
- Further supporting our contention, the deviate in blissful ignorance cites Ibn Humaam as follows: ?*One of the factors which makes the hadith sahih is the practice of the ulama according to it??...Malik said: ?The fame of this hadith in Madinah obviates the need for its chain of narration.*?

In view of the confusion and diversion which the deviate has endeavoured to cause by twisting our statements and by crass fabrications attributed to us, it has become necessary to cite some of our statements on this subject, which appeared in our earlier book. In this regard we said:

?Our surest and strongest criterion for the authenticity of Ahaadith is the view of the Fuqaha. If the Fuqaha have accepted a narration to be authentic, and had formulated a Shar'i *hukm* on its basis, then we have to accept the authenticity of the Hadith??..?

In substantiation of this contention, we cited the following ruling which appears in *Imdaadul Fataawa*, Vol.1, page 47:

?Is the consensus of the Jamhoor Fuqaha not a sign (proof) for the Hadith being a strong basis inspite of the dhu'f (weakness), by virtue of the sanad.??

In other words, the acceptance by the *Jamhoor Fuqaha* of a Hadith is its proof of authenticity even if the Hadith is labelled weak on account of its *sanad*. Now what we are saying is that such acceptance is in fact *Talaqqi bil Qubool*.

In Raddul Muhtaar, Vol.4, page 38, it is stated:

?*When the Mujtahid makes istidlaal on the basis of a Hadith, then such istidlaal is authentication of the Hadith.*?

Commenting on a famous Hadith on which very important *Ahkaam* of the Shariah have been formulated, Ibn Abdul Barr said:

? *This hadith is famous to the Ulama of history and well known to the Aimmah-e-Fuqaha Therefore, in view of it resembling Ahaadith-e-Mutawaatarah, there is no need whatsoever for its Isnaad (Chain of Narration).*?

(*Ainul Hidaayah*, Vol.4 page 604)

This is what we are claiming to be *Talaqqi bil Qubool*. At no stage was it contended that a narration which is in a book of Fiqh, and which does not satisfy the principle of *Talaqqi bil Qubool* is authentic inspite of the adverse classification of the Muhadditheen and the fact that the *Jamhoor Fuqaha* have not accepted it nor formulated any Shar'i *hukm* on its basis.

Since this is an irrefutable principle, the deviate having been forced to concede it, we shall not venture further evidence for its validity. While the deviate could not deny this principle, he did make an attempt to confuse it and to attribute falsehood to us by claiming:

??the talaqqi which the ulama speak of is something vastly different from that which the objector invokes as his ?overriding criterion of authenticity.'?

The *Talaqqi* which we have claimed is precisely the *Talaqqi* of the *Fuqaha*, and this has been sufficiently explained above and in our earlier book. Undoubtedly, the principle of *Talaqqi bil Qubool* is the overriding criterion to determine the authenticity of a Hadith where there is a conflict between the classification of the later Muhadditheen and the general acceptance of the *Jamhoor Fuqaha*. In other words, *Talaqqi bil Qubool* will have preference, and no one has denied this nor can the deviate deny it. He can only create confusion by citing our words out of context.

THE RAMIFICATORY POINTS OF LAW

Among the comments of Maulana Abdul Hayy, which the deviate cited in his endeavour to denounce the books of Fiqh and discredit the *Talaqqi bil Qubool* principle, is the following statement:

?This statement of al-Qari presents a useful point, which is that although the books are in themselves reliable in terms of the ramificatory points of law?..?

Inspite of what Maulana Abdul Hayy says and what the deviate has understood from his comments, there is clarity on the fact that the ?ramificatory points of law? are reliable and acceptable. These points of law are reliable even according to Maulana Abdul Hayy Sahib. No one can contest these ?points of law? whose acceptance by the World of the *Fuqaha* has reached the degree of *Tawaatur*.

If the deviate refuses on account of his intransigence to concede the operation of *Talaqqi bil Qubool* regarding the *mustadallaat* of the *Fuqaha*, he should at least divest himself of some of his *jahaalat* by at least acknowledging that the *mas'alah* of the prohibition of hair-cutting by women

mentioned in the kutub is a ? *ramificatory point of law*? , and in this regard Maulana Abdul Hayy issues the verdict of reliability.

When a person is bereft of valid arguments for his doomed cause, he then resorts to diversions in the attempt to wriggle out of the quagmire in which he finds himself. In regard to the hair issue, the deviate has gone far off the mark with his diversions to deflect people from the original question. Regardless of what Maulana Abdul Hayy Sahib has written and regardless of what Mulla Ali Qaari says about the narrations in the books of the Fuqaha, let us see what Hadhrat Mulla Ali Qaari has to say on this *mas'alah* . In his *Mirqaat* which is a Commentary of Mishkaat, he says:

?Verily, *thawaaib* (tresses) for women are like beards for men in appearance and beauty.?

Just as cutting the beard is haraam for men, so too is cutting hair for women haraam.

AL-HIDAAYAH

In the satanic attempt to denigrate Saahib-e-Hidaayah, Imaam Ibn Abu Bakr Bin Abdul Jaleel Al-Farghaani Al-Margheenaani, the deviate presents the following comments of Maulana Abdul Hayy Sahib:

?Do you not see the author of al-Hidaayah ? one of the greatest Hanafis ? and ar-Rafi'i, the commentator of al-Wajiz ? one of the greatest Shafi'is?, despite their high status and the fact that great people place reliance upon them, have mentioned in their works such ahadith of which no expert of hadith can find any trace. This is perfectly clear to anyone who studies the takhrij of the ahadith of al-Hidayah by az-Zayla'i and the takhrij of the ahadith of ar-Rafi'i's commentary by Ibn Hajar al- Asqalani.?

Let the deviate get the message clearly that the Fuqaha and the Ulama ?our Akaabireen? are not the muqallideen of Az-Zayla'i nor of Ibn Hajar Asqalaani. It never means that what these two Haafiz of Hadith said is the final word having the effect of *qat'iyat* (absolute certitude), nor does it mean that what they commented about Hidaayah is correct. If anyone has the naked audacity to claim that a Mujtahid and Muhaddith of the calibre of Saahib-e-Hidaayah was misled and duped into recording weak, fabricated and drivel narrations in his illustrious Kitaab which occupies the fourth pedestal in authenticity after the Qur'aan, i.e. the fourth among all the thousands of kutub which were ever written, then we say with equanimity that Az-Zayla'i and Ibn Hajar Asqalaani were ?misled? and ?duped? to a far greater degree than what has been slandered about the illustrious Author of Hidaayah. What these two Haafiz of Hadith said in regard to the Author of Hidaayah is baseless.

Maulana Abdul Hayy Sahib does not approach the glorious feet of Saahib-e-Hidaayah in any branch of Ilm and Taqwa. His criticism of such a Giant of Shar'i Uloom has to be dismissed with

contempt. Maulana Abdul Hayy Sahib who had initially inclined to *adm-e-taqleed* had gone somewhat overboard in recklessness when commenting on the great personalities of Islam. Deviates and modernists therefore love to cite him because they find freeplay and latitude for the satanism of their nafaani opinions. Our Akaabireen reject what Maulana Abdul Hayy Sahib has said about Saahib-e-Hidaayah.

Hadhrat Allaamah Zafar Ahmad Uthmaani, in *I'laa'us Sunan*, Vol. 21, Pages 211 and 212, writes:

'For every Hadith about which these two Haafiz (Zayla'i and Ibn Hajar Asqalaani) said: 'Ghareeb, we did not find it.', verily, I found (such Ahaadith) in abundance ? and all praise is for Allah ? in Kitaabul Kharaaj of Imaam Abu Yusuf, in Kitaabul Aathaar of Imaam Abu Yusuf in Kitaabul Aathaar of Imaam Muhammad Bin Al-Hasan, in Kitaabul Hajj of Imaam Muhammad? May Allah's rahmat be on them.?'

While Az-Zayla'i and Ibn Hajar Asqalaani were unable to find certain Ahaadith in other books of Hadith, Allaamah Zafar Ahmad Uthmaani found in several authentic kitaabs many of the Ahaadith which Az-Zayla'i and Ibn Hajar shrugged off or proclaimed weak. Neither Az-Zayla'i nor Ibn Hajar encompassed each and every Hadith nor did great and illustrious Aimmah such as Imaam Zuhri (rahmatullah alayh). Thus, the claims of Az-Zayla'i and Ibn Hajar Asqalaani are not *hujjat* against the Ahnaaf or against those who maintain the superiority of Saahib-e-Hidaayah over the Muhadditheen.

On the basis of statements such as *'I did not find it?'*, made by authorities such as Az-Zayla'i and Ibn Hajar, deviates in every age who worship their nafs, attempted to find freeplay for their opinions of *nafaaniyat* and *shaitaaniyat* just as this modern day deviate is presently guilty of. Using such comments of authorities, the deviates spared no pains in criticizing the Ahnaaf Fuqaha and hurling vituperation on them for highly authentic Ahaadith contained in their Works of Prominence and universal acceptance. They let loose their foul tongues to accuse the great and noble Fuqaha of the Ahnaaf of employing 'weak' and 'fabricated' narrations for the formulation of *ahkaam* when in reality this was far, very far from the truth.

If it is correct to reject the *mustadallaat* of the Ahnaaf Fuqaha simply on the basis of comments such as *'I did not find it?'*, then these same worshippers of the nafs suffering from oblique mental vision in consequence of a blinded *baatin*, should brand Imaam Bukhaari as one who lacks competence in Hadith and that he included in his compilations 'weak' and 'fabricated' Ahaadith which have no basis. Even Imaam Bukhaari (rahmatullah alayh) who glitters with the greatest luminosity in the horizon of Hadith has not been spared the epithets of those who casually issue the '*fatwa*' of *'I did not find it'*.

'There are many of the Ta'leeq of Bukhaari in his Saheeh about which the likes of Ibn Hajar say: 'I did not find it.' Now should also the same opinion (of incompetency in Hadith) be applied to Bukhaari as has been opined about our illustrious Fuqaha of the Ahnaaf?'

(Al-Imaam Ibn Maajah wa Kitaabuhus Sunan, page 73)

Imaam Zayla'i and Ibn Hajar were not the repositories of all *Uloom* . They never claimed that they had the knowledge of **all** the Ahaadith of Rasulullah (sallallahu alayhi wasallam). No Aalim, regardless of his greatness and regardless of him being Oceans of Knowledge, can ever claim to have encompassed all Knowledge.

Regarding the Ahaadith recorded in the kutub of the Fuqaha, Imaam Suyuti (rahmatullah alayh) writes in his Kitaab, *Shaafil Ayy alaa Musnadish Shaafi'i*:

?Verily, it has reached me that Haafiz Ibn Hajar was asked about the Ahaadith which our Aimmah (Fuqaha) and the Hanafi Aimmah cite as basis in Fiqh (for the formulation of ahkaam while these (narrations) are not recognized in the Books of Hadith. He replied: ?Verily, numerous or most Books of Hadith became non-existent in the Eastern Lands on account of (political) upheavals. It is therefore probable that those Ahaadith were extracted from them (i.e. the destroyed books), and did not reach us. Shaikh Muhammad Abdul Maalik narrated this in his Kitaab, *Al-Mudkhal Ilaa Uloomil Hadithish-Shareef*.?

Thus, if Ibn Hajar and Zayla'i say that they have not found a Hadith, it does not follow that this is the final word and that it has the weight of *wahi* . While they may be unaware of certain narrations, there are others who are aware. In this regard Ibn Hajar has not spared even Imaam Bukhaari (rahmatullah alayh) from his comment, namely, '*I have not found it*'. Furthermore, the comment ? *I have not found it?* , is not in fact a criticism nor a rejection. This comment does not mean that the narration is a fabrication or a forgery or that it has no authentic source of origin. It only registers the unawareness of the commentator?that he is unaware of the particular narration.

It should be clear that any criticism of any Hadith by the later Muhadditheen cannot be used against the Fuqaha if such Hadith has satisfied the principle of *Talaqqi Bil Qubool* and / or has been utilized by the *Jamhoor* Fuqaha as a *mustadal* for any *hukm* of the Shariah.

AUTHENTICITY IS NOT NECESSARILY UNANIMOUS

If a Hadith is *Saheeh* (technically authentic) according to a Mujtahid, it does not necessarily follow that it will be authentic according to all the Mujtahideen. The Hadith could have satisfied the test of authenticity of the one Mujtahid while not the criteria of the others. Hence, the Hadith cannot be branded as unauthentic and unfit to be a *mustadal* . In this regard Maulana Abdul Hayy Lucknowi mentions in his *Tuhfatul Akhyaar* regarding the Hadith : ?*My Sahaabah are like the stars. Whomever you follow, you will be guided.*? that inspite of this Hadith being *dhaeef* having been labelled as such by the Aimmah of Hadith, Imaam Ahmad has regarded it as a *hujjat* and has relied on it. While according to Bazzaar the Hadith is not *Saheeh* nor is it recorded in the reliable Kutub of Hadith nor is therein a command to follow, nevertheless Imaam Ahmad has accepted it as *Saheeh*.

The Aimmah of Hadith ? the Muhaddithun ? have branded this Hadith weak and unauthentic, yet the great Imaam of Fiqh and Hadith, Hadhrat Imaam Ahmad Bin Hambal (rahmatullah alayh), regarded this ? *dhaeef* ' and ?unauthentic? Hadith a fit basis for *istidlaal* and *hujjat*. Now deviates can repeat their calumny of accusing Imaam Ahmad of being a person who reports fabricated and

forged narrations which the great Imaams of Hadith have rejected as utterly baseless.

A mere difference of opinion among the Mujtahideen and Muhadditheen regarding the ? *Sihat*' (Authenticity technically speaking), does not negate the authenticity of the Hadith nor does such difference make the Hadith unfit for being a basis for the formulation of a *Shar'i hukm*. While the Mujtahid is aware of the differences of opinion regarding the *sihat* (authenticity ? technically speaking) of a Hadith, he ignores the difference and adopts the Hadith as his *mustadal* because according to him the Hadith is *Saheeh*. The Chain of Narration by which the Hadith was transmitted to him, is beyond question and its authenticity is confirmed to him, hence he is not concerned what other authorities say. He is an Authority in his own right.

According to Imaam As-Sakhaawi (rahmatullah alayh) if an Imaam of the Shariah cites as proof the Hadith of such a person from whom only one narrator has narrated, then the *Ihtijaj* of the Imaam is adequate for the recognition and uprightness of the narrator. The Hadith is authentic and fit to be a *mustadal*. (*Fathul Mugheeth*, Vol.1, page 350)

Haakim, the Author of Mustadrak, too endorses this principle

This is a well-known principle to the authorities of the Shariah. It has been mentioned here to show that any difference which Zayla'i or Ibn Hajar or anyone else may have with any of the Ahaadith narrated in Hidaayah or the other accepted and authoritative Books of the Fuqaha does not detract from the validity of the *Ahkaam* formulated on the basis of those Ahaadith which have satisfied the principle of *Talaqqi Bil Qubool*.

Inspite of the baseless criticism which has been levelled against the illustrious Author of Hidaayah, Maulana Abdul Hayy states in his *Al-Fawaaidul Bahiyyah*:

?Ali Bin Abu Bakr Bin Abdil Jaleel Al-Farghaani Al-Margheenaani, the Author of Hidaayah was an Imaam, Faqeeh, Haafiz, Muhaddith, Mufasssir, the Embodiment of Uloom, Expert of all Subjects, Perfectionist (in Uloom), Great Researcher, One of great insight, Master of Subtleties, Zaahid (one who has renounced the world), Aabid, of Perfect Piety, Faadhil, Expert in Usool and Adab and a Poet. The eyes never saw his likes in Ilm and Adab. He possessed exceptional grasp in khilaaf (differences) and in the Math-hab, and exceptional ability in the Math-hab.?

?I have studied Hidaayah with its shuruhaat and Mukhtaaraatun Nawaazil. Every one of his works is maqbool (accepted) and mu'tamad (reliable), especially Al-Hidaayah. Verily, it has always remained a reference for the Experts (of Ilm) and a Source for the Fuqaha.?

Indeed, what the denigrators are attributing to Saahib-e-Hidaayah is a great calumny. The actual reason for the unawareness of the Hadith Examiners in relation to some of the Ahaadith in the authoritative Books of the Fuqaha has been alluded to by Ibn Hajar himself. We have already mentioned his comments in this regard. Here we shall mention the comments of Maulana Muhammad Abdur Rashid An-Nu'maani (rahmatullah alayh). He states in the Introduction of Ibn Maajah:

?All the Ahaadith which our Fuqaha (rahmatullaah alayhim) have narrated in their Works, without mentioning the sanad (chain of the narrations) as As-Sarakhsi does in Al-Mabsoot, and Al-Kaashaani in Al-Badaai, and Al-Margheenaani in Al-Hidaayah, are such Ahaadith and Narrations which are found in the Kutub of our Mutaqaddimeen Aimmah such as those of Imaam A'zam, his two Companions, Ibn Mubaarak, Hasan Lu'lu'i. Ibn Shuja' Thalji, Isaa Bin Abaan, Khassaaf, Tahaawi, Karkhi and Jassaas (rahmatullah alayhim).

Then came the Mukharrijoon (commenting) on Hidaayah and Khulaasah. They then searched the books which were compiled after the year 200 for these Ahaadith (which appear in the Books of the Fuqaha). When they failed to find these Ahaadith in the compiled books, they opined that these narrations were Ghareeb.

Some of these Mukharrijoon entertained evil opinions about these Fuqaha Imaams. They therefore attributed to them paucity of knowledge in the field of Hadith?..?

Whatever the detractors said and are saying about the great and illustrious Fuqaha, the deviate should confine himself to the *mas'alah* in dispute with him. Even if Hidaayah contains 'fabrications' and 'weak' narrations, the issue here is that the Ahaadith we have quoted, for example, the one pertaining to the Tasbeeh of the Malaaiakah, are not of the category of 'trash' as the deviate wants Muslims to believe. Even the critic, Maulana Abdul Hayy cites and accepts such Ahaadith on the basis of *Talaqqi bil Qubool* as we shall later demonstrate, Insha'Allah.

The deviate has battled his best to divert attention from the disputed *mas'alah* by generalising the criticism of some Ulama regarding some narrations which appear in Fiqh books. Those who have presented their criticism do not direct it to such narrations which have satisfied the principle of *Talaqqi bil Qubool*. They refer to narrations which the *Jamhoor Fuqaha* do not accept and on which the Ummah does not practise. A narration which says that one qadha Salaat performed on the last Friday of Ramadhaan will atone for the qadha of 70 years, never satisfied the principle of *Talaqqi bil Qubool*. Such narrations are beyond the scope of our discussion. But the miserable deviate feasting on falsehood, distortions, half-truths and setting up his traps of diversions and detractions, tries to convey the silly and false idea that our claim is that even if *Talaqqi bil Qubool* has not been satisfied, we contend that a narration is authentic solely on the basis of its appearance in any book of Fiqh. Let the *kath-thaab* cite where we have made such an explicit statement. Unless, of course, he has resorted to his stupid process of inference. When all the Fuqaha reject a narration and do not cite it as a *mustadal*, then obviously, the principle of *Talaqqi bil Qubool* does not operate in regard to that narration. If a demented brain cannot comprehend this simple fact, there is then nothing which will convince him.

While it is accepted that Zayla'i and Ibn Hajar Asqalaani were authorities in the field of Hadith, they slipped up in regard to Al-Hidaayah as Hadhrat Allaamah Zafar Ahmad Uthmaani pointed out in *I'laaus Sunnan*. Accepting this fact should not prove to be too bitter for the deviate in view

of the fact that he does aver that the Authorities of the Shariah are not infallible. If Saahib-e-Hidaayah has erred, then we must expect Az-Zayla'i and Ibn Hajar to have also erred in far greater degree. None of these two Haafiz is anywhere near to the lofty rank of Saahib-e-Hidaayah. Let the deviate again refer to the accolades which Maulana Abdul Hayy has bestowed on Saahib-e-Hidaayah.

Lest the original *mas'alah* of dispute is forgotten on account of the diversion and confusion which the deviate has tried to cause by the introduction of unwarranted and unrelated technical argument, we say that despite what Zayla'i and Ibn Hajar have commented, both these Imaams have not cast aspersions on the Hadith which mentions the Tasbeeh of the Malaaiikah. They do not deny the application of the principle of Talaqqi Bil Qubool in relation to this and other Ahaadith on which the Fuqaha base the prohibition of hair-cutting for women. Insha'Allah, this will be shown later.

THE HADITH OF ABU SALAMAH

The deviate states:

❖*The objector appears unable to make up his mind as to whether the statement of Abu Salamah is authentic or unauthentic. At one place, on page 77 he says, ❖While the authenticity is accepted,❖ while at another place he openly associates it with ❖spuriousness❖.*

True to his form of deviousness and in his usual attempt to create diversion and confusion, the deviate states a blatant falsehood in the afore-quoted statement in which he conveys the impression that we have contradicted ourselves regarding the authenticity of the Hadith of Abu Salamah.

No where in our book did we cast the slightest aspersion on the authenticity of the Hadith. The deviate cites our page 77 for our claim of authenticity of the Hadith without citing the emphasis we have placed on the authenticity of the Hadith. His claim that we labelled the Hadith ❖unauthentic❖ and have associated it with ❖spuriousness❖ elsewhere in our book, is blatantly false and a deliberate attempt to propagate his *baatil* with an intentional lie. Although he cites the page number of our book where we stated the authenticity of the Hadith, he does not cite the page number where we have allegedly claimed the Hadith to be spurious and unauthentic. Since we had made no such contradictory claim, he conveniently ❖forgot' to mention the page number where his false allegation is stated. In view of the nakedness of the falsehood he has stated, it will be appropriate to reproduce what we have said on page 77 regarding the authenticity of the Hadith of Abu Salamah:

❖In this regard the shaykh Sahib says: ❖The authenticity of this narration is above question. It is documented by Imam Muslim in his Sahih (vol.5 p.4, with an-Nawawi's commentary)❖

Our comment in our book is:

❖None of those who narrate the Shar'i prohibition of cutting hair for a woman has assaulted the authenticity of the Hadith in question. For the shaykh therefore to make this comment is an exercise in redundancy. Being bereft of correct Shar'I dalaal for his baatil view, he resorts to tricks and diversions. Hence he makes the comment on the authenticity of the Hadith ❖ a position which was never contested.❖

While undoubtedly, the Hadith is Saheeh, the last statement in this Hadith pertaining to the hair of the Holy Wives of Nabi-e-Kareem (sallallahu alayhi wasallam) is **extremely ambiguous**, to say the least. It has been the subject of much interpretation and argument among the authorities of Hadith, Fiqh and Tafseer.

Every authentic Hadith cannot be cited as a basis for projecting one's personal opinion as a Shar'i hukm. There are many authentic Ahaadith which are merely historical records of events. They do not constitute basis for the derivation of any hukm.

While the authenticity is accepted, the correct Shar'i meaning is posited for such Ahaadith. Thus, the shaykh's comment on the authenticity of the Hadith is simply another figment of his imagined armoury of dalaal (Shar'i proofs). He has no dalaal, hence he is forced to clutch at straws for pulling wool over the eyes of unwary Muslims who are the victims of the deceptions of the Ahl-e-Baatil.❖ (Page 75 of the reprint of our earlier book)

It will be clear from the foregoing that we have categorically affirmed and accepted the authenticity of the Hadith. However, we clearly said that the statement pertaining to the hair issue in the Hadith is ❖ambiguous❖. In other words, the meaning of this statement is ambiguous. We did not claim its authenticity to be spurious or that it is unauthentic as the deviate falsely alleges in relation to the entire Hadith.

The deceit of the deviate is quite evident from the manner in which he partially quotes our statement to confuse readers. He thus quotes only:

❖While the authenticity is accepted,❖. This is all that he cites in his attempt to convey a false impression with the half-truth. Our full statement as it appears on page 75 of (the reprint of) our earlier book, reads as follows:

❖While the authenticity is accepted, the correct Shar'i meaning is posited for such Ahaadith.❖

In the first instance, this statement is a reference to **all** authentic Ahaadith, not to only Abu Salamah's Hadith. The plural, ❖Ahaadith', which we used in this statement clearly refers to all authentic Ahaadith. We said in this statement that there are many authentic Ahaadith which have meanings given to them by way of the correct interpretation of the authorities. This statement in

no way whatsoever can be interpreted to mean anything else. We further clarified in our statement reproduced above, that while there are authentic Ahaadith which are merely historical records, they cannot be used for a basis to formulate *ahkaam* of the Shariah notwithstanding their authenticity.

As for our alleged contention of 'spuriousness' and 'unauthenticity' of the Hadith in question, the deviate has once again demonstrated his deceit. With regard to his inference 'a disease from which he suffers' of 'spuriousness' which he attributes falsely to us, the full passage appearing on page 91 of our earlier book, is reproduced hereunder:

❖ VAST ARRAY OF SOURCES

The shaykh states in his essay:

'The absence of an alleged hadith in the vast array of consulted sources may in itself be taken as a sign of the spuriousness of the hadith.'

By the same token, it can be argued that the absence of Abu Salamah's statement from the vast array of consulted sources' indicate its spuriousness (i.e. the specific portion of the Hadith relating to cutting of hair by women) hence its unworthiness as a basis for the formulation of a Shar'i hukm, especially on such an important issue as cutting of women's hair. ❖

In the aforementioned statement reproduced from our book, we do not contend that the Hadith is spurious or unauthentic as the deviate tries to subtly and falsely convey. Our claim is simple and straightforward. We contended in this statement that in terms of the crooked and baseless 'principle' forged by the deviate, the portion of the Hadith, viz., the statement pertaining to hair-cutting is 'spurious', i.e. his own 'principle' dictates the spuriousness of the last portion of the Hadith.

The deviate claims that if a Hadith cannot be found by him in the imagined 'vast array of sources' which he has consulted, then this is 'a sign of the spuriousness of the hadith'. Firstly, this puny gentleman believes that he has more *Ilm* than the Muhadditheen and Fuqaha of the calibre of Imaam Zuhri and Imaam Sha'bi (rahmatullallah alayhimaa). The latter was one of the Ustaadhs of Imaam Abu Hanifah (rahmatullallah alayh). Secondly, he labours under the stupid idea that he is a mujtahid and muhaddith possessing the ability to formulate *Usool* in the Knowledge of Hadith. Thirdly, he has consulted all the Hadith books currently available in the world, hence he can confidently (and stupidly) claim the non-existence of a Hadith or some Ahaadith which we and other Ulama tender as support for the prohibition of immoral hair-cutting by women.

Now he has claimed that if a Hadith cannot be found in the 'vast array of consulted sources' then it is an indication of the spuriousness of the Hadith. Now consider the hair-cutting portion in the Hadith narrated in Muslim Shareef. None of the *Sihaah Sittah* (the Six Most Authentic Books of Hadith), as well as many other Hadith books, have this portion of the Hadith. While the first part pertaining to ghusl is mentioned in these Kitaabs, the portion relevant to the hair-cutting is

omitted by the Muhadditheen. While we are not contending that every Hadith book has deleted the hair-cutting portion, we do contend, that *the vast array of consulted sources* have deleted it despite these Muhadditheen having knowledge of the existence of the relevant portion. But they cite only the first part of the Hadith. Hence, in terms of the deviate's forged 'principle'. The hair-cutting portion of the Hadith is spurious and unauthentic, hence, Imaam Bukhaari, Imaam, Nasaai, Imaam Abu Daawood, Imaam Tirmizi and other Muhadditheen have opted for deletion.

The deviate could have misconstrued the meaning of our statement on the basis of either his stupidity or his deceit. Either he is so stupid that he fails to understand simple English or he has intentionally employed deceit to make a false inference to further deceive and confuse readers. He knows which one of these two instances applies to him.

THE DECEIT AND FALSITY OF THE DEVIATE'S ARGUMENT ON ABU SALAMAH'S HADITH

As usual, the deviate presenting his meandering method of reasoning to befog the minds of readers, says:

The reasons he (i.e. a reference to the authors of the hair book) tenders for his hesitation to regard the hadith as a valid basis from which to extrapolate, are two. Firstly, the ambiguity of the wording, and secondly, the fact that other muhad-dithun who narrate the hadith have not narrated the portion containing Abu Salamah's remarks on the practice of the wives of Rasulullah sallallahu alayhi wasallam. To the first I respond by saying that if it is ambiguous to the objector, then it definitely was not ambiguous to Imam an-Nawawi ..

In response, we say:

Both suppositions of the deviate are baseless. Firstly, we are insignificant Muqallideen. We do not offer, and we have no right to offer an interpretation which conflicts with the interpretations of the Fuqaha and our Akaabireen. Yes, while we may add an interpretation which does not conflict with the interpretation of the Fuqaha, we do not seek to ram our personal interpretation down the throats of anyone. But, in so far as non-entities and muqallideen are concerned, it is our holy duty to ram the interpretations of the Fuqaha and Akaabireen Ulama down the throats of these insignificant followers.

We claim the ambiguity of the hair-cutting portion of the Hadith simply because this is the view of *all* authorities *Fuqaha and Muhadditheen* including Imaam Nawawi (rahmatullah alayh). It is not our view. It is the view of the Ulama of the Ummah right from the very time that the Hadith was reported and recorded. The following are among the various interpretations presented by the Fuqaha and Ulama on the *hair-cutting* portion of Abu Salamah's Hadith:

- *Regarding the Hadith of Abu Salamah in Saheeh Muslim namely, The wives of Nabi (sallallahu alayhi wasallam) used to take from their heads until it was like wafrah. firstly, none from among the Shurraah (qualified Commentators among the Fuqaha and Muhadditheen) applied this Hadith to its itlaaq (i.e unrestricted generality or to its plain literal meaning) as far as we are aware.*
- *Inspite of this (interpretation presented by Qaadhi Iyaadh and Imaam Nawawi), Imaam Nawawi states in Al-Majmoo', Vol.8, page 151, in the discussion pertaining to a woman cutting her hair at the time of being released from ihraam: And, Al-Maawardi said: She should not cut from her tresses because, most certainly it (cutting from her tresses) makes her ugly. But she should lift her tresses and take (cut) from the place under it (the tresses). And, he (Imaam Nawawi) affirmed this (i.e. what Al-Maawardi said).*
- *Allaamah Muhammad Yusuf Binnuri (rahmatullah alayh) said in Ma-aarifus Sunan Vol.6, page 283 that our Shaikh (rahmatullah alayh) said: What comes in the Hadith of Abu Salamah (about the Wives of Nabi sallallahu alayhi wasallam taking from their heads), has certainly been difficult on the Shaariheen (the qualified Commentators), both old and new (of former times and of present times). Al-Maarthi, Al-Qaadhi Iyaadh, Al-Qurtubi, An-Nawawi and Al-Ubiyy turned their attention towards it (i.e. this difficult portion of the Hadith) ' Our Shaikh (i.e. Hadhrat Allaamah Binnuri's Shaikh) said: This solution (the interpretation) does not satisfy the heart.*
- *Hadhrat Maulana Mahmudul Hasan Deobandi (rahmatullah alayh), the Shaikh of Hadhrat Allaamah Binnuri), commenting on another interpretation of this portion of Abu Salamah's Hadith said: Then came an exaggeration in interpretation by the narrator. And, from both angles (of this interpretation) the result is problematic.*
- *Should we accept the apparent meaning of this Hadith, then there will not remain any difference between a man and a woman in the matter of hair of the head, and the Shariah has differentiated between them as has been earlier stated in the discussion of Imaam Tabari (rahmatullah alayh).*
- *And, this is among the factors which has compelled the Ulama (rahmatullah alayhim) to interpret the aforementioned Hadith.*
- *Imaam Nawawi. Commenting on the Hadith in question, says that Al-Qaadhi Iyaadh said: Perhaps the Wives of Nabi sallallahu alayhi wasallam did this after his demise because of their abandonment of adornment ' Imaam Nawawi (rahmatullah alayh) added to this which Al-Qaadhi Iyaadh mentioned, namely, that they did this after the demise of Nabi (sallallahu alayhi wasallam), not during his lifetime: Others besides him (Al-Qaadhi) also said so and this is confirmed. Thus, both these Imaams (Al-Qaadhi and An-Nawawi) interpreted this act of the Holy Wives*
- *Hadhrat Hakimul Ummat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) said: In this is proof of permissibility (i.e. stated by Imaam Nawawi), there are several probabilities, hence, the hurmat (prohibition) is substantiated while the permissibility is faasid (corrupt, unsubstantiated).*
- *Hadhrat Shaikhul Hadith Maulana Zakariyyah (rahmatullah alayh) said: Above all, there are several probabilities in this Hadith.*

- *Al-Qaadhi Iyaadh, cited by Imaam Nawawi (rahmatullah alay himaa) also presents an interpretation for the Hadith, hence he says: ♦Perhaps they (the Holy Wives) did so after the demise of of Nabi (sallallahu alayhi wasallam) on account of their aban- donment of adornment♦♦*
- *Al-Haitami's interpretation (See Haashyah Allaamah Ibn Hajar).*

These are among the interpretations of Imaam Nawawi, Qaadhi Iyaadh, Ibn Hajar Al-Haitami, Hadhrat Maulana Khalil Ahmed Saharanpuri, Hakimmul Ummat Maulana Ashraf Ali Thaanvi, Allaama Zafar Ahmad Uthmaani, Hadhrat Maulana Rashid Ahmad Gangohi, Allaama Shah Anwar Kashmiri, Allaamah Yoosuf Binnuri, Hadhrat Mufti Taqi Uthmaani Sahib and others.

These interpretations as all unbiased persons will see are not the interpretations of these insignificant Muqalliddeen of these senior Ulama.

These statements and interpretations of the Ulama, Fuqaha and Muhadditheen of all times ♦former times and present times♦ confirm the ambiguity of the meaning of the Hadith of Abu Salamah. It is therefore, highly misleading for the deviate to attribute the opinion of the ambiguity of the Hadith to the so-called objector. We are only the narrators of the opinions and interpretations of the senior Ulama and Fuqaha. *All* Commentators of the Hadith have ventured interpretations for the Hadith. No one has outrightly accepted the ostensible meaning which the Hadith conveys if applied literally. The mass of evidence against permissibility of hair-cutting for women has constrained all authorities to present a variety of interpretations to bring about a reconciliation.

In response to his second allegation, namely, that we have rejected the Hadith as a valid basis for the formulation of a *hukm* because of the deletion of the hair-cutting portion by other Muhadditheen, we say:

This is another typical example of the deviousness which the deviate employs to divert and confuse. We had presented this contention as a refutation on the basis of a ♦principle' expounded by the deviate himself. He claimed the following principle:

♦Authenticity is determined through the application of rigorous

criteria to a hadith in its full form. ♦ (Emphasis ours)

According to this ♦principle of authenticity' presented by the deviate, the authenticity of a Hadith cannot be established if the Hadith in its ♦full form♦ is not submitted to the ♦rigorous criteria♦. Since the other Saheeh kutub of Ahaadith do not record the Hadith in its ♦full form♦, the ♦principle of authenticity' presented by the deviate refutes the authenticity of the Hadith in question.

This is not the product of our reasoning. We have made it abundantly clear that the authenticity of the Hadith is not the subject of dispute. The *meaning* of the hair-cutting portion of the Hadith is in contention. In our earlier book, on page 84, we state with clarity:

❖ *In terms of the ❖ principle of authenticity' expounded by the shaykh of baatil, if rigorous criteria are not applied to a ❖ hadith in its full form❖, it would logically follow that the hadith is not authentic.❖*

It should now be sufficiently clear that it is in terms of the ❖ principle of authenticity' presented by the deviate that the Hadith should not be fit for ❖ extrapolation'. This is the product of his ❖ principle', not the result of our contention.

Since, the veil of ❖ spuriousness' has been cast on the hair-cutting portion of the Hadith by the ❖ principle of authenticity' tendered by the deviate, his argument on pages 23, 24 and 25 of his *baatil a rejoinder*, is an exercise in stupid redundancy. He has wasted his time, pen and paper to present an argument which rebounds on him ❖ which slaps himself directly in the face ❖ because the conclusion of ❖ spuriousness' of the Hadith is the consequence of his own ❖ principle of authenticity'. Nowhere in our book do we cast the slightest aspersion on the authenticity of the Hadith. It is his ❖ principles' which lead to such conclusions.

In view of the fact that he has refuted himself in his argument, there is no need for us to negate his superfluous arguments which he presents on pages 23, 24 and 25 of his booklet. Nevertheless, we shall answer some of the points he has laboured on so as to display his ignorance.

The statement of Allaamah Zafar Ahmad Uthmaani (rahmatullah alayh) which the deviate quotes on pages 23 and 24 of his *a rejoinder* refutes the deviate's own ❖ principle of authenticity❖ about the ❖ full form of a Hadith❖. The statement of the illustrious author of *I'laaus Sunan* do not refute anything we had written in our book.

In his redundant argument which rebounds on himself, the deviate states:

❖ *Another factor that must be considered is that in the cases of both an-Nasa'i and al-Bukhari there was a measure of preoccupation with subject matter. Both of them arranged the ahadith in their books under headings which indicate the subject matter of the hadith. None of them have a chapter on the issue of cutting hair generally for women❖.so it is simple to see why they selected such versions of the hadith which are unencumbered with extra information irrelevant to the immediate topic.. The hadith actually deals with ghusl, and Abu Salamah's statement comes as an afterthought.❖*

The contentions made by the deviate here are baseless as will now be shown, Insha'Allah.

IMAAM BUKHAARI'S ALLEGED PREOCCUPATION WITH SUBJECT MATTER

The deviate alleges in the afore-quoted statement that the reason for the missing portion of the Hadith of Abu Salamah in Bukhaari Shareef, is on account of Imaam Bukhaari's 'preoccupation with subject matter'. Since Imaam Bukhaari had formulated the chapter of Ghusl and cited the Hadith in this specific chapter, he deleted the hair-cutting part according to the deviate.

Then the deviate expanding on this fallacy states:

Al-Bukhari on the other hand has the habit of cutting his ahadith by stating of it only the portion that pertains to the chapter in which it appears.

This is NOT a uniform principle adopted by Imaam Bukhaari (rahmatullah alayh). Bukhaari Shareef is replete with examples of Ahaadith appearing in their full form, without any cutting, in chapters unrelated to the text of either the *whole* Hadith or to portions of the Hadith. Some examples are presented hereunder.

• Chapter How Did Wahi (Revelation) Commence

In this chapter, Imaam Bukhaari records the Hadith:

Verily, actions are with intentions, and for a man is what he intends. Hence, he whose migration is towards the world, will attain it or whose intention is a woman, he will marry her. Thus, his migration is towards that (goal) to which he migrates.

The chapter is supposed to deal with the beginning of Qur'aanic Revelation. Indeed, some other Ahaadith which Imaam Bukhaari mentions in his chapter deal specifically with the subject matter of the chapter. But this very first Hadith has no link with this chapter. It pertains to Niyyat (Intention). Whatever reason Imaam Bukhaari had, and we believe that he had a valid reason, for inclusion of this particular Hadith in this chapter, it does not have any apparent relationship with the subject matter of this chapter.

(2) In the very same chapter, Imaam Bukhaari records a very lengthy Hadith of two pages. This Hadith is a historical record of a discussion between the Arab delegation of Makkah and the Roman emperor, Heracleus. There is absolutely no reference and no relationship in this Hadith to the subject matter of the chapter, namely, the origin of the procession of Wahi.

(3) KITAABUL IMAAN

In this Kitaab, Imaam Bukhaari brings a chapter which he names: *Ingratitude to the Husband and Kufr of a Lesser Degree* . The Hadith which Imaam Bukhaari cites in this chapter has no relationship with the subject matter. It speaks of the ingratitude of women to their husbands and

their punishment in Jahannum.

(4) Also in his *Kitaabul Imaan* , Imaam Bukhaari cites the following totally unrelated Hadith:

❖ *Marur said: ❖I met Abu Zarr at Rabazah. He had a suit of garments on him (i.e. he was wearing the garments), and his slave too had a suit of garments. I asked him about this. He (Abu Zarr) said: ❖I abused a man (referring o the slave) and spoke ill of his mother. Nabi (sallallahu alayhi wasallam) said to me: ❖ Aba Zarr! Have you spoken ill of his mother? Verily, you are a man in whom I discern vestiges of ignorance. Your slaves are your brothers. Allah has placed them under your care. Therefore, he who has his brother under his care should feed him with what he himself eats and clothe him with what he himself wears. He should not impose on them (the slaves) a duty which they cannot bear, and if he does, then he should assist them.❖*

Not a single word in this Hadith relates to the subject matter of the chapter. Yet Imaam Bukhaari records it in *Kitaabul Imaan*.

(5) In his chapter, *THE SUPERIORITY OF FAJR SALAAT* , Imaam Bukhaari brings the following Hadith:

❖...Jareer Bin Abdullah said: We were by Nabi (sallallahu alayhi wasallam) when he looked at the moon of the 14th night (the full moon), and said: ❖Most certainly, you will see your Rabb just as you are seeing this (full moon). You will not crowd (and fall over one another) in seeing Him. Therefore, if you are capable of not being overwhelmed (by sleep, etc.) regarding Salaat before the rising of the sun, and before its setting, then do so.❖

(Bukhaari, Vol.1, page 81)

The greater part of his Hadith does not relate to the superiority of Fajr Salaat. It pertains to the Mu'min's vision of Allah Ta'ala in Jannat. Yet, Imaam Bukhaari does not do any ❖cutting❖ in this Hadith as claimed by the deviate.

(6) In the chapter, *Al-Ja'd (Curly Hair)* , the second Hadith recorded by Imaam Bukhaari makes no reference whatsoever to curly hair. It speaks of long hair reaching the shoulders, not of curly hair. (Bukhaari, Vol.2, page 876)

SUNAN OF NASA'AI'

(1) In the Chapter: *Wudhu with Cold Water*, Imaam Nasaai' records the following Hadith:

❖ *Auf Bin Maalik said: ❖I heard Rasulullah (sallallahu alayhi wasallam) performing Salaat on a mayyit, and I heard of his dua. He said: ❖O Allah! Forgive him; have mercy on him; forgive him; honour him (with) lofty ranks; make spacious his grave; bathe him with water and ice and coolness, and purify him from sins just as white garments are purified from grime.❖*

The chapter is supposed to deal with making wudhu with cold water, not with a dua. But Imaam Nasaai', with good and valid reason, brings in this chapter a Hadith which apparently is unrelated to the subject matter. It is a pure dua made for a mayyit and concerns the realm of the Hereafter. It does not explain nor refer to any mas'alah pertaining to making wudhu with cold water. It is purely a dua which Imaam Nasaai' could have included in one of his several chapters on the various Duas he records in his Sunan. In fact, he does record this dua in the chapter, *Seeking Protection From the Evil of the Torments of the Grave*. Notwithstanding this fact, Imaam Nasaai' reproduces this dua in a chapter which has no apparent relationship with the supplication.

• CHAPTER: SCOURING WITH SAND THE UTENSIL

WHICH WAS LICKED BY A DOG

In this chapter, Imaam Nasaai' records the following Hadith:

❖ *Abdullah Bin Al-Mughaffal narrated that Rasulullah (sallallahu alayhi wasallam) ordered that dogs be killed. However, he exempted hunting and sheep dogs. And, he said: ❖When a dog licks the utensil, wash it seven times and scour it with sand the eighth time.❖*

The last portion of this Hadith relates to the subject matter of the chapter, but not the first portion which pertains to an instruction to kill dogs and exempt certain categories from the execution. Yet, Imaam Nasaai' does not cut and delete in this Hadith to satisfy the subject matter of the chapter as he had done with Abu Salamah's Hadith pertaining to the hair-cutting.

(3) In his Chapter: *FARDHIS SALAAT* (Salaat being made Compulsory), Imaam Nasaai' records a lengthy Hadith of 29 lines. While only 8 lines relate to Salaat, 21 lines explain the story of Mi'raaj. Imaam Nasaai' did not cut and chop this Hadith for the sake of satisfying the subject matter of the chapter in terms of the ❖principle' presented by the deviate.

However, in another Hadith, immediately following the abovementioned narration, Imaam Nasaai' deletes the entire part pertaining to the Mi'raaj story and cites only the relevant portion relating to the ordaining of Salaat.

- In his Sunan, Imaam Nasaai' has a Chapter captioned: *The Amount for Which the Hand of the Thief will be cut off*. In this chapter, Imaam Nasaai' records the following Hadith:

❖ Ka'b said: ❖He who makes wudhu and beautifies the wudhu, then performs Salaat' ❖ and Abdur Rahmaan said: ❖Then he performs Isha, thereafter he performs four raka'ts and he completes it❖.these raka'ts will be for him like Lailatul Qadr (by way of thawaab).❖

There is absolutely no relationship between this Hadith and cutting off the hand of a thief nor with the amount of the stolen property.

Besides these few examples from Bukhaari Shareef and Sunan Nisaai', both these Kitaabs are replete with narrations in which whole portions are unrelated to the subject matter. The ❖principle' mentioned by the deviate is not visible in innumerable Ahaadith of these Kitaabs. Each Imaam of Hadith had his own peculiar and valid method of recording a Hadith in its full form or deleting portions.

THE PORTIONS

If the deviate was correct in his claim that Imaam Bukhaari and Imaam Nasaai' narrated only those portions of Ahaadith which relate to the subject matter of the chapter, then this would have applied to all the narrations recorded by them. But this is palpably false. Secondly, inspite of the indisputable authenticity of the Hadith of Abu Salamah, both these Imaams and Imaam Ahmad, and perhaps others of whom we are not aware at this stage, have chosen the option of deletion. Since it has now been proven with the examples presented above that the reason for the deletion was not ❖subject matter', then there must have been a cogent reason. It is inconceivable that these great Muhadditheen who were Imaams (Experts) in their field of Hadith, would delete a portion of a valid and authentic Hadith for no proper reason. What that reason is, we shall really know of it only on the Day of Qiyaamah when Allah Ta'ala blesses us with the opportunity of meeting these illustrious Souls. It will indeed be interesting to know of the exact reason for the deletion. Presently, everyone is only conjecturing as to the reason for the deletion.

ANOTHER BASELESS ARGUMENT ON THE DELETION

The deviate vainly attempts to present some reason, not for only the deletion, but for the

expungement of the deleted portion by Imaam Bukhaari, Imaam Ahmad Bin Hambal and Imaam Nasaai' from their Saheehs. Thus he says:

❖None of them have a chapter on the issue of cutting hair generally for women (which is not a problem since they also do not have chapters on a vast number of issues).❖

This reasoning is totally fallacious because these Imaams have chapters dealing with all issues pertaining to hair and hair-cutting. So why did they expunge the deleted portion of Abu Salamah's Hadith from their kutub? Just look at the array of hair-related chapters, and you will wonder : Why did these illustrious Authorities expunge this deleted portion and not create a chapter for it in view of its importance?

THE CHAPTERS IN BUKHAARI SHAREEF

Cutting the Moustaches, Lengthening the Beard, Dyeing (the hair and the beard), Curly Hair, Gumming the Hair, Parting the Hair, Tresses, Qaza' (Cutting the hair partially), Perfuming the Hair, Combing the Hair, Combing the Hair from the Right Side, Lengthening the Hair (of a woman) by Joining (false) Hair, The Woman Who Wants Such addition of Hair, The Woman Who Commits This Act (of adding hair to hair).

THE CHAPTERS ON HAIR IN NASAAI'

Prohibiting Woman from Shaving, Adding Hair, Permission to Dye (the hair), Oiling (the hair), Shortening the Moustaches, Parting the Hair, Cutting from the Moustache, Combing on Alternate Days, Combing the Hair from the Right Side, Tresses, Lengthening the Hairlocks, Tying the Beard, Prohibition against Plucking Out Grey Hairs, Women Dyeing Hair, Plucking, Cutting the Moustaches, Shortening the Moustache and Lengthening the Beard, Joining cloth to the Hair, The Waasilah (the one who lengthens hair artificially), The Mustausilah (the one who requests this lengthening of hair), Curse on the Waasilah and the Mustausilah.

It is significant that in Sunan Nasaai', some of the same chapters have been duplicated in different Kitaabs of the Sunan (i.e. in the same Hadith Kitaab of Imaam Nasaai').

Every aspect pertaining to hair has been discussed in the Hadith and recorded by these Imaams. Hair styles which were in vogue at the time for males are recorded in Ahaadith by these Imaams, but hair-cutting by women is not recorded. Indeed this is most peculiar. However, if one does not adopt intransigence, it will be simple to understand that since hair-cutting never was a practice of

females, it is not recorded anywhere in the thousands of Ahaadith which these Imaams have included in their Saheehs. While there does exist evidence in the Hadith for the prohibition in general of hair-cutting for women, there is no mention of the prohibition of any styles similar to the prohibition of hair-styles for men.

If hair-cutting by women was an issue in the time of Rasulullah (sallallahu alayhi wasallam) there would undoubtedly have been several Ahaadith on this topic in the same way that there are many Ahaadith on a variety of practices pertaining to hair.

THE GHUSL ARGUMENT

The deviate also argues that the hair-cutting portion of the Hadith was deleted by Imaam Bukhaari and the other Imaams because it has no relevance to ghusl, and the subject matter of the chapter is ghusl.

We have also discussed the **subject matter** contention and have dismissed it with evidence. Furthermore, the hair-cutting portion of the Hadith does have a clear relevance to ghusl. It is not entirely unrelated to ghusl because Abu Salamah reported what he had seen of the hair of Hadhrat Aishah (radhiyallahu anha) at the time when she was practically demonstrating the method of ghusl. He saw her hair gathered on top of her head (as will be shown with greater clarity with another Hadith, Insha'Allah), during ghusl. It was an act which occurred during ghusl. Hence, it is baseless to argue its irrelevance to ghusl for justifying the deletion. While the great Imaams of Hadith did have valid reasons for the deletion and expungement, these are known to only them.

THE FALLACY OF THE ARGUMENT OF THE CHAINS

The deviate contends:

Furthermore, neither al-Bukhari nor an-Nasa'i have narrated the hadith through the same chain as Muslim did. While each of them have narrated only some chains of the hadith, it is Muslim alone who has gathered all the chains together at one place with their full wording.

The unacquainted reader and those who have no access to the original sources, will understand from the above-quoted statement of the deviate that the particular Hadith in question, namely, Abu Salamah's narration in which appears the hair-cutting portion **is** recorded in Saheeh Muslim with a number of *asaaneed* (chains of narration) while Imaam Bukhaari, Imaam Nasaai' and Imaam Ahmad (rahmatullah alayhim) record it with only one *sanad* (chain). But, this claim which the deviate makes is ludicrously false.

In sheer desperation in his hunt for arguments to bolster his lost case, the deviate takes a reckless chance to bamboozle those whom he is trying to convince. He is guilty of either shameful ignorance or shameless falsehood in making the claim that Imaam Muslim has reported this particular Hadith of Abu Salamah with many chains while the other Aimmah record only one chain.

In the chapter on the type and size of container Rasulullah (sallallahu alayhi wasallam) used for ghusl, Imaam Muslim records sixteen *Asaaneed* (Chains of Transmission). Of these 16 chains, only **one** refers to the narration of Abu Salamah in which he mentions his visit to Hadhrat Aishah (radhiyallahu anha) and the hair-cutting story. Only one chain is reported by Imaam Muslim, not many as the deviate has contended.

The 15 Chains mention the method of Rasulullah's ghusl which is explained by different Wives while the one, solitary Hadith of Abu Salamah mentions his own visit to Hadhrat Aishah (radhiyallahu anha) whom he asked about Rasulullah's ghusl. In this particular Hadith, Hadhrat Aishah (radhiyallahu anha) does not narrate the method of Rasulullah's ghusl as is the case in the other 15 Chains. Here in this solitary narration, she practically demonstrates the ghusl. It is an episode entirely different from what the other 15 Chains convey. None of the 15 Chains mention Abu Salamah's visit to Hadhrat Aishah (radhiyallahu anha) nor her practical demonstration of ghusl nor the hair-cutting story.

Of the total of 19 chains which appear in this chapter of Saheeh Muslim, Abu Salamah's name features thrice, and of these three times, only one chain pertains to the narration with the hair-cutting suggestion. All the other chains are of different narrations on the issue of ghusl.

The deviate has truly scraped the very bottom of the barrel in his bid to confuse and mislead readers. He has stated a brazen lie. Just as the other Imaams narrated Abu Salamah's Hadith with one chain, so too does Imaam Muslim narrate it with one chain.

Furthermore, while the three Imaams (Bukhaari, Muslim and Nasaai') record the Hadith of Abu Salamah with different chains, the following facts are noteworthy:

- The last three Links in their respective Chains, namely, Shu'bah, Abu Bakr Bin Hafs and Abu Salamah, are the same. All three Imaams have these three names in their Chains.
- In spite of this, only Imaam Muslim records the hair-cutting report.

The significance of these two facts will not escape the seeker of the truth.

ABU SALAMAH, THE SOLITARY REPORTER

It is necessary to again emphasise that Abu Salamah (rahmatullah alayh), notwithstanding his authority and integrity, his honesty and uprightness, is the only one who reported the hair-cutting piece. When we say that he is the solitary Taabee who made this report, it does not detract from his greatness. It is merely a statement of fact. It is the reality. If anyone else among the Sahaabah or Taabieen has made this report, the deviate should produce his evidence.

The discussion in which the Taabee, Abu Salamah features, pertains to facts, not to emotionalism, hence it is superfluous for the deviate to say:

❖ *As for the status of Abu Salamah, he is the son of Sayyiduna Abd ar-Rahman ibn Awf, one of the Asharah Mubashsharah. But that is not his only claim to fame.* ❖

Although it is truly superfluous for us to elaborate on this particular issue which the deviate has raised for lack of evidence for his *baatil* opinion of the permissibility of immoral hair-cutting for women, it is necessary that we pursue the discussion to impart a lesson to him.

While being the son of a great man is an honour, it is not a qualification in the field of Ilm-e-Deen. It does not qualify a man in the Knowledge, of Hadith, Fiqh, Tafseer, etc. By this we are not implying that Abu Salamah lacked in these qualifications. We are merely saying that lineage and relationship to great men are not qualifications of *Ilm* nor for *Najaat* (Salvation) in the Aakhirah. Qaabil's relationship to such a great Nabi as Hadhrat Aadam (alayhis salaam), did not benefit him. Nor did the son of Hadhrat Nooh (alayhis salaam) benefit from being the son of such a great Soul. Hadhrat Sayyiduna Abu Bakr Siddique (radhiyallahu anhu), also among the Ashrah Mubashsharah, was a greater Sahaabi than Hadhrat Abdur Rahmaan Bin Auf (radhiyallahu anhu). But, the Hadith testifies about the conduct of Hadhrat Abu Bakr's son and his role in the assassination of Sayyiduna Uthmaan Bin Affaan (radhiyallahu anhu). Thus, lineage should not be stated as a qualification although it can be a great honour to be the son of a great man.

While accepting the greatness of Abu Salamah, the fact remains that he is the solitary Taabee who narrates the hair-cutting portion of the Hadith. In relation to this portion of the Hadith, undoubtedly, he stands alone. Not a single Imaam of any Math-hab, not a single Faqih of former or later times, has accepted his narration as a basis for permissibility of hair-cutting for women. If there is, let the deviate produce his proof.

On the contrary, all Fuqaha are at pains to present viable interpretations for Abu Salamah's statement to avoid a conflict with the prohibition of hair-cutting for women. Even Imaam Nawawi, inspite of narrating Abu Salamah's statement and inspite of saying in it is permissibility, explicitly records in his *Al-Majmoo'*, the ugliness of cutting even one *anmulah* in length from a woman's tresses even on the occasion of being released from Ihraam.

The deviate again attempts to mislead readers by labouring to convey the idea that we had criticized the authenticity of the Hadith narrated by Abu Salamah. Hence, he avers:

❖ To invoke the flimsy sort of grounds for questioning the authenticity and/or relevance of the words of Abu Salamah ❖.❖

We have already earlier explained the blatant allegation of falsehood which the deviate has hurled against us by resorting to this lie. Again we emphasise that at no stage and nowhere in our earlier book did we assault the authenticity of the Hadith. We stated with the greatest clarity that the hair-cutting portion of the Hadith is ambiguous and that the authorities of the Shariah, everyone of them who has discussed this Hadith, have presented interpretations to diverge from the apparent meaning of the text.

As far as the relevance of the hair-cutting portion of Abu Salamah's statement is concerned, the Authorities of the Shariah, all of them, negate its relevance in relation to the prohibition of hair-cutting for women. They all state that it is irrelevant. It does not have any bearing on the prohibition. In fact, the Shaafi'i authority, Allaamah Ibn Hajar Haitami explicitly states the irrelevance of Abu Salamah's hair-cutting statement. In his *Haashiyah*, Ibn Hajar Haitami says:

❖ And, what has already been mentioned in Muslim (about the Mothers of the Mu'minen taking from their hair ❖.) does not negate (the prohibition of halq and taqseer of more than one anmulah) because of what is in his (Muslim's) sharah from Al-Qaadhi that he said: ❖ Perhaps they did so after the demise of Nabi (sallallahu alayhi wasallam) on account of their abandonment of adornment and for lightening the burden of tending to their hair. The Author said: Others besides him (Al-Qaadhi) said: ❖ And this (view) is confirmed.❖

(Haashiyah of Allaamah Haitami on Sharah Eedhaah, page 355).

In his *Haashiyah*, Ibn Hajar Haitami said that the reason for the prohibition is *tanfeer* of the husband, i.e. the revulsion or abhorrence the husband will experience to see his wife with her hair shaved or cut. Ibn Hajar brings his argument in response to a possible objection that there should be no *tanfeer* by the husband because as reported by Abu Salamah, the Holy Wives did cut their hair. The objection implies that cutting of hair by the Holy Wives negates the averment of *tanfeer*. It is this implied objection which Ibn Hajar Haitami answers in his *Haashiyah*. In his response he points out that the very aim of the Holy Wives was to create ugliness in themselves since they did so after the demise of Nabi (sallallahu alayhi wasallam), hence they were obliged to abandon adornment. They could never marry again. Thus *tanfeer* is not negated by their act.

Even Ibn Hajar Haitami whose aid the deviate had tried to enlist for his idea of permissibility, interprets the statement of Abu Salamah to avoid conflict with and negation of the prohibition. The deviate simply has no cause and no basis whatsoever to stand on.

It should be well understood that it is not for insignificant Muqallideen of our kind to cast aspersions on the integrity of the great Men of Islam. We merely seek refuge in the impregnable fortress of Taqleed. We cite what the authorities and the great Ulama have said. What the deviate is accusing us of is false. He should take up issue with Hakimul Ummat Maulana Ashraf Ali Thaanvi (rahmatullah alayh). We refer readers to pages 106 and 107 of our earlier book (reprint) for the views expressed by Hakimul Ummat on the ambiguous version of Abu Salamah's Hadith. The deviate should state clearly his grievance against Hadhrat Hakimul Ummat. He should not seek refuge in ambiguity and dubiosity by attributing the views and statements of the Akaabireen to us Muqallideen. He should be honest and pull off his mask of deception and speak openly his mind. He should register his grievance against the illustrious Ulama of Deoband (the Akaabireen) to whom he owes a debt he can never repay even if he is reborn. He has eaten their spiritual salt. He should not make subtle remarks about them. What we have said and are saying, is not only what the early Fuqaha of the Four Math-habs have said, but also what **all** the Akaabir Ulama of Deoband said and say to this day.

Be honest and do not say that ♦the objector is questioning the authenticity of the words of Abu Salamah♦. Read what Hakimul Ummat had written about the statement of Abu Salamah, then direct your criticism against Hakimul Ummat and all the other Akaabireen of Deoband so that the Muslim community can see and understand your deceit and the animosity you harbour in your heart for those Seniors whose Salt you had lapped up for years in Deoband and to whom you will be forever indebted.

The unprejudiced and sincere reader will gain a better understanding of what has been said about Abu Salamah and the Hadith he has narrated by reading the whole chapter, *The Authenticity of the Hadith*, from page 75 onwards, of our earlier book (reprint) on this topic.

The deviate has said in his booklet that no man, regardless of his greatness and knowledge, is infallible and free from error. This criterion applies in general to all people regardless of their greatness in whatever field they are great. It is not a criterion to employ selectively and apply to only adversaries, and spare those from whose statements support is sought. This criterion applies to Abu Salamah as well. Hence, notwithstanding his lofty rank and him being one of the ♦Seven♦ Ulama of Madinah, he too can err.

Imaam Nawawi who had commented on the hair-cutting portion of Abu Salamah's narration, also comments on another Hadith narrated by Abu Salamah. On page 90 of his Saheeh, Imaam Muslim records a Hadith in which Abu Salamah claims that the first verses revealed were: *Yaa Ayyuhal Muddath-thir*, not the verses of Surah Iqra'. Commenting on this statement, Imaam Nawawi says:

♦His statement is dhaeef (weak), In fact, it is baatil (baseless).♦

(Saheeh Muslim, Vol.1, page 90)

We are sure that Imaam Nawawi (rahmatullah alayh) had greater awareness than the deviate of the fact that Abu Salamah was the son of Abdur Rahmaan Bin Auf (radhiyallahu anhu), one of the *Ashrah Mubash-sharah* , and that he was one of the Seven Ulama of Madina. But inspite of his awareness, Imaam Nawawi declared Abu Salamah's view as being **baatil**.

Every unbiased person possessing healthy *aql* will not interpret Imaam Nawawi's comment as an assault on the *Ilmi* integrity and reliability of Abu Salamah. There is, therefore, the distinct possibility of the hair-cutting portion of Abu Salamah's statement also being *baatil* due to some good reason. This in no way can be interpreted to mean that an aspersion has been cast on his reliability and integrity. At the very least, Abu Salamah's statement is *Mu-awwal* , hence all authorities of the Shariah, those of the earlier times and those of the later times, have interpreted his statement to avoid it coming into conflict with the prohibition of hair-cutting for women.

Imaam Nawawi's comment, namely, that the view of Abu Salamah is *Baatil* on the issue of the first revealed verses should be of much significance to the deviate.

IMAAM AHMAD AND THIS HADITH

In his usual habit of deception, the deviate states:

❖ *The objector also states that Imam Ahmad does not narrate the portion of Abu Salamah. There is a difference between saying, ❖Imam Ahmad does not narrate it,❖ and saying,❖Imam Ahmad does not narrate it in his Musnad.❖ For the objector's information, Imam Ahmad does narrate it.❖*

For the reference of Imaam Ahmad's narration, the deviate cites the *Musnad* of Abu Awaanah.❖

His statement is a perfect example of the type of skulduggery he perpetrates throughout his booklet. He tries to convey that we had denied Imaam Ahmad ever having narrated Abu Salamah's narration. Our statement in this regard, as it appears on page 79 of our earlier book, reads:

❖ Besides the deletion by Imaam Bukhaari who was the Ustaadh of Imaam Muslim, this Hadith also appears in Musnad of Imaam Ahmad Bin Hambal and Nasaai, but without the alleged hair-cutting statement.❖

We did not claim that this portion of the Hadith was not in *Musnad Abu Awaanah* . We said that it was not in *Musnad* of Ahmad. To interpret this to mean: ❖Imam Ahmad does not narrate it❖ is typical skulduggery.

Besides this, the question still remains: Why did Imaam Ahmad Bin Hambal not record the Hadith in full form in his *Musnad* ? Why does only part of the Hadith appear in his *Musnad* ♦ the hairy part being expunged? Why did Imaam Ahmad adopt the method of the other Compilers of *Sihah Sittah* and not follow Imaam Muslim's lead? The argument of ♦ *preoccupation with subject matter* ♦ is palpably incorrect as pointed out earlier.

The authenticity of the Hadith is not in question. The meaning of the hairy portion is in question, and the reason for its wholesale deletion by most of the Imaams of Hadith, to say the least, is indeed interesting.

At this moment, the issue is not the inclusion of the hairy portion in the *Musnad* of Abu Awaanah . The issue is the *Musnad* of Imaam Ahmad. It does not assist the fallacious theory of the deviate to perpetrate confusion nor can he succeed to divert attention in this way from the hopelessness of his argument to force the belief of permissibility for an act which is immoral in Islam.

NO CHOICE FOR THE MU'MIN

♦ *It is not lawful for a Believing man nor for a Believing woman that they have any choice in any of their affairs when Allah and His Rasool has issued a verdict.* ♦ (Qur'aan)

The verdict of the Shariah is the Prohibition of hair-cutting for women.

THE DEVIATE ♦ S SELF-IMMOLATION AND SELF-EXPOSURE

♦ *What, do you not see them wander aimlessly in circles in every valley (of deception)?* ♦ (Surah As-Shu'raa) ♦ *(He is) like one whom the shayaateen have deviated in the wilderness while (he wanders) in bewilderment.* ♦

(Surah Al-An'aam)

When a man has resolved to adopt intransigence in fostering *baatil* , then the logical consequence of such evil misdemeanour is utter confusion and bewilderment. Such a deviate wanders around aimlessly blurting out drivel and making statements which damn himself, thereby exposing what is hidden within him. In his most damning statement which is tantamount to self-immolation, the deviate makes a startling confession without realizing its implication. On page 26 of his *a rejoinder* , he says:

♦ On page 111 the objector claims that I preferred not to use Imam an-Nawawi's commentary because I ♦ fully understand that if (I) can eke one point of support out of Imam Nawawi's commentary 10 points will go against (me). ♦ I have stated earlier and I restate here that it was Imam an-Nawawi's commentary that led me to the conclusion that I came to in my essay. Had it

not been that an imam such as he had opened the way in this regard, I myself would never have dared to walk this path. But since he is that imam of fiqh and hadith, and that muhaqqiq of the Shafi'i madhhab whose merit is acknowledged by all and sundry, opponent as well as supporter, I have followed him, ❖❖

In this statement, the deviate has confessed that:

- There is no substantiation for the permissibility of hair-cutting by women other than the solitary inference stemming from Imaam Nawawi's interpretation of Abu Salamah's hairy portion of the narration.
- It is this solitary inference of Imaam Nawawi which has ❖ opened the door for him to start propagating his view of permissibility.
- If this solitary inference of Imaam Nawawi had not existed, he would never have plod the path of permissibility of women cutting their hair, hence he spontaneously utters: ❖ *I myself would never have dared to walk this path* ❖ Which path? The path of propagating that women can cut their hair.
- If all the Fuqaha of all the Math-habs say that hair-cutting for women is permissible and Imaam Nawawi said that it is not permissible, then by implication, the deviate will accept only what this great Imaam had said.
- He is of the opinion that all those Fuqaha of the three Math-habs (besides the Ahnaaf) who claim that hair-cutting for women is permissible (i.e. in his imagination and desire) are not worthy to ❖ open the way ❖ for him ❖ to walk this difficult path ❖ of proclaiming that it is halaal for women to cut their hair. Hence, he laid off, and grabbed the opportunity to disseminate his view when he stumbled on the ❖ alchemy' which Imaam Nawawi's inference provided. He could thus transform the base metal (the haraam act of hair-cutting) into gold (by making it halaal) in consequence of the utilization of the panacea of the inference.
- If Imaam Nawawi had not made the inference of permissibility, he too would have stuck to the ruling of prohibition, hence he would ❖ never have dared to walk this path ❖ of permissibility.

These are all valid implications to be drawn from his self-damning statement. Why is it imperative to have the inference of Imaam Nawawi for the view of permissibility, when the act of hair-cutting for women is permissible in at least the Shaafi'i Math-hab as the deviate has contended and abortively attempted to prove? If this act was truly permissible, what is the reason for the imperative need of a mere ambiguous inference by a solitary Imaam?

If this abominable act was truly permissible, there would have existed copious evidence for its permissibility. There would not have been any imperative requisite to first stumble on an obscure inference, then declare permissibility on its basis. Remember that the deviate's claim is that there does not exist *Ijma'* on this issue. Then why did he have to first stumble on the ambiguous statement and the resultant ambiguous inference of Imaam Nawawi before he could venture to even open his mouth on this issue of evil? Could he find no basis, no explicit declaration of permissibility of any Fuqaha or Muhadditheen for his case, necessitating the long wait for a door

to open up for peddling his haraam wares?

There is no *Ijma'* on the prohibition, he vociferously trumpets. Then why can he not produce evidence for the non-existence of *Ijma'*, other than the solitary inference of Imaam Nawawi?

The fact is that if it was not for the solitary inference of Imaam Nawawi, the deviate ♦ would never have walked the path ♦ of permissibility. He would never have claimed that hair-cutting for women is permissible if he had not stumbled on the solitary inference of Imaam Nawawi. Now why would he not? Yes, why would he never have dared to proclaim this abominable act permissible in the absence of Imaam Nawawi's inference? The answer is too simple. The prohibition is a confirmed Law of the Shariah backed up by *Nusoos* and the fourteen century *Ijma'* of the Ummah. The solitary inference emboldened the deviate to reveal the *dhalaal* (deviation) which he was all along concealing in his heart on his issue. If there had existed a *fatwa* of permissibility in the ranks of the Fuqaha, there would never have been the need ♦ *never to dare to walk this path* ♦ to proclaim hair-cutting permissible.

The path which one will not dare to walk is dangerous. Such a path in which one dares not walk is fraught with pitfalls and perils, hence intelligence demands that a man should not tread in such a road. Conceding this truth and reality, the deviate confesses that he would not have dared to walk the dangerous path. But, what really makes this path dangerous? What had really constrained him to view this path (of permissibility) with such awe, gravity and fear to warrant the resolve of never walking this way? Surely, it is only the massive evidence of the Shariah which had deterred him and which convinced him of the folly of contemplating to publicly advocate what he was concealing in his heart. When he stumbled on the solitary inference ♦ the weakest of all ♦ proofs', if at all it could be described as a proof ♦ he threw off all caution and ventured to walk the dangerous path which imperils, not only one's *adaalat*, but one's very Imaan because in the evil exercise of clashing with the *Ijma'* of the Ummah and with all the *Nusoos* on the prohibition of the immoral act of hair-cutting for woman, a man's Imaan is exposed to the depredations of the nafs and shaitaan.

Is it intelligent to claim that camel's urine is *taahir* (pure) and permissible on the basis of a solitary Hadith which the Fuqaha interpret to avoid negation of the ruling of prohibition? Will it be said that a man is wise and a faqih if he produces an inference or a ruling of permissibility for camel's urine on the basis of what a solitary Faqih has said? Will it be intelligent and in accord with the principles of the Shariah if a man claims that there is no incumbency to shave the under-arm hairs, and in substantiation he produces the solitary view of a Faqeeh regardless of the greatness of the Faqih? Yet there are many such examples in which the solitary view is in conflict with the *Ijma' of the Jamhoor Fuqaha*. Such a difference does not detract from the validity of *Ijma'*.

We all walk the path of prohibition (prohibition of hair-cutting for women). It has always been so. There never was an occasion when anyone among the Ulama could never dare to walk this

path of prohibition, despite the solitary and ambiguous inference of permissibility stated by Imaam Nawawi. To walk the opposite path (of permissibility) is dangerous, and was dangerous for even the deviate until he stumbled on the solitary inference with all its ambiguities and interpretations. In fact so ambiguous and so uncertain, that even Imaam Nawawi (rahmatullah alayhj) explicitly upholds the view of prohibition transmitted down the centuries by the Daleel of *Ijma'* and the other *Nusoos* of the Shariah. Hence, he says:

❖ ***Al-Maawardi said: Woman should not cut from her tresses (on the occasion of release from ihraam), because that (cutting) makes her ugly. But, she should lift the tresses and cut from the place under them.*** ❖

(*Al-Majmoo'*, Vol.8, page 151)

Imaam Nawawi sustains this categoric ruling of Al-Maawardi. He does not pass any adverse comment as would be expected of a Commentator if he believed the ruling to have been unsound or incorrect.

Ibn Hajar Al-Haitami has also explicitly stated the prohibition in his *Haashiyah* and Allaamah Shabramallisi also records Al-Haitami's explicit statement in this regard. Discussion on this has already preceded in the foregoing pages.

When Imaam Nawawi, himself, does not present his own inference of permissibility as a basis for proclaiming hair-cutting by women to be permissible, then how can and what right does the deviate have to cite the solitary and ambiguous inference as a basis for declaring permissible the haraam act of hair-cutting for women?

When Ibn Hajar and other Shaafi'i Fuqaha state that the rationale for the prohibition is *shain* (ugliness), *tanfeer* (repugnance) and *nuqs-e-istimtaa'* (conjugal disinclination), then how is it conceivable for an honest man, a man of *Ilm* to intransigently claim that according to these very Fuqaha it is permissible for women to cut their hair?

When the sternest stand on prohibition is that of the Shaafi'i Math-hab, how can a man of *Ilm* slander the Shaafi'i Fuqaha by claiming that according to them this vile act is permissible? It should be remembered that inspite of the three Math-habs, besides the Shaafi'i Math-hab, holding the view of the permissibility of women cutting one *anmulah* in length from their tresses on the occasion of release from ihraam, the Shaafi'i Fuqaha advocate cutting from the hair situated under the tresses, not from the tresses because they view that even this one *anmulah* of cutting from the tresses disfigures her with ugliness inspite of cutting on this occasion being an act of ibaadat. This then is the *Urf* of the Ummah in accordance with the Shaafi'i Math-hab.

And why did Al-Mawardi, Imaam Nawawi and the other Shaafi'i Fuqahaa not cite Abu

Salamah's Hadith to substantiate the validity of cutting one anmulah from the tresses? Why do they adopt such a rigid view even regarding cutting just one centimeter or so, and that too when cutting is Waajib, when there exists ♦proof♦ for ♦abundant hair-cutting♦ in Abu Salamah's Hadith?

?????? ??? ????? ??????? ??????? ? ???? ??????? ???????????

♦ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses .♦

IMAAM NAWAWI♦S INTERPRETATION

The elaboration on Imaam Nawawi's interpretation of Abu Salamah's statement, proffered by the Fuqaha and Ulama of every age since the time Imaam Nawawi presented his interpretation, has already been adequately explained in our earlier book on this subject. It will do readers good to study what we have stated. Nevertheless, in view of the diversionary tactics employed by the deviate in his attempt to confuse and to erect a smokescreen for evading the prohibition, it is best to expand the discussion on this issue.

On the basis of accepting that the statement of Abu Salamah refers to literally cutting hair, the Fuqaha were posed with a great difficulty. How could the Holy Wives have cut their hair when this was a haraam act? An interpretation had to be made in order to avoid the conclusion that the *Azwaaj-e-Muttahharaat* had committed a haraam act. Furthermore, a favourable interpretation was imperative to avoid a conflict with the well-established and well-known ruling of prohibition. If this was not the case, there would have been absolutely no need for conjecturing interpretations for convincing people that a permissible act is permissible.

The wording of Qaadhi Iyaadh's interpretation clearly establishes that it is not a conclusive and a final meaning. He uses the term ♦*la-alla'* (perhaps). Neither he nor any one else can claim with certitude that the interpretation of Qaadhi Iyaadh is in fact one of absolute certitude.

Then, in the interpretation offered by Imaam Nawawi it is clearly stated that it is unimaginable that the Holy Wives would have done so during the lifetime of Rasulullah (sallallahu alayhi wasallam). Furthermore, the interpretation clarifies that the reason why they had cut their hair is abandonment of beauty and adornment. On the contrary, the crave for hair-cutting displayed by women of our time is motivated by a diametric opposite motive, namely, acquisition of ♦beauty and adornment' which in their westernized minds lies in immoral hair-cutting.

On the basis of this reason stated by Imaam Nawawi on the authority of Qaadhi Iyaadh, the rationale for the prohibition stated by Ibn Hajar Haitami and other Shaafi'i Fuqaha is threefold♦ *tanfeer, shain, nuqs-e-istimtaa'*. Not a single one among the Fuqaha and Muhadditheen had ever claimed that this prohibition was the product of *Urf*. The deviate dwelling in *jahl murakkab* , is

the first and the only one to date who has ventured this preposterous contention.. He demands from us proof of *Ijma' for the prohibition* inspite of his total inability to produce a single Faqih from any Math-hab who had declared hair-cutting for women to be permissible.

When our Akaabir Ulama claim *Ijma'*, the deviate should hurl his abuse against them, not against these insignificant Muqallideen, for then his true colours will be vividly exhibited.

What other explicit statement for permissibility besides Imaam Nawawi's solitary inference, does the deviate possess? What can he offer in this line? It is of utmost importance to understand that Imaam Nawawi's statement is not a *Fatwa* of permissibility. Imaam Nawawi NEVER issued a *fatwa* of permissibility for practical adoption by women. And, how could he and how could any other Shaafi'i Faqih have issued such a ruling when the Shaafi'i Fuqaha categorically attribute the prohibition to *repugnance, ugliness and to the conjugal disinclination of the husband*? They did not attribute it to *Urf*. So ugly and so repugnant does a woman who cuts just one inch of her tresses become in the sight of the Shaafi'i Fuqaha that they have ordered her to lift her tresses and cut the inch from the hairs at the back of her neck under her tresses of beauty. Indeed a woman who perpetrates the vile abomination of hair-cutting is truly nauseous. But tastes and shaitaani conventions of kuffaar cultures have despoiled the tastes of Muslims as well.

The deviate states:

❖If this act was as haram as the objector claims it was then surely it would have been haram both during the lifetime of Nabi sallallahu alayhi wasallam and after his death.❖

Whether it was *haraam* of a greater degree during the lifetime of Rasulullah (sallallahu alayhi wasallam) and a *haraam* of a lesser degree after his demise is of no relevance. The fact is that it remained *haraam* and it remains *haraam* to this day and it will remain *haraam* until the Day of Qiyaamah, and the females destined for Jannat will enter with their flowing tresses of beauty not with the ugliness of immoral kuffaar women.

That it was *haraam* even if not very much *haraam* in the deviates's mind, is confirmed and acknowledged by the deviate, and that it was *haraam* even after the demise of Rasulullah (sallallahu alayhi wasallam) has also been conceded by the deviate. He does admit that during Imaam Nawawi's time women still did not cut their hair, although he attributes the prohibition to his understanding of *Urf*. He thus acknowledges that hair-cutting for women was prohibited regardless of the technical designation ascribed to it by the different Fuqaha, both before and after the death of Nabi-e-Kareem (sallallahu alayhi wasallam).

His statement, ❖as *haraam*❖ and ❖*haraam*❖ is another attempt to confuse and divert or to erect a smokescreen to befuddle readers. It is another form of presenting his earlier stupid argument regarding the *Haraam and Makruh*. This type of argument is intended to detract from the gravity of prohibition and the notoriety of the misdeed. While he has tried much to create confusion with these terms, he conveniently withholds the information that the prohibition, be it

of the technically *Haraam* or *Makruh* category, results in punishment with Hell-Fire. None of the Fuqaha of any Math-hab has opined that the *karaahat* is of the kind which does not produce sin, and which is acceptable.

The severity of the stand which the Fuqaha, notably the Shaafi'i Fuqaha, adopt on this type of *Makruh* act emphatically confirms the abhorrence of the misdeed of cutting hair for women. Hence, they use strong terms to describe the abomination ❖ *tanfeer, shain, nuqs-e-istimtaa'*, and the Shaafi'i Fuqaha also describe the act as ***haraam***.

Elaborating on the prohibition of *halq* and *taqseer* (cutting), Ibn Hajar Haitami says in his *Haashiyah ala Sharhil Eedhaah fi Manaasikil Hajj lil Imaamin Nawawi* :

❖ *Regarding woman* ❖ *She should not shave, i.e. In Al-Majmoo' (of Imaam Nawawi) it is said to be Makruh for her* ❖❖ *..And many (among the Fuqaha) say that it is haraam because it is disfigurement and emulation with males* ❖❖ *..And, cutting more than one anmulah is like halq as has been explained* ❖❖. (Page 355)

The difference among the Shaafi'i Fuqaha regarding the classification of *halq* is of technical substance. It does not convey permissibility and acceptance of the act by the Shariah. The fact that the classification varies from *Makruh* to *Haraam* should be sufficient to convince anyone of the *hurmat* (prohibition) of the deed. The difference is not between *Tanzeehi* and *Tahreemi* . It is between *Makruh Tahreemi* and *Haraam*, hence the severity of the stand adopted by the Shaafi'i Fuqaha on the issue of hair-cutting and hair-shaving. Readers should not be detracted nor become confused by the arguments of the deviate on the technical classification of terms. They should look at the real and practical consequences of the deeds of repugnance. Thus, even if it is not ❖ as haraam ❖ as we understand it, it nevertheless leads the perpetrators into the Fire of Jahannum, and long before this ultimate consequence, is the *La'nat* (Curse) of Allah Ta'ala which settles on such women even in this world.

Imaam Nawawi's comment: ❖ *In it is a basis for the permission of shortening the hair for women* ❖ , is not a *Fatwa* for practical adoption. If this was his view, he would not have upheld the stern view of Al-Maawardi and the other Shaafi'i Fuqaha. He would not have claimed as Qaadhi Iyaadh and others that the shortening was executed after Rasulullah's demise. He would not have presented argument explaining the action of the Holy Wives and to attribute it to their intention of abandoning adornment thereby voluntarily opting for *tanfeer and shain*.

The view of permissibility voiced by Imaam Nawawi was never used as a licence by any Shar'i authority to proclaim hair-cutting lawful for women. Even Imaam Nawawi himself did not advocate permissibility of hair-cutting for practical purposes inspite of his view. This has already been explained earlier. Right down to the present age no Shaafi'i faqih has issued a fatwa of permissibility on the basis of Imaam Nawawi's interpretation. The deviate is the first one in Islam's fourteen century history ❖ to dare to walk this path ❖ of *Haraam* hair-cutting for women.

Wherever a discussion developed among the Shaafi'i Fuqaha or among the Fuqaha of the other Math-habs on the permissibility of cutting more than one *anmulah* in length for release from ihraam, and they differed among themselves regarding the technical classification of the prohibition, no one ever cited Imaam Nawawi's view of permissibility for conferring a lighter designation to the prohibition. The narration of Abu Salamah, the urf and the interpretation of Imaam Nawawi were never cited by any of the Fuqaha for applying a lighter classification than *haraam* to the prohibition. Different arguments were produced, but not any of the three just mentioned. This is adequate evidence to indicate that the Fuqaha did not attach any significance to the statement of Imaam Nawawi nor to the narration of Abu Salamah in which there is an ostensible reference to cutting.

The deviate should cease his tricks of diversions. He is under great stress to convince readers that what we have stated in our book is the view of ♦the objector♦. Far from it. We have stated only what Muqallideen should say. We presented the views and the *Fataawa* of the Fuqaha and the Senior Ulama whom we follow. We have shown that the *Fatwa* of the Akaabireen of the Indo-Pak subcontinent are in complete conformity with all those Ahnaaf Fuqaha who never carried India and Pakistan identity cards. They were great and illustrious Fuqaha. If any man has failed to comprehend the relationship which the Fuqaha of the *Ma wara-un Nahr* region had with all branches of Shar'i Uloom, and if he has not grasped the lofty rank of those Fuqaha who adorned the *Ilmi* firmanent of Islam, then we can say that he is not a fit specimen of Muslim humanity to address.

In the first instance, deviates usually make the Ulama of India and Pakistan the scape-goats for their *nafsaani* criticism in the satanic bid to scuttle those *ahkaam* of the Shariah which do not find accommodation in their desires. When they are bereft of rational and Shar'i arguments, they attribute the immutable *ahkaam* of the Shariah to the ♦orthodox' Ulama of India and Pakistan . However, in the case of the deviate with whom we are presently dealing, he has to tread somewhat cautiously for fear of exposing himself and revealing his true colours♦the colours of liberalism spawned by western influences. He cannot openly throw in his lot with the mobs of modernists because after all, he has eaten the spiritual and academic Salt of the Ulama of Deoband. While he casts veiled aspersions on the illustrious Ulama who were the spiritual and academic Fathers of his Ustaadhs in Deoband, he has yet to bare his fangs which have been coated with poison at the recycling plant in Cairo .

Now let us revert to the interpretation of Imaam Nawawi (rahmatullah alayh). It is not ♦the objector♦ who has made the comments about Abu Salamah's narration and about Imaam Nawawi's interpretation. In our earlier book, we presented the full explanation of Hakimul Ummat Maulana Ashraf Ali Thaarvi on this issue. Let the deviate read the explanations of Hakimul Ummat, of Allaamah Zafar Ahmad Uthmaani, of Hadhrat Maulana Yusuf Binnuri, of Hadhrat Maulana Gangohi, of Hadhrat Maulana Mahmudul Hasan Deobandi (the Ustaadh of Hakimul Ummat and of countless other very senior Ulama) and of other Akaabireen. Let him study what is written in *Fathul Mulhim* on this issue. Let him see what Maulana Taqi Uthmaani states in his *Takmilah* on *Fathul Mulhim* . Thereafter he should comment and direct his stupid criticism to these Ulama-e-Muhaqqiqeen individually.

If he honestly reads the explanations of all these Akaabireen, he will be compelled to desist from attributing the interpretations to ❖*the objector*❖. He should point out unambiguously without any statements of subterfuge, where he feels these Akaabir Ulama have erred in their interpretations and where they have committed injustice against Abu Salamah and Imaam Nawawi. And, above all, his difference with them on the *Ijma'* issue. It is improper and insufficient for him to say that he ❖respects' the view of senior Ulama, then assail that very view of the senior Ulama by directing his vituperative criticism to the ❖objector❖, merely because we happen to narrate it.

While we are on this subject, it will be appropriate to clarify ❖criticism' which has been directed in this book to great personalities like Ibn Hajar Haitami and Zayla'i. We must unequivocally state that we are insignificant Muqallideen. We are not qualified to criticize any of these illustrious Ulama, Fuqaha and Muhadditheen. We lack in every sphere to be qualified critics of great Men. When someone criticizes an authority, it presupposes either the superiority of the critic's knowledge and expertise in that field or at least the critic is on par with the one he is criticizing. We fit nowhere in these categories to justify criticism from our sides. Therefore, it should be clearly understood that wherever in this book there appears any criticism against Ulama such as Ibn Hajar Haitami, etc., then the criticism has merely been narrated from other authorities and our Akaabireen. It is never our personal criticism.

Anyone wishing to make an issue of such criticism should take up cudgels with the Akaabireen and direct their complaint and criticism against the Akaabireen who have criticized. For example, the criticism against Ibn Hajar and Zayla'i for their adverse comments on the some narrations in Hidaayah, is not our personal criticism. It is criticism coming from Hadhrat Allaamah Zafar Ahmad Uthmaani who compiled the 22 volumes of *I'laaus Sunan* under the auspices and guidance of Hakimul Ummat Maulana Ashraf Ali Thaanvi. These were authorities who were entitled to criticize. Any one who has any doubts of their abilities should study *I'laaus Sunan*. Whatever the case may be, it serves no good to cunningly vent venom against ❖*the objector*❖ for the views and *Fataawa* of the Akaabireen which we are merely presenting.

Let us now proceed with Imaam Nawawi's interpretation.

- The explanation of Hakimul Ummat on Imaam Nawawi's interpretation and Abu Salamah's narration has also been presented in our earlier book. Those interested should study it.

(2) The explanation of Allaamah Zafar Ahmad Uthmaani appears in Imdaadul Ahkaam. In view of the similarity with Hadhrat Hakimul Ummat's fatwa, we shall reproduce only portions of his explanation.

❖*At most, it could be concluded from the narration (of Abu Salamah) that it will be permissible for only widows to shorten their hair. But only a Mujtahid is permitted to resort to this istidlaal (logical deduction). A non-Mujtahid may not do so because he has no right to make istimbaat (deduct ahkaam) from the Qur'aan and Hadith.*

Nowhere is it proven that the Mujtahideen had permitted a married woman or a widow to shave or cut her hair without a valid need. On the contrary the Fuqaha have totally prohibited women from shaving and cutting their hair. See Al-Ashbaah. Nawawi (rahmatullah alayh) saying: ♦In it is permissibility for shortening the hair for women', is not proof (for permissibility) because he himself is a Muqallid. He did not attribute this comment to any Mujtahid.

Secondly, it is not valid to liken other widow women to the Azwaaj-e-Mutahharaat because it was not lawful for the Holy Wives to marry other men while it is not unlawful for other widow women to marry.

Furthermore, we in fact do not accept that the meaning of this Hadith is that the Holy Wives had cut their hair. Its narrator, Abu Salamah Bin Abdur Rahmaan, is not the mahram of all the Azwaaj-e-Mutahharaat, hence he himself could not have witnessed this act in relation to all the Holy Wives. He must have heard it from someone, and that medium is unknown. Thus, this Hadith is not a hujjat (for permissibility to cut hair for women).

In response to the question that at least he was able to see the act of Hadhrat Aishah (radhiyallahu anha) whose mahram he was, it has to be said that in the Hadith there is no mention of him having observed Hadhrat Aishah cutting her hair. Since it is substantiated by the Hadith narrations that Hadhrat Aishah's hair had become short on account of sickness, there is the distinct possibility that Abu Salamah had seen her with less hair than the hair of other women, hence he concluded that she may have cut her hair. According to the explicit narration of Shaikhain (Imaam Bukhaari and Imaam Muslim) Hadhrat Aishah's hair had become short due to sickness. (Jam'ul Fawaaid, Vol.1, page 312)

It is obvious that by saying ♦the Wives of Nabi (sallallahu alayhi wasallam)♦, the intention was not all the wives. It referred to only Hadhrat Aishah (radhiyallahu anha). In this context the plural has been used to denote honour and respect. And, Allah knows best.♦

In Fathul Mulhim, Hadhrat Allaamah Zafar Ahmad does not accept that the meaning of Abu Salamah's narration refers to literal cutting of hair. He thus states in Fathul Mulhim, Vol.1, page 472:

♦And, according to me, the meaning is that they (the Holy Wives) would tie their loose hair on the neck or on the head without plaiting it. Hence it appeared like wafrah on account of not being lower than the ears just as many of the old women and even young women do in our (present) time ♦ in fact most women ♦at the time of ghusl after washing the head. Verily, long hair let loose frequently prevents water reaching that part of the body which is covered by the loose hair. Thus there is difficulty for water reaching the relevant part.♦

(Reproduced from Ma'aarifus Sunan of Shaikhul

Hadith, Allaamah Yusuf Binnuri)

(3) Hadhrat Allaamah Yusuf Binnuri (rahmatullah alayh), writing in his *Ma-aarifus Sunan Sharhi Sunan Tirmizi* , says:

❖ *I asked our Shaikh Hadhrat Maulana Mahmudul Hasan Deobandi (rahmatullah alayh) about the narration of Abu Salmah. He said:*

❖ Frequently that (i.e. short hair) is at the time of hair becoming light and less during old-age. ❖ The Shaikh said: According to me, that had happened once at the time of tahallul from ihraam, not generally at all times. The Hadith in Mu'jamut Tabaraani and other indications support this (meaning). ❖ (Vol.6, page 286)

Allaamah Binnuri adds:

❖ Verily it (the narration of Abu Salamah) has posed difficulty for the Shaariheen (Commentators) of former and later times. Al-Maarzi, Al-Qaadhi Iyaadh, Al-Qurtubi, An-Nawawi and Al-Ubiyy directed their attention to it. Thus they said ❖❖❖..(the interpretation has already been mentioned) ❖.

Our Shaikh (i.e. Allaamah Binnouri's Shaikh) said: ❖The heart is not satisfied with this solution (interpretation presented by the aforementioned Ulama). ❖ (Vol.6, page 286)

In other words, these interpretations are not convincing. The meaning of Abu Salamah's words remain ambiguous inspite of the interpretation of Al-Qaadhi Iyaadh and Imaam Nawawi. Hadhrat Binnuri (rahmatullah alayh) then mentions a very interesting fact. He says:

❖ The Shaikh (i.e. his Ustaadh) said: ❖ Of greater difficulty (i.e. more problematic and doubtful) than the Hadith of Muslim (i.e. the narration of Abu Salamah), is the Hadith which Haafiz Zayla'i mentions in At-Takhreej, namely: ❖ Verily, Maimunah was with head-shaven when she was buried. ❖

Inspite of this Hadith and the established fact of Hadhrat Maimunah (radhiyallahu anha) having shaved off all her hair, there exists *Ijma' of all the Fuqahaa of all Math-habs* on the prohibition of *halq* for women. The existence of a narration such as that of Abu Salamah indicating cutting of hair for women, does not affect the validity of the prohibition of cutting hair in the same way as the existence of the Hadith of Hadhrat Maimoonah (radhiyallahu anha) does not affect the prohibition of *halq* .

(5) Commenting on the narration of Abu Salamah, Hadhrat Shaikhul Hadith Allaamah Anwar Shah Kashmiri (rahmatullah alayh) said:

❖ ❖ *At his juncture there is a very strong ambiguity towards which no one has paid attention (i.e. no one has accepted its ostensible meaning). And that is what appears in Muslim that some of the Holy Wives had cut their hair and made it like wafrah. Nawawi, Qaadhi Iyaadh, Maazari, Qurtubi and Abu Abdullah Maaliki Ubiyy have not solved it (i.e. the ambiguity with their interpretations).* ❖

(Al-Urfush Shazi, page 332)

None of the Fuqaha had accepted Abu Salamah's narration as a basis for permissibility of hair-cutting for women. Furthermore, all interpretations of the ambiguous part of Abu Salamah's narration have not satisfactorily eliminated the ❖ *strong ambiguity* ❖.

(6) The interpretation that the Holy Wives did not in fact cut their hair but would tie it behind their necks during ghusl or on top of their heads is supported by the Hadith of Saalim in *Al-Mu'jamul Kabeer, Vol.7 page 62*. Saalim, the servant of Rasulullah (sallallahu alayhi wasallam) said:

❖ Verily, the Wives of Nabi (sallallahu alayhi wasallam) used to make their hair into four tresses. When they would take ghusl, they would arrange it in the middle of their heads. ❖

This meaning (namely, tying the hair on top of their heads during ghusl) is substantiated by the statement of Abu Salamah, namely, ❖ *like wafrah* ' when he compared their hair with wafrah. He did not say: ❖ *It is wafrah* '.

According to this interpretation too, the term used by Abu Salamah does not mean literal cutting. It refers to tying the hair on top of the head during ghusl. This is supported by the Hadith of Saalim. In spite of some authorities having found fault with one of the narrators in the chain of this Hadith, Imaam Bukhaari (rahmatullah alayh) has authenticitated it.

(7) The deviate's Ustaadh, Hadhrat Maulana Saeed Ahmad Palanpuri quotes Shaikhul Hadith Maulana Zakariyya (rahmatullah alayh) in his kitaab, *Faizul Mun'im, page 179*. He cites Hadhrat Shaikh Zakariyya as follows:

❖ *Even if that was the meaning of the Hadith, then too for women to cut their hair according to fashion would be unlawful. At most, that which would stem from this Hadith (if the literal meaning is taken) would be permissibility to shorten hair whereas tashabbuh with the ajam, the*

Ahl-e-Kitaab and with the kuffaar is prohibited in many Ahaadith, hence this Hadith cannot be a naasikh (abrogator) for all the other Ahaadith. Moreover, there are several probabilities in the meaning of the Hadith. One interpretation is well-known, namely, that they did this to abstain from adornment. Another probability is that this (the short hair) was due to abundance of Umrah. Hadhrat Sahaaranpuri (rahmatullah alayh) had indicated this probability in the haashiyah of his Musalsalaat. What is written in Fathul Mulhim is not at all cutting of the hair but has been explained to mean tying the hair on the head. If the ostensible meaning of cutting hair is in fact the meaning (of the narration of Abu Salamah), then this action is Mauqoof which is in conflict with the Marfoo' Riwaayat because in Jam'ul Fawaaid appears the narration of Tibaraani Kabeer and Sagheer in which there is explicit mention: ﴿Nabi (sallallahu alayhi wasallam) prohibited (women) from jummah (hair that reaches the shoulders).﴾

According to Shaikhul Hadith Maulana Muhammad Zakariyya (rahmatullah alayh), even if it is assumed that there is a basis for permissibility for hair-cutting in the narration of Abu Salamah, then too, the hair-cutting which women adopt will remain unlawful on account of the *tashabbuh* which is the **only** reason for the desire of women in this day desiring to cut their hair. Besides this, Hadhrat Shaikhul Hadith does not accept the ostensible meaning of the narration.

Whatever we have said about Abu Salamah's narration and about the interpretation of Imaam Nawawi, is what all these Akaabir Ulama have stated in refutation of the suggestion that it is permissible for women to cut their hair. The deviate should divert his criticism to these Seniors and to the Fuqaha, including Imaam Nawawi, who prohibit hair-cutting for women inspite of what he has said in his interpretation of Abu Salamah's narration.

THE MOTIVE FOR HAIR-CUTTING

Even the deviate has to concede that the intention of women underlying hair-cutting is the acquisition of beauty. They desire to cut their hair for the sake of adorning themselves. Whether the intention is to beautify themselves for the sake of their husbands or for some other ulterior and immoral motive is a different matter. While the former intention will not justify the *haraam* act of hair-cutting, the latter motive will aggravate the prohibition.

So whatever the motive may be, the common factor is *the acquisition of beauty*. The *Mansoos Urf* of the Ummah on the basis of categoric divine guidance, is that beauty for females is in long hair, hence cutting the tresses has always been regarded *haraam*, and with so much revulsion that the Shaafi'i Fuqaha instruct women to cut the necessary *anmulah* length at the time of *tahallul* from under their tresses, not from the tresses. Imaam Nawawi is included in this opinion which contends that cutting even one *anmulah* in length from the tresses disfigures the woman.

This Islamic abhorrence for hair-cutting for women is more than adequate to convince any unbiased seeker of the truth that the idea of the acquisition of beauty by cutting hair is a norm which Muslim women have acquired from the western kuffaar women. Western influence has taken a heavy toll of their brains. Their Islamic tastes have become poisoned as a consequence of

assimilation into the life-stream of the western kuffaar. Thus, when a Muslim woman desires to cut her hair it is for no reason other than emulation of kuffaar styles. What is beautiful to the kuffaar now appears beautiful to Muslims, and what is beautiful in the divine culture of Islam has been made to look ugly for modernist Muslims, hence the *Urf* of Islam and of the damsels of Jannat is ugly to modernist Muslims of this day.

FOR THE HUSBAND'S SAKE

Beauty for the husband's sake is not a command of the Shariah in all exigencies. It is *haram* for a woman to obey the husband's inordinate desire for a 'beauty' which is unlawful in Islam. Both the woman and the man come within the purview of Divine Curse if they adopt the ugliness of the kuffaar, thinking that disfigurement is beauty. Islam has placed restrictions on beauty, and the husband may not be pleased and obeyed when his inordinate desires come into conflict with the Shariah.

Asma Binti Abi Bakr (radhiyallahu anhumah) narrated:

❖ A woman came to Rasulullah (sallallahu alayhi wasallam) and said: ❖ I had my daughter married. Then she became ill with small-pox (or measles) and her hair fell out from her head. Her husband (abhorring this) complained to me. May I, therefore, add (false hair) to her head? Rasulullah (sallallahu alayhi wasallam) thereupon abused (i.e. cursed) the *wasilah* and the *mustausilah*. ❖

(Saheeh Bukhaari, Vol.2, page 879)

In the very next Hadith following the above narration, Hadhrat Asma Binti Abi Bakr, giving the tafseer of , ❖ abused' , said: ❖ Nabi (sallallahu alayhi wasallam) invoked *la'nat* on the *wasilah* and the *mustausilah*. ❖

Wasilah is the beautician who practises the style of adding hair to hair. The *Mustausilah* is the client who desires that her hair be lengthened artificially.

In the unanimous view of the followers of Islam from the time of Hadhrat Aadam (alayhis salaam), beauty and adornment for women have been in their long tresses. Long hair has always been regarded as beautiful even by the majority of kuffaar. In spite of long hair being beautiful and short hair for women equated with ugliness, Rasulullah (sallallahu alayhi wasallam) cursed those women who attempted to gain beauty by means of artificially lengthening their hair. In this matter, the husband's desire was refuted by Rasulullah (sallallahu alayhi wasallam) and the woman was prohibited from artificially lengthening her hair despite the husband's wishes and in spite of the fact that the artificially lengthened hair would have concealed the woman's ugliness and make her appear beautiful to her husband.

Similarly, Rasulullah (sallallahu alayhi wasallam) invoked *la'nat* on women who seek to make themselves appear beautiful by filing their teeth. Such women are referred to in the Hadith as *mutafallijaat*. In the same way plucking hairs from the eyebrows has been cursed and prohibited in the Hadith. Women would resort to these forms of 'make-up' to enhance their beauty. But Rasulullah (sallallahu alayhi wasallam) described all such acts as accursed and brought them within the scope of the Qur'aanic aayat which castigates *taghyeer li khalqillah* (changing the natural creation of Allah). All such acts are attributed to the influence of shaitaan by the Qur'aan Majeed.

When the husband's desire for beauty is unacceptable even if the act of adornment is the lengthening of the hair, to a far greater degree will his desire for his wife to shorten her hair into a style be repugnant and unacceptable in the Shariah. The permission and instruction of the husband in acts which conflict with the Shariah do not legalize prohibitions. It is precisely for this reason that our Fuqaha unanimously rule that if the husband consents to the *haram* act of his wife cutting her hair, then both of them are sinful and come within the purview of the Divine Curse. *La'nat* is not something to take lightly. It cannot be trifled with.

Just as filing the teeth, artificially lengthening the hair, tattooing, plucking hair from the eyebrows are branded as shaitaani acts of *taghyeer li khalqillaah*, so too is hair-cutting by females a satanic act of the same category

*****.

BASELESS ARGUMENT

◆Those who dispute in (the Shariah) of Allah, after it (Allah's Shariah) has been accepted (by the Ummah), their argument is baseless by their Rabb. On them is the Wrath (of Allah) and for them is a severe punishment.◆ (Qur'aan)

The argumentation of deviates is devoid of substance. The Shariah which has been accepted by the Ummah as it was handed down by the Sahaabah, is the Shariah of the Qur'aan and the Sunnah. The views and opinions of those who conflict with the Accepted Opinion of the Shariah is utterly baseless. The consequence of such baatil is the Wrath and Punishment of Allah Ta'ala.

THE INTENTION OF THE AZWAAJ-E-MUTAHHARAAT

If the ostensible meaning of the Hadith of Abu Salamah should be accepted for argument's sake, and it be momentarily conceded that it does refer to hair-cutting literally, then we have to probe for the reason which had constrained the Holy Wives to have resorted to an act which in the opinion of the deviate was prohibited by virtue of the *Urf* of the age. Al-Qaadhi Iyaadh, Imaam Nawawi and others who were at pains to argue away the ambiguities of this narration, concluded that the only reason for this act was abandonment of adornment and to ease the task of tending to the hair. Since the latter act is concomitant to the need for beauty and adornment, the need for it

no longer remained in view of the attitude of the Holy Wives, namely, to refrain from adornment.

This they did during their old age and on account of them being consigned to *iddat* for the rest of their lives. By the command of the Qur'aan the Wives of Rasulullah (sallallahu alayhi wasallam) could not marry after him. Their old age coupled with their life-long *iddat* led them to conclude the permissibility of cutting their hair in the pursuit of abstention from adornment which is an act of *ibaadat* for women in their *iddat*.

By resorting to the act of cutting their hair in their old age the *Azwaaj-e-Mutahharaat* had actively and intentionally adopted ugliness for themselves. They preferred to remain unattractive and ugly after the demise of Rasulullah (sallallahu alayhi wasallam). Their act of hair-cutting (on the assumption that the narration does refer to hair-cutting) was motivated by their intention to make them ugly. Thus, this is the *illat* (reason) for the act of the Holy Wives to which Imaam Nawawi and Qaadi Iyaadh refer to in their interpretation.

As far as modernist women of this age are concerned, their intention for hair-cutting is diametrically opposed to the intention of the *Azwaaj-e-Mutahharaat*. While the intention of the Holy Wives was to abstain from adornment and beautification, the intention of modernist women yearning for the kuffaar hair-styles is to pursue adornment and beauty. It is therefore ludicrous to cite the act of the *Azwaaj-e-Mutahharaat* as a basis for legalizing the *haraam* act of hair-cutting for the women of this age whose minds are preoccupied with all the immodest ways of the kuffaar women of the west. Where are the *Azwaaj-e-Mutahharaat* and where are these present day women who crave for emulating the immoral women of the west!!!

IMMORALITY

◆ Verily, those who love that immorality spreads among the Believers, for them there is a painful punishment in this world and the Hereafter. ◆ (*Qur'aan*)

The desire of a woman to cut her hair and adopt a western stylish hair-cut believing that such an act is beauty, is motivated by a base condition of the heart which the Hadith describes as zina of the heart. Hair-cutting by women is a stepping stone of immorality, the ultimate conclusion of which is zina.

THE HADITH OF SAALIM

Hadhrat Saalim (radhiyallahu anhu) was the servant of Rasulullah (sallallahu alayhi wasallam). According to him, the Holy Wives of Nabi (sallallahu alayhi wasallam) would as a matter of practice tie their tresses on top of their heads during ghusl. This explanation is the actual *tafseer* for the ambiguous statement of ❖ *they took'* which appears in the narration of Abu Salamah (rahmatullah alayh). While all the Akaabir Ulama accept the Hadith as a valid explanation for the Hadith of Abu Salamah, the deviate lost in his *dhalaal* , says in his booklet of *baatil*:

❖ Did those who supplied the objector with this hadith not inform him that the narrator of this hadith is one Umar Harun Balkhi who stands accused by the muhaddithun of being a confounded liar and hadith forger? Did they not inform him that this liar claims to have received this hadith from Imam Ja'far ibn Muhammad as-Sadiq, but the muhaddithun have exposed his mendacity by pointing out that Umar ibn Harun reached Madinah only after the death of Imam Ja'far. ❖

The deviate continuing his diatribe against Umar Bin Harun Balkhi brands the Hadith as absolutely unreliable. The deviate wants to know the basis on which we have accepted the Hadith. He rants that we have presented ❖ *the ahadith of fabricators and forgers as authentic Shar'i evidence* ❖.

Firstly, while the deviate may succeed in befuddling ignorant modernists who desire to live the ways and culture of the kuffaar, with his lies, diversions and deceit, he cannot pull wool over the eyes of discerning and honest people who seek the Haqq as we shall soon show.

Secondly, the vile epithets which he has hurled on Umar Bin Harun Balkhi aptly fit the deviate. He is all the things which he has accused the Narrator of. ❖ Confounded liar, forger, fabricator, ❖ etc., are among the attributes of the deviate, hence he has set himself up as a tin-topped plastic mujtahid.

The deviate makes the sweeping statement that ❖ the muhaddithun ❖ have branded the Narrator a fraud and a fabricator of Hadith. He thus attempts to create the idea that in the unanimous opinion of all the Muhadditheen, the Narrator Umar Bin Harun Balkhi is rejected and labelled a fabricator, etc. Yet this claim is false. If some authorities have authenticitated a narrator, then his narrations are acceptable notwithstanding the opinion of other authorities. Irrespective of the principle of *Talaqqi Bil Qubool*, every *dhaeef* Hadith is not summarily set aside or rejected. It has already been shown that Imaam Ahmad Bin Hambal accepted and relied on a Hadith which most Hadith authorities strike down and claim that it is not authentic and that it has not been authentically linked to Rasulullah (sallallahu alayhi wasallam). What he had mentioned is but an isolated example. There are innumerable such Ahaadith which the Muhadditheen have rejected, but which great Fuqaha have accepted. Then there are narrations which are struck down by some Hadith Authorities and accepted as authentic by other Authorities of Hadith. This characteristic

applies to the Hadith of Saalim as well.

The Hadith of Saalim in whose Chain of Narration appears Umar Bin Harun Balkhi, is one such Hadith which some Hadith Authorities have accepted and authenticitated. In spite of many Muhadditheen having labelled the Hadith *dhaeef* on account of the presence of Umar Bin Harun Balkhi in the *sanad*, it is mentioned in *Al-Mu'jamul Kabeer* of Tabraani that Qutaibah and other Muhadditheen have authenticitated him.

Furthermore, there is the authenticitation of the one who is regarded as the greatest authority in the field of Hadith ❖ Imaam Bukhaari (rahmatullah alayh). Regarding the Narrator Umar Bin Haarun Balkhi, Imaam Bukhaari said: ❖ ***I have found a basis for every narration of his except one.*** ❖ And, for the information of the deviate, that exception is not this particular Hadith which provides a perfect explanation for the ambiguous Hadith of Abu Salamah.

The differences among the Muhadditheen regarding the reliability of Umar Bin Haarun Balkhi is of no consequence in the context of our discussion and the acceptance of the narration as **tafseer** for the ambiguity in Abu Salamah's statement regarding the hair-cutting suggestion. When the certificate of authenticity of Imaam Bukhaari, Qutaibah and other Muhadditheen has been issued, there is no need to pay attention to the stupid lament of the deviate.

Another fact of importance is that the Hadith of Saalim is not cited as *the mustadal* (basis for deduction) for the prohibition of hair-cutting. None of the Fuqaha has presented this Hadith, to the best of our knowledge, as the basis for prohibiting hair-cutting for women. It is presented merely as an explanatory note for the ambiguity of Abu Salamah's narration. Even if the narration of Saalim has to be discarded, it will not affect the ruling of prohibition of the Fuqaha. The narration of Saalim is merely presented to cast light on the ambiguity of the narration of Abu Salamah ❖ so severe and difficult is the ambiguity that all the *Shaariheen* (Commentators) of former and later times, have been left in a quandary, hence great Mashaaiikh have been constrained to say: ❖ *The heart is not satisfied* ❖ with these interpretations.

UMAR BIN HAARUN BALKHI

In view of the horrible epithets which the deviate has hurled at the Raawi (Umar Bin Haarun Balkhi), it will be an act of grave injustice to pass on with the discussion without saying something in his defence.

Let it be understood that while the great Muhadditheen had a right to state their views regarding any narrator even if the criticism is adverse, deviates and non-entities, especially of this age, have no such right. The negation of the right to make vile criticism of narrators is applicable to a

greater degree when many great Muhadditheen authenticitate the very same Narrator who is branded a liar, fabricator, etc. by other Muhadditheen. The puny molvi and shaikh, even if he is not a deviate, may only present an impartial view by quoting both sides of the episode. To be selective for the sake of substantiating one's personal view, thereby slandering personalities who may have been true Ulama and Auliya is to expose one's Imaan to the danger of kufr. The necks of such scum will be broken by Divine Wrath. May Allah Ta'ala save us all from such calamities, and may He protect our Imaan from satanic intrusions.

IMAAM BUKHAARI AND UMAR BIN HAARUN

In his Jaami', Imaam Tirmizi says:

❖ I heard Muhammad Ibn Ismaail (i.e. Imaam Bukhaari) saying: ❖ Umar Bin Haarun was Muqaaribul Hadith. I am not aware of any Hadith of his which does not have a basis, except this one, namely: Nabi (sallallahu alayhi wasallam) used to shorten from his beard in its width and its length (i.e. when it reached more than a fist-length). We do not know it (this Hadith) except from the Hadith of Umar Bin Haarun. ❖ (Imaam Tirmizi commented): ❖ I saw him. (Imaam Bukhaari) having a good opinion of Umar Bin Haarun. ❖

(Jaami Tirmizi, page 100)

IMAAM QUTAIBAH AND UMAR BIN HAARUN

Imaam Tirmizi says:

❖ I heard Qutaibah say: ❖ Umar Bin Haarun was a Saahib-e-Hadith. He used to say that Imaan is qaul (word) and amal (deed). ❖ (Imaam Tirmizi) said: ❖ Qutaibah said that Wakee' Bin Al-Jarraah narrated from a man who narrated from Thaur Bin Yazeed that Nabi (sallallahu alayhi wasallam) positioned a minjeeq (cannon) by the community of Taa-if.' Qutaibah said: ❖ I said to Wakee': ❖ Who is he (i.e. the man)?' He (Wakee') said: ❖ Your Companion, Umar Bin Haarun. ❖

(Jaami' Tirmizi, page 100)

❖ Qutaibah said: ❖ He (Umar Bin Haarun) was severe against the Murjiah sect (a deviate and baatil sect of kufr). He was among the most learned in Qiraa-aat.' ❖

(Meezaanul I'tidaal of Imaam Zahbi, Vol.3, page 238)

OTHER AUTHORITIES AND UMAR BIN HAARUN

❖ In spite of his dhu'f (weakness in the technical terminology of the Muhadditheen), he was among the Repositories of Knowledge) ❖

(Meezaanul I'tidaal, Vol.3, page 238)

Imaam Zahbi says: ❖ *I do not regard him among those who intentionally perpetrate baatil (falsehood).* ❖

(Meezaanul I'tidaal, Vol.3, page 239)

❖ *Abu Bakr Bin Abi Daawood narrating from Saeed Bin Zanjil, said:*

❖ *I heard a Companion of ours who is called Thaur Bin Al-Fadhl, say: ❖ I heard Aba Aasim mention Umar Bin Haarun, and he said: ❖ Umar according to us was better at grasping Hadith than Ibn Mubaarak.* ❖

(Tahzeebul Kamaal, page 164)

❖ *Ahmad Bin Sayyaar Al-Marwazi said: ❖ Umar Bin Haarun Al-Balkhi was a prolific listener (of Hadith). Affaan Bin Muslim, Qutaibah Bin Sa'd and others among the authorities of Hadith narrate from him. It has been said that the Murjiah (deviates) of Balkh slandered him. Abu Raja', i.e. Qutaibah, profusely praised him and authenticitated him.* ❖

❖ *Wakee' said: ❖ I heard Aba Raja' (Qutaibah) saying: ❖ Umar Bin Haarun was severe against the Murjiah. He would mention their evils and calamities. It is on account of this that there was the animosity between them and him. He was among the most learned in Qiraa-aat. I heard Aba Raja' (Qutaibah) saying: ❖ I asked Abdur Rahmaan Bin Mahdi: ❖ Verily, we narrate much from Umar Bin Haarun and it has reached us that you have criticized him. He (Mahdi) said: ❖ I seek refuge with Allah! I did not say anything about him but good.' Wakee' said: ❖ I heard Aba Raja' saying: ❖ I said to Abdur Rahmaan Mahdi: ❖ It has reached us that you said that he narrates from a certain person while he has not heard from him.' He (Mahdi) said: ❖ O, Subhaanallaah! I did not say that at all. And, if he did narrate (so), then he is not suspected (of falsehood) by us.* ❖

(Tahzeebul Kamaal, page 164)

Haafiz Muhammad Bin Hibbaan states:

❖ *Umar Bin Haarun Al-Balkhi narrates from Ibn Urwah, Ibn Juraij and Shu'bah. The people of Iraaq and his city narrated from him. He was among those who narrated from Ath-Thiqaat Al-Mu'dhilaat.* ❖

(Thiqaat refers to reliable narrators. Mu'dhilaat refers to such narrators who drop off two consecutive narrators from the Chain of Narration).

❖ *Ibn Mahdi entertained a good opinion about him.* ❖

❖ Abu Haatim said: ❖ Umar Bin Haarun was a man of the Sunnah, virtuous and generous. The people of his city harboured animosity for him because of his severity (of opinion) regarding the Sunnah and his defence of it (the Sunnah). ❖

❖ Abu Haatim said: ❖ A group of our Shuyookh spoke well of him.' ❖

(Haafiz Muhammad Bin Hibbaan, Vol.2, pages 90 and 91)

The following appears in *Al-Majmoo' fidh Dhu'afaa' wal Matrukeen* :

❖ Umar Bin Haarun Bin Yazeed Al-Balkhi ❖ .was a Haafiz (of Hadith) among the Nine ❖ ..His narrations are in Tirmizi and Ibn Maajah. ❖ (Page 171)

Imaam Az-Zahbi says in his *Al-Kaashif*:

❖ Qutaibah has highly praised him and accredited him, and Ibn Khuzaimah records him in his Saheeh, and Haakim in his Mustadrak. ❖

All the Hadith Examiners have presented both sides of the story. They have given in detail the criticism of those who brand Umar Bin Haarun as unreliable, as well as the views of those who have accredited him and accepted his reliability. They have not been selective in their presentation of this Narrator. In view of the sharp and conflicting opinions about this Narrator, the opinion is gained that he was a controversial figure. Nevertheless, great Authorities of Hadith such as Imaam Bukhaari, Imaam Tirmizi, Imaam Qutaibah and Ibn Mahdi held him in esteem.

Both Imaam Tirmizi and Imaaam Ibn Maajah record his narrations in their Authentic Compilations. Regarding one particular Hadith for which Imaam Bukhaari could not find any other Chain to corroborate it, Imaam Tirmizi, after recording the Hadith, comments: ❖ *It is Ghareeb* ❖ . In the meaning of Hadith terminology this refers to a *Saheeh* Hadith which has only one Chain. In view of its authenticity, Imaam Tirmizi includes it in his Jaami'.

We have not mentioned the adverse criticism the Muhadditheen (not all of them) have directed to this Narrator because the deviate (the one who endeavours to legalize for women the *haraam* act of hair-cutting), has already selected that side of the coin in his bid to bolster his gone and lost case.

The summary of the foregoing discussion is:

- Saalim's Hadith is acceptable on the basis of the principles of the Muhadditheen even if there is no *Talaqqi Bil Qubool*.
- Great Muhadditheen have authenticitated the narrations in whose Chain appears Umar Bin Haarun Balkhi.
- Imaam Bukhaari, the greatest Hadith authority has confirmed the authenticity of the Narrator.
- The Hadith has not been tendered as the basis for the prohibition. It has been presented as an explanation for the ambiguity in Abu Salmah's narration.
- *Dhaeef* Ahaadith do have the capability of being employed as *Mustadallaat*. This will be discussed later, Insha'Allah.

(6) Even if Saalim's Hadith should be discounted and discarded as a complete ❖ fabrication by the greatest Hadith forger', it will not in any way whatsoever detract from the validity of the Prohibition.

(7) The Hadith of Saalim does not conflict with any *hukm* or principle of the Shariah. On the contrary, it supports the view of Prohibition which is substantiated by the *Nusoos* of the Qur'aan (*Taghyeer li khalqillaah*) and Sunnah, and the *Ijma'* of all four Math-habs.

Now when Imaam Bukhaari has found a basis for every *isnaad* of Umar Bin Haarun, and Ibn Maajah records his narrations, and Imaam Tirmizi confirms his narrations to be *Saheeh*, and Imaam Ahmad Bin Hambal narrates his Ahaadith, and Haakim narrates him in his Mustadrak, and Ibn Khuzaimah narrates him in his Saheeh, and Ibn Qutaibah highly praises him, and Ibn Mahdi disowns having spoken adversely of him, and it is acknowledged that he vehemently defended the Sunnah, and that the deviate Murjiah sect spread evil rumours about him, etc., then we are doing nothing but acting within the confines of Rectitude by citing a Hadith which merely corroborates the accepted Ruling of Prohibition of the Fuqaha.

Another factor of significance in this debate is the issue of mistaken identity. In the footnotes of *At-Taareekhul Kabeer* of Imaam Bukhaari, the Annotator comments:

❖ Perhaps Ibn Hauzah is in fact Haarun, but I did not see anyone saying so explicitly. ❖

In view of the uncertainty and the facts favourable to Umar Bin Haarun, the citation of his Hadith by us is upheld by the Ulama-e-Haqq. And, the lament of the deviate is of no significance.

Umar Bin Haarun died in the year 194 A.H. on the 1st Ramadhaan which happily was a Friday. It was thus his good fortune to be absolved from the Questioning of the Grave until the Day of Qiyaamah ❖ or perhaps this Hadith too is a ❖ forgery and fabrication' in the opinion of the deviate. May Allah Ta'ala grant Umar Bin Haarun *maghfirah* and for us too through the medium of his virtues ❖ *Rahmatullaahil Waasiah* alayhi.

CHANGING ALLAH'S LAW

❖ *And, do not say for the falsehood which your tongues fabricate that ❖ this is halaal, and this is haraam', thereby you forge on Allah falsehood.❖ (Qur'aan)*

The attempt to change the fourteen century prohibition of hair-cutting for females is the fabrication of falsehood in the Name of Allah Ta'ala.

THE UTILITY OF THE MUHADDITHEEN

The deviate queries:

❖ He (referring to the authors) himself has admitted ❖ Albeit grudgingly ❖ that the muhaddithun do have some utility in Islam, and that ❖ this is where the Compilations and classification of Ahaadith become necessary❖. So what has happened to the utility of the muhaddithun now? Has it suddenly lost its value❖.?❖

No, it has not ❖ suddenly lost its value'. It remains intact with its value. We have to ask: What has given the deviate the idea that we have acknowledged the Utility of the Muhadditheen ❖ grudgingly'? We reproduce here just one of our statements in this regard, which appeared in our earlier book:

❖ *The utility of the Muhadditheen will remain in the Ummah until the end of the world's time. No one can ever minimize the wonderful and sacred role which the illustrious Muhadditheen played in the preservation of the Sunnah and of the knowledge of the Deen in general. Allah Ta'ala had created the Jamaat of Muhadditheen specially for Hadith Compilation. The world never again saw the likes of these illustrious Souls after they had departed from the world, having accomplished their mission with unparalleled excellence. Neither does our treatise assign the Muhadditheen to oblivion nor does it seek to minimize their role. Should we or anyone even entertain such a notion, we shall undoubtedly slip into the same abyss of spiritual corruption and jahaalat leading to kufr in which the shaykh of the baatil article is presently entrapped❖.*

(Page 129 of the reprint of our book, on *THE FEMALE'S HAIR*)

To understand the falsehood and deceit of the deviate, pages 129, 130 and 131 of our earlier book (reprint) should be read. Nowhere is there any statement which will lead the unbiased reader to conclude that we ❖grudgingly acknowledge the utility of the Muhadditheen❖ as the *kath-thaab* has alleged. On the contrary we claimed that denial of the utility and of the role and rank of the Muhadditheen opens up the avenue for kufr ❖an avenue in which the deviate is presently entrapped because he has set himself up in refutation of the *Ijma'* of the Ummah in his rabid desire to make lawful what the Shariah has made unlawful.

It was not claimed that the narration of Saalim constituted the basis for the Prohibition. It was cited merely to explain the ambiguity of Abu Salamah's statement. Saalim's Hadith was used to show that the Wives of Rasulullah (sallallahu alayhi wasallam) had long hair ❖not short hair. What Saalim said in the Hadith is corroborated by other Ahaadith as well. Long hair was the ❖norm of society❖ even on the admission of the deviate. Nothing in Saalim's Hadith conflicts with the Shariah. In view of these factors there is no need to even probe the *sanad* of the Hadith. If a weak Hadith in which appears that *masah* of the head has to be made during wudhu, is cited, there is no need to check the Chain of Narration because the narration does not conflict with the Shariah. On the contrary, it corroborates the teaching of the Shariah. The same explanation applies to Saalim's Hadith in whose Chain of Narration appears the Narrator Umar Bin Haaarun who has been accepted by great Muhadditheen despite the controversy surrounding him and irrespective of many Muhadditheen having branded him as unreliable.

If we look at the Hadith in question, we find no *Talaqqi Bil Qubool* for it. This, we have assumed. We do not as yet concede that this principle has not been satisfied by this Hadith. However, in our incomplete/defective search, we have not ascertained *Talaqqi* in regard to this particular Hadith.

In the absence of *Talaqqi Bil Qubool*, we have to resort to the Muhadditheen for their views and treatment. Now if we do so and make use of the *Utility of the Muhadditheen*, we find that many Muhadditheen have accepted the Narrator Umar Bin Haarun as we have explained in some detail earlier on. Accepting the ruling of these Muhadditheen, we cited the Hadith. Thus, we upheld the *Utility of the Muhadditheen*. In citing Saalim's Hadith we did not discard the views of the Muhadditheen among whom there is NO unanimity on his alleged unreliability, ❖forging' and ❖fabricating'.

Indeed, the deviate may direct his charge of the presentation of forged and fabricated narrations to Imaam Tirmizi, Imaam Ibn Maajah, Imaam Qutaibah and others. They have not confined themselves to recording only one narration in whose chain appears Umar Bin Haarun. Several of his Ahaadith are recorded and passed by the Imaams of Hadith. The deviate, having no basis and no explanation for his *baatil* opinion has merely attempted to set up another diversionary smokescreen to confuse the Prohibition of hair-cutting for women.

The views of some seniors will throw more light on this simple issue which the deviate's

intransigence has obfuscated.

The deviate is averse to accept that the principles and rules of Hadith classification which the later Muhadditheen had formulated never applied to the Shariah's laws nor to the Hadith *mustadallaat* of the *Fuqaha-e-Mutaqaddimeen*. Only a moron can deny this obvious fact. Principles, rules and classifications cannot apply to Fuqaha who flourished two centuries before the event.

The Aimmah Mujtahideen who were the highest ranking Fuqaha acquired their *Ilm* and expertise directly from the Sahaabah. Just as the Sahaabah were independent of the *Usool-e-Hadith* and the classification of Hadith of the Muhadditheen, so too were the Aimmah Mujtahideen who gained their knowledge from the Sahaabah. The next generation after the first Jamaat of Fuqaha was the Taabieen who were the Students of these illustrious Aimmah. By virtue of their proximity to the Sahaabah and being direct recipients of the *Ilm of Wahi* from the very First Students of Rasulullah (sallallahu alayhi wasallam) the Fuqaha of the Taabieen and Tabe Taabieen ages were in command of all branches of Uloom and were totally independent of the principles and classification of Hadith of the *Mutakh-khireen* Muhadditheen. This is not a mystery which requires any unravelling. It is a self-evident fact.

Explaining this fact, Shah Waliyullah (rahmatullah alayh) states in his *Hujjatullaahil Baalighah*:

◆ *The Salf (The early predecessors ◆ the Taabieen and Tabe Taabieen) did not compile the Shariah (in book form). The fact that the Shariah was not compiled was not detrimental because Nabi (sallallahu alayhi wasallam) had already prepared its principles and deduced the particulars (masaail). The Fuqaha among the Sahaabah such as Amirul Mu'mineen Umar, Amirul Mu'mineen Ali, Zaid, Ibn Abbaas, Aishah and others (radhiyallahu anhum) followed in his footsteps. They probed the Shariah and disseminated it.*

Thereafter the Ulama of the Deen and the Travellers along the Path of Yaqeen presented whatever was required (in regard to new developments) from the treasure Allah Ta'ala had stored in their hearts.

The former people (i.e. the Ulama of that era) were independent (did not need) of compiling kutub in this field. This independence was due to the purity of their beliefs by virtue of the barkat of their companionship with Nabi (sallallahu alayhi wasallam), and by their proximity to his age, and by the minimal of differences among them, and by them being contented and not probing what had already been substantiated from Rasulullah (sallallahu alayhi wasallam), and by their lack of need to reconcile narrational facts with rationalism, and by their ability to readily refer to reliable (authentic Ulama) in much of the subtleties of Knowledge.

Furthermore, they were not in need of kutub (for the same abovementioned reasons) and because they were contemporaries of the Men of Hadith. They were among them, saw and heard them. The (evil) of fabrication was negligible. Thus they had no need for compiling all the subjects of

Hadith such as commentary of unfamiliar Hadith, Asmaaur Rijaal, classification of the narrators, the principles of Hadith, the conflicting Ahaadith, their reconciliation and differentiation between dhaeef and saheeh (strong), maudhoo' and thaabit.

The principles and details of these issues which had not been formulated (in the early period), were formulated ages after ♦ long afterwards ♦ when the need for it developed and the goodness of Muslims depended on it. ♦

In his Annotation on *I'laaus Sunan*, Hadhrat Maulana Taqi Uthmaani whom the deviate has acknowledged to be a Hanafi Faqih and Muhaddith of the highest rank, quotes Allaamah Ibn Ameer Haaj, the *Tilmeez* (student) of Al-Kamaal Ibnul Humaam:

♦ *It is appropriate to say that the greater authenticity of the two (Saheehs ♦ Bukhaari and Muslim) over the other Hadith kutub besides them is in relation to those after them, not in relation to the Mutaqaddimeen Mujtahideen before them. Verily, this, inspite of it being apparent is sometimes obscure to some or they are in error in this regard. And Allah Subhaanahu knows best. ♦*

Mufti Taqi Uthmaani Sahib then says:

♦ *Our Shaikh, Imaam Al-Kauthari (rahmatullah alayh) said in his Ta'leeq alaa Shurootil Aimmatil Khamsati lil Haazimi ♦ ♦ ♦. 'He intends thereby that Shaikhain (Imaam Bukhaari and Imaam Muslim) and the Ashaab of the Sunan were a contemporary group among the Huffaaz (of Hadith). They appeared on the scene after the compilation of the Islamic Fiqh (i.e. of the Shariah). They became concerned with the classification of Hadith while the Aimmah Mujtahideen before them were more accomplished in knowledge and in Hadith. Before them were Marfoo', Mauqoof and Mursal (narrations), as well as the Fataawa of the Sahaabah and the Taabieen.*

The gaze of the Mujtahid is not deficient with regard to Hadith categories ♦ ♦ ...The Authors of the Jawaami' and Musannafaat (kinds of Hadith kutub) prior to the Six (Sihaah Sittah) were in fact the Ashaab (Students) of these Mujtahideen and the Students of their Students. To look at their asaaneed was a simple matter for them (these Authors) in view of their high-ranking category. This is especially so when the Mujtahid makes istidlaal with a Hadith, for (such istidlaal) is the authentication of that Hadith. The need to resort to the Six (Sihaah Sittah) and to formulate (ihtijaaj) with (the narrations) of these (Six) are in relation to those who came after them. And Allah knows best. ♦

(I'laaus Sunan, Vol 19, page 65)

It should now be quite clear that the utility of the principles and classification of the later

Muhadditheen is applicable to those who came after them, not to the Fuqaha before them.

HADITH OF MAYMUNAH AND TASBEEH OF THE MALAAIKAH

The deviate does not respond to what has been put to him in this regard. He implies that he is a **❖mujtahid**', hence he feels competent to dissect and interpret Ahaadith as he deems fit. Imaam Hambal's interpretation is for us Muqallideen, not for self-advertised **❖mujtahids**'. Our request is simple and straightforward. The act of shaving the head by Hadhrat Maymunah (radhiyallahu anha) is a substantiated and an accepted fact. This truth cannot be denied. Just as the deviate has latched onto the ambiguous statement of Abu Salamah in his attempt to legalize hair-cutting for women, so too should he claim that **❖in principle it is permissible for women to shave their heads bald❖**.

The deviate has rejected the interpretation of the Fuqaha and Ulama of both former times and later times in regard to the statement of Abu Salamah, now he quickly presents Imaam Ahmad's interpretation in regard to the shaving act. Why does he not rescind the interpretation of the Fuqaha on the issue of shaving for women and declare it permissible on the basis of the authenticity of the Hadith? Why accept the interpretation of the Fuqaha on the act of shaving, and not on the act of hair-cutting. The argument that he has accepted the interpretation of Imaam Nawawi is absolutely baseless. We have already shown the absurdity of accepting Imaam Nawawi's statement for practical purposes. Imaam Nawawi, himself, upholds the view of prohibition as has been mentioned several times earlier.

Why does the deviate not say that shaving the head for women will be permissible if the **❖norm**' of some stupid or immoral society changes. The day that shaving for women becomes a fad, then it should be permissible in terms of the deviate's understanding of the principle of *Urf*.

We did not present this Hadith for argument in relation to and in negation of the **❖Ijma**' enacted on the prohibition of shaving for women. It was presented to enable the deviate to declare shaving **❖permissible**' on the basis of his **❖ijtihaad**' since he believes himself to be a competent **❖mukharrij**' of Ahaadith. In fact the Ulama say that presenting an interpretation for the Hadith of Maymunah (radhiyallahu anha) is fraught with greater difficulty than the Hadith of Abu Salamah.

THE HADITH OF THE TASBEEH OF THE MALAAIKAH

In the matter of Hadith Methodology and logical deduction we need not display **❖powers**' and **❖ability**' because we are Muqallideen who stand on the bedrock of Taqleed. Our task and duty are to state and narrate what our Fuqaha and Ulama have ruled.

The deviate wandering in a cesspool of confusion claims:

❖ *Out of all hadith sources this hadith appears listed only in*

Kashf al-Khafa. ❖

Firstly, the authenticity of a Hadith is not inextricably interwoven with appearance in a book of Hadith. Secondly, the principle of *Talaqqi Bil Qubool* is a most authoritative standard of authenticity. Thirdly, from whence did the deviate obtain the theory that the authenticity of a Hadith cannot be established if it does not appear in a book of Hadith? Fourthly, has the deviate encompassed **all** Hadith sources? Does he claim to have greater knowledge of Hadith than the illustrious Muhadditheen of the past who too did not encompass all Hadith sources?

There is no principle in the Shariah which states that the authenticity of a Hadith can be established only if it is to be found in a Hadith book. The Ahaadith ❖ thousands of them ❖ on which the Aimmah Fuqaha based the *ahkaam* were not acquired from Hadith books. In fact, the Aimmah-e-Mujtahideen committed to writing their Ahaadith after they had acquired it, and so did the later Muhadditheen. The deviate speaks absolute nonsense by asserting that a Hadith is unauthentic if it does not appear in a Hadith book. Did the deviate research each and every Hadith kitaab there presently exist on earth to enable him to make the sweeping statement he has ventured?

Abu Haazim narrated a Hadith to the illustrious Imaam Zuhri who said: ❖ *I don't recognize this Hadith.* ❖ Abu Haazim said: ❖ *Have you memorized all the Ahaadith of Rasulullah (sallallahu alayhi wasallam)?* ❖ Imaam Zuhri said, ❖ *No.* ❖ Abu Haazim said: ❖ *Half of it?* ❖ Imaam Zuhri said: ❖ *I hope so.* ❖ Abu Haazim said: ❖ *Assign this one (which I am narrating) to the other half (which you are unaware of).* ❖

When this was the condition of an expert and authority of the likes of Imaam Zuhri, what judgement should be passed regarding the ❖ 'knowledge' of Hadith which the deviate possesses?

His claim that the Hadith in question is listed in only Kashful Khafa is baseless. Assuming that it is listed in only this kitaab, then too, it is of no significance for a deviate who endeavours to discard the Hadith in the trash.

Allaamah Abu Muhammad Mahmud Bin Ahmad Al-Aini, besides being a great Faqeeh was a Muhaddith. In his Sharah of Hidaayah, *Al-Binaayah*, Allaamah Aini, providing proof for the , *mas'alah* of payment of *Diyat* if someone shaved off another person's beard, says:

❖ *It has been narrated that for Allah Ta'ala there are Malaaikeh who recite the Tasbeeh:*

❖ *Subhaanallaah, He Who has beautified men with beards and women with tresses.* ❖
(*Al-Binaayah Vol.12, page 223*)

When a Faqeeh and a Muhaddith of the stature of Allaamah Aini brings a Hadith in support of a Fiqhi *hukm*, the authenticity of the narration is unquestionable. What a deviate says to the contrary is drivel.

What the deviate says about *Kashful Khafa* does not detract from the authenticity of the Hadith of the Tasbeeh of the Malaaiakah. Firstly the authenticity of the Hadith in question is not restricted to what is stated in *Kashful Khafa* as will be shown during the progress of this discussion. If the puny deviate cannot swallow *Musnadul Firdaus* of Dailami, it is no reflection on that *Musnad* nor on the authenticity of the Hadith. If Hadhrat Shah Waliyullah (rahmatullah alayh) has disparaged *Musnadul Firdaus*, other Ulama cite from it. Besides this, a Faqeeh and Muhaddith of Allaamah Aini's calibre cites this Hadith.

Futhermore it does not follow from the citation of this Hadith by the Fuqaha that they had extracted it from *Musnadul Firdaus*. Imaam Sarakhsi, the author of the famous *Al-Mabsoot* consisting of 15 volumes which he dictated to his students from memory while he was imprisoned, and who died in 483 A.H. did not acquire the Hadith of the Tasbeeh of the Malaaiakah from *Musnadul Firdaus*.

Allaamah Aini and Imaam Sarakhsi were not the little brothers of some deviate to cite any drivel as proof for a Fiqhi *mas'alah* in their most authentic and authoritative kitaabs of the Ahnaaf Fuqaha. The Source of Allaamah Aini is at this moment unknown to us. But suffice to say that when such an Authority accepts a Hadith it is proof of its authenticity, especially when other Authorities corroborate the Hadith with their own acceptance and citations as shall be shown soon, Insha'Allah.

In *Kashful Khafa* it is said about this Hadith:

❖ Al-Haakim narrated it from Aishah (radhiyallahu anha). It is mentioned in the Takhreej of the Ahaadith of Musnadul Firdaus of Haafiz Ibn Hajar. He has linked the sanad to Aishah (radhiyallahu anha). ❖

Hadhrat Maulana Mufti Rasheed Ahmad (rahmatullah alayh) states in his *Ahsanul Fataawa*, Vol. 1, page 499:

❖ In Kunuzul Haqaaq li Abdir Ra-oof Al-Munaawi ala Haamishil Jaami-is Sagheer, Vol.1, page 142, citing Haakim, this extent of the Hadith is narrated: ❖ Subhaana ❖ (Pure is He Who has

beautified men with beards and women with tresses.) ♦ And, on page 90, Vol.2 citing from Musnadul Firdaus of Ad-Dailami, these words appear: ♦ The Malaikah of the Heaven recite Istighfaar by the tresses of women and the beards of men. The word Tasbeeh of the Malaikah is not mentioned. It is possible that it appears in some other Kitaab of Haakim, and it (Tasbeeh of the Malaikah) may appear (in the other kitaab) although when something is attributed unconditionally to Haakim, it means only Mustadrak. ♦

The venerable Mufti Sahib does not refute the validity and authenticity of the Hadith, but upholds it.

For a Hadith of this nature which is not the actual *mustadal* for the Prohibition, but rather an aid and a support, there is no need for a *sanad* which results in absolute certitude (*Qat'iyat*). If this was the only ♦ proof' for the case of Prohibition, the deviate may then perhaps have had some justification for demanding proof of a higher grade. Neither is the Hadith of Saalim nor the Hadith of the Tasbeeh of the Malaikah the only proofs for the Prohibition. In such circumstances, the Muhadditheen allow latitude in the authenticity of the *asaaneed*. In the footnote on page 666, Vol.1 of *Mustadrak of Haakim* , it appears:

♦ *Abdur Rahmaan Bin Mahdi said: ♦ When we narrate regarding matters of halaal and haraam, then we are very stern about the Narrators. And, when we narrate about the fadhaail (virtues) and permissible things, then we adopt latitude in the asaaneed.* ♦

What we have just mentioned here should not be misconstrued to mean that the Hadith of the Tasbeeh of the Malaikah is lacking in authenticity. Its authenticity is an established fact which is confirmed by the acceptance of numerous Authorities of the Shariah of high rank.

The deviate had claimed that ♦ *Out of all hadith sources this Hadith appears listed only in Kashful Khafa* ♦. To say the least, by his presumptuous attitudes he wishes to convey the impression that after he had checked all Hadith sources in all the libraries and other places of the earth, he had established that only *Kashful Khafa* makes reference to this Hadith. Yet, *Kunuzul Haqaaq of Abdur Ra-oof Al-Munaawi* also refers to this Hadith. He also cites Haakim as the Narrator. The same Source then also cites *Musnadul Firdaus* of Ad-Dailami. The third source which is mentioned in *Kashful Khafa*, is the *Takhrij* of Ad-Dailami's *Musnadul Firdaus* by Ibn Hajar. If the search continues, Insha'Allah, more sources will come to light because this Hadith fully satisfies the principle of *Talaqqi Bil Qubool* as will soon be shown, Insha'Allah.

Different Sources confirmed that Haakim has recorded the Hadith. Now do we accept what is mentioned in *Kunuzul Haqaaq* , *Kashful Khafa* , *Musnadul Firdaus* and *Haakim* or do we accept what one lost soul who has mushroomed from somewhere, has to say while all the Fuqaha and our Akaabir Ulama accept this Hadith, not one of them making critical comments about it? Every man of some intelligence will understand what we have to do.

Now it does not matter whether the Hadith appears in *Mustadrak of Haakim* or in some of his other works. Nor does it matter in the least, if the deviate or any of us are unable to locate the kitaab in which Haakim has mentioned this narration with its *sanad* linking up with Hadhrat Aishah (radhiyallahu anha). The deviate's inability to find the kitaab, cannot be presented as proof for the non-existence of the Hadith which many of our Fuqaha have recorded in their highly authoritative Fiqh kutub. The fact that the sources of this Hadith have been reliably stated is sufficient, moreover, its acceptance by the Fuqaha is conclusive evidence of its authenticity.

If *Musnadul Firdaus* of Ad-Dailami contains some or many unreliable narrations, it is not proof for the stupid claim of the deviate that the Hadith of the Tasbeeh of the Malaaikeh is unauthentic. There will most certainly be innumerable Ahaadith in *Musnadul Firdaus* pertaining to Tahaarat, Salaat, Saum, Zakaat, etc., etc., which everyone accepts. Only someone extremely dense in the mind will claim that all the narrations in *Musnadul Firdaus* are unreliable and fabricated on the basis of some narration therein being unreliable. Shah Waliyullah (rahmatullah alayh) did not write off *Musnadul Firdaus* as a forgery as the deviate tries to convey.

The bone of contention is a particular Hadith, namely the Hadith of the Tasbeeh of the Malaaikeh. The deviate alleges that this Hadith in *Musnadul Firdaus* is unauthentic and fabricated because Shah Waliyullah said that there are 'forgeries' in that kitaab. But did he claim each and every Hadith recorded in *Musnadul Firdaus* is fabricated, a forgery and unreliable? Obviously not. The deviate should prove the unreliability and unauthenticity of this Hadith by means of independent evidence, specific evidence reliable evidence, not by means of generalities such as, for example, the book contains unreliable narrations. No kitaab is free of some errors, save the Qur'aan Majeed. The manner of the argumentation of the deviate conspicuously displays the tactics and tricks of diversion and confusion he has embarked on in his bid to detract from the main dispute for want of evidence for his claim of permissibility for the act of hair-cutting.

If the kutub were not well-known to the Ulama, they would not have cited these as references for their contentions. The very fact that Ulama have cited these kitaabs and have quoted from them, shows the relevance of these sources.

The deviate, true to his form of deceit and kizb, quotes our statement, 'These kutub are well-known to the Ulama', out of its context. He says that *Tarikh Naysabur* was never published, hence he does not know what we mean by our statement of 'these kutub' being well-known to the Ulama. *Tarikh Naysabur* is a kitaab. The plural, *kutub*, is not a reference to it. In our earlier book, on page 22 (reprint), we stated:

The sources from which this Hadith has been cited are not obscure. These kutub (i.e. more than two) are well-known to the Ulama. If these books of Fiqh and Tafseer are obscure to the author of the spurious essay, it will testify for his own ignorance, not for any imagined unauthenticity of the Hadith.

We had cited, and will again, Insha'Allah, cite the names of the *kutub* in which this Hadith appears. He deceptively cut our statement from its context which relates to the several *kutub* besides *Tarikh Naysabur*, and tries to deceive readers into accepting that we claimed that *Tarikh Naysabur* is not obscure, but well-known to the Ulama. Although we had made no such comment about *Tarikh Naysabur*, we do not concede the alleged obscurity of this *kitaab*. Be this as it may. Our statement, viz., ♦ *These kutub are well-known to the Ulama.* ♦, was a reference to Musnadul Firdaus, Allaamah Aini's Al-Binaayah, Mabsoot of Imaam Sarakhsi, Badaaius Sanaa', Tabyeenul Haqaaq, Haashiyah Shaikh Shuhaabuddin Ahmad Shalabi, Al-Ikhtiyaar Li Ta'leelil Mukhtaar, Tafseer Roohul Bayaan, Al-Jaamius Sagheer, Kunuzul Haqaaq and in many of the Fataawa *kutub* of our Akaabireen.

In view of the many authoritative *kutub* to which our statement refers, the attempt by the deviate to confine it to *Tarikh Naysabur* is a despicable and a dishonest exercise calculated to mislead.

SHAH WALIYULLAH

The deviate contends:

♦ *The second book of these books (i.e. Musnadul Firdaus) is listed by Shah Waliyyullah as one of those books ♦the ahadith of which are tolerably weak at best, and forgeries and fabrications at worst♦.*

On the basis of the ♦critical' remarks which Hadhrat Shah Waliyullah (rahmatullah alayh) had made regarding the narrations or some narrations in *Musnadul Firdaus of Dailami*, the deviate seeks to label the Hadith pertaining to the Tasbeeh of the Malaaiakah as being a ♦forgery and a fabrication'. *Musnadul Firdaus* is the work of a Muhaddith whose feet the deviate will not be able to correctly praise even if he is reborn. Should the remarks of Hadhrat Shah Waliyullah be construed to mean that each and every Hadith mentioned in *Musnadul Firdaus* is a forgery and a fabrication? Did Ibn Hajar arrive at this conclusion in his *Takhrij of Musnadul Firdaus* or anywhere else? Did Al-Munaawi make such a declaration in *Kunuzul Haqaaq*? Did Shah Waliyullah (rahmatullah alayh) claim that every Hadith in *Musnadul Firdaus* is a forgery and a fabrication?

Any sane Muslim possessing some discernment on these issues will understand that it is not possible that Ad-Dailami had compiled his *Musnad* comprising of only forgeries and fabrications unless ofcourse the deviate can substantiate that Dailami had in fact made this compilation of forgeries and fabrications to alert the Ummah of the presence of such narrations. The fact that his *Musnad* is not such a Compilation should suffice to convince anyone that to brand every Hadith in this *kitaab* is unjust, stupid and smacks strongly of bigotry.

The deviate has not succeeded nor can he succeed to assault the authenticity of the Hadith of the Tasbeeh of the Malaaiakah simply by presenting the ♦disparaging' comments of Shah Waliyullah, which were comments in general, not directed to the specific Hadith in our discussion nor to Musnadul Firdaus in particular. By generalising the issue, the deviate attempts his diversionary tactics to deflect attention from the main issue of contention.

It is necessary for the deviate to produce evidence from the statements of the Authorities to disprove the authenticity of this Hadith. The isolated statement of one or two later Hadith Examiners are of no significance when there exists a mass of evidence for the authenticity and strength of the Hadith. When even isolated statements of the later Hadith examiners are of no significance, a general remark of Shah Waliyullah, which is not directed specifically to this Hadith, is devoid of substance and does not serve the cause of the deviate.

Among the authoritative Muhadditheen who have branded Umar Bin Haarun as a *kath-thaab* (liar), is Yahya Bin Mu-een. He is among the greatest authorities of Hadith. Hadhrat Shah Waliyullah says that some Shiah frauds had succeeded in infiltrating the ranks of the Muhadditheen. Once these fraudsters had succeeded in gaining the confidence of the authoritative Muhadditheen, they initiated the process of subtly introducing their fabrications. This method of deception had created much confusion in the Ahlus Sunnah Wal Jama'ah. The very first Shi'i fraud to embark on this plot, according to Shah Waliyullah, was Ajla'. Even an illustrious authority such as Hadhrat Yahya Bin Mu-een became a victim of Ajla's plot. Without realizing that he had become a victim in the trap laid by the Shi'i fraud, the great Muhaddith Yahya Bin Mu-een declared the reliability of Ajla. It was left to other authorities of the Ahlus Sunnah to expose Ajla'.

According to Shah Waliyullah, even a Muhaddith of the standing of Sayyid Jamaaluddin, author of *Raudhatul Ahbaab*, narrated from fraudulent historical records of the Shiah frauds.

Now what shall we say about the authenticitation and accreditation of a fraud such as Ajla' by such a great personality as Yahya Bin Mu-een, and his denunciation of Umar Bin Haarun who has been authenticitated and accredited by Imaam Bukhaari, Imaam Tirmizi, Imaan Ibn Maajah, Ibn Qutaibah, Ibn Khuzaimah, Abu Aasim and others? On the basis of the remarks of Shah Waliyullah who had proclaimed Yahya Bin Mu-een a victim of the plots of the Shiah, the deviate attempts to reject the whole *Musnadul Firdaus* as a forgery and fabrication while he will not accept Shah Waliyullah's comment regarding Yahya Bin Mu-een who had fallen prey to the plots of the Shiahs. On this basis, Yahya Bin Mu-een's denunciation of Umar Bin Haarun should be set aside in the same way as his accreditation of the Shi'i Ajla has been set aside.

The ignorance of the deviate is displayed by the fact of his conspicuous ❖ principle of selection'. If something in an authority's comments are favourable to him, he will accept it, and if unpalatable to his opinion, he denies or ignores it. But he is not a mujtahid in any field. He has no right to pick and choose from the statements of the authorities to soothe the dictates of his whimsical fancy ❖ his nafs. Even if *Musnadul Firdaus* is not a kitaab of the first degree of authenticity, the muqallid has no right to dissect and select from such kutub as he deems appropriate.

Reliable Muftis ❖ the Akaabireen ❖ quote from such *kutub*. Ulama who have spent their lives in

teaching Hadith, Tafseer and Fiqh have no qualms about quoting from such *kutub* inspite of their awareness of the views of Shah Waliyullah. The deviate should not expect Muslims to follow the nonsense he propagates. The correct attitude is to examine what the Akaabireen say and have said about a *mas'alah*. Then present the doubts one entertains on the issue. By adopting the correct approach, one will safeguard one's Imaan. It is pure *shaitaaniyat* for a non-entity to summarily reject what the *Jamhoor* have opined and what the Akaabireen have unanimously ruled on, and then to justify the conflicting view with isolated statements which need clarification or interpretation. Of greater impudence is the stupidity of the non-entity to elevate a muqallid such as Maulana Abdul Hayy Sahib to the level of *Mujtahid fil Usool*. A Muqallid, regardless of the ocean of knowledge he possess, remains a Muqallid. Ulama of the calibre of Imaam Raazi and Imaam Ghazaali (rahmatullah alayhima), according to the Fuqaha were Ulama of the third or fourth level. They too had no right to dabble in *Ijtihad*, and they did not venture into this field.

The authenticity of the Hadith of the Tasbeeh of the Malaaikeh has not been tarnished in any way whatsoever by its appearance in *Musnadul Firdaus*, in exactly the same way that the authenticity of any Ahaadith pertaining to Salaat, Tahaarat, etc., which appear in *Musnadul Firdaus* have not been tarnished. If a Hadith which happens to be in Bukhaari or Muslim is also found in *Musnadul Firdaus*, that Hadith will not automatically become a fabrication on account of its appearance in a kitaab which has been 'disparaged' by Shah Waliyullah. Allah Ta'ala commands in the Qur'aan Majeed:

❖ **And ask the People of Thikr (Ilm) if you do not know.** ❖

The muqallid has to incumbently ask the Senior Ulama, not leap into a cesspool which threatens to ruin him ❖ ruin his Aakhirah.

The impression which the deviate is desirous of selling to Muslims is that the Author of *Musnadul Firdaus* was a highly unreliable, untrustworthy person who simply compiled forgeries and fabrications, hence his entire Kitaab is a forgery and fabrication fit for the trash can. Hadhrat Shah Waliyullah (rahmatullah alayh) who appeared almost seven centuries after the illustrious Author of *Musnadul Firdaus*, did not write off this Kitaab as a forgery and fabrication as the deviate has depicted.

Inspite of Hadhrat Shah Waliyullah's belief that this kitaab contained many *maudhoo' and weak* narrations, he did not believe that the Author was an unreliable fabricator. What had transpired in the seven centuries between the Author and Shah Waliyullah is known to only Allah Ta'ala. It is quite possible that the narrations which were authentic to the Author appeared as fabrications and weak to Hadhrat Shah Sahib seven hundred years later.

Hadhrat Shah Abdul Azeez Muhaddith Dehlwi, the noble son of Hadhrat Shah Waliyullah, presenting a character sketch of the Author of *Musnadul Firdaus*, writes in his *Bustaanul Muhadditheen*:

◆ *The name of the Author of the Kitaab Firdaus is Haafiz Sherwiyah. He had acquired the Ilm of Hadith from Yoosuf Bin Muhammad Bin Yoosuf Mustamalli, Sufyaan Bin Al-Hasan Bin Fankhuyah, Abdul Hameed Bin Al-Hasan Al-Qafaaee, Abdul Wahhaab Bin Mundah, Ahmad Bin Eesaa Deenwari, Abul Qasim Bin Al-Busra and numerous other Ulama of Hadith. He had journeyed to Isfahaan, Baghdad , Qazween and other Islamic cities (in his quest for the knowledge of Hadith).*

Describing his attributes, Haafiz Yahya Bin Mundah says: ◆He was exceptionally handsome, of beautiful character and exceptionally staunch on the Sunnah. He was far from I'tizaal (the math-hab of the Mu'tazilis). He spoke less and was very brave. However, in Ma'rifat and Ilm he was somewhat deficient. (The deficiency mentioned here was in terms of the exceptionally high standards of those early times, not in relation to the extremely low standard of today's knowledge).◆

While handsomeness is not a qualification for *Ilm*, we have merely reproduced above what Shah Abdul Azeez (rahmatullah alayh) states in his *Bustaanul Muhadditheen*.

Regarding the flaws in the Kitaab, Shah Abdul Azeez Muhaddith Dehlawi says:

◆His (the Author's) son, Shahrdaar Dailami was superior to his father in Ilm-e-Hadith and Ma'rifat. Hence, Sam'aani too testifies to his understanding and ma'rifat◆◆◆.....Most of the time he was engrossed in imparting Hadith and recording it◆◆◆..After the demise of his father, he acquired Ilm from numerous Ustaadhs◆◆.It is he who had arranged Kitaab Firdaus in the present order. He gathered the asaaneed (of the Ahaadith in Firdaus) with great effort and toil. When this Kitaab was purified and adorned (with authentic asaaneed), his son, Abu Muslim Ahmad Bin Shahrdaar Dailamai and numerous of his students narrated it from him. Shahrdaar Dailami died in 458 Hijri.◆

This elaboration of Shah Abdul Azeez Muhaddith Dehlawi confirms that the *asaaneed* of the Ahaadith in *Al-Firdaus* s had been compiled after considerable labour and effort by a highly qualified Muhaddith who was the son of the Author. This explanation of Shah Abdul Azeez presents the true picture of *Musnadul Firdaus* which the deviate had dismissed as a forgery and fabrication.

Throwing further light on *Musnadul Firdaus* , Hadhrat Mufti Taqi Uthmaani Sahib commenting on the Fourth Category of Hadith Kutub mentioned by Shah Waliyullah (rahmatullah alayh) in his *Al-Hujjatullaahil Baalighah* , writes in his *Dars-e-Tirmizi*:

◆ *With regard to the remaining kutub (which include Musnadul Firdaus), the meaning of Hadhrat Shah Sahib's comment is apparently that those narrations of these kutub which are not corroborated by narrations in other kutub are weak. In fact some of the narrations in these kutub*

are to be found also in the *Sihaah Sittah*. Such Ahaadith cannot be outrightly said to be *Dhaeef*. ❖ Leave alone them being fabrications and forgeries!

The deviate should understand that the Hadith pertaining to the Tasbeeh of the Malaaiakah is not the narration exclusively of *Musnadul Firdaus*. It is found in other kutub as well, and the most reliable sources of its location are the highly authoritative Fiqh books of the Fuqaha such as *Al-Mabsoot* of Imaam Sarakhsi, *Badaaius Sanaa'* of Allaamah Kaasaani, *Tabyeenul Haqaaqi* of Imaam Zayla'i, and, ofcourse, in the Annotation on Hidaayah by Maulana Abdul Hayy Sahib.

Mufti Hamidullaah Khan, the Chief Mufti of Daarul Ifta, Jaamiah Ashrafiyyah, Lahore Pakistan states:

❖ Take for example this very Hadith (i.e. the Hadith of the Tasbeeh of the Malaaiakah) which some have said to be baseless and without sanad. However, Allaamah Ajlooni (rahmatullah alayh) says in *Kashful Khafa*:

❖ Haakim narrated it from Aishah. It is also mentioned in the Takhreej of the Ahaadith of Musnadul Firdaus of Haafiz Ibn Hajar during the (discussion of) the Hadith of the Malaaiakah ❖❖❖...He linked the sanad to Aishah.' ❖

(*Kashful Khafa*, Vol.1, page 538)

We concede that a Hadith does not become authentic by the number of times ❖ it is plastered over the pages of a booklet in shoddy calligraphy. ❖. But it does become **Saheeh** in the highest category of authenticity when *all* the Fuqaha accept it ❖ all Fuqaha from the former times and the later times. In other words when the principle of *Talaqqi Bil Qubool* has been satisfied, and this applies most perfectly in the case of the Hadith pertaining to the Tasbeeh of the Malaaiakah, the Hadith is authentic.

In his condemnation of *Musnadul Firdaus* , the deviate writes:

❖ The second of these books is listed by Shah Waliyyullah as one of those books ❖ the ahadith of which are tolerably weak at best, and forgeries and fabrications at worst. ❖

What is the meaning of ❖ tolerably weak ❖? What does this degree of weakness imply and what exactly is its consequence in terms of the principles of the Muhadditheen? What purpose does the toleration serve? It is simple to make a statement, but to explain it when it is the product of thoughtlessness and when it is drivel, then it is not quite so simple to offer an intelligent explanation which would be acceptable on the principles of the subject being dealt with.

Does the deviate hold the same view of *toleration* for the narrations of Bukhaari Shareef and the other Saheeh Hadith kutub? It is reasonable to infer that he does not claim that some of the Ahaadith in these authentic Hadith kutub are ❖tolerably weak❖. Yet innumerable Ahaadith which appear in *Musnadul Firdaus* are to be found in Bukhaari Shareef and the other well-known Saheeh Hadith kutub. Random samples are presented as evidence.

Hadith No.6671 of *Musnadul Firdaus* is also narrated in Bukhaari Shareef.

Hadith No.6672 of *Musnadul Firdaus* is also narrated in Bukhaari, Muslim, Ahmad, Abu Daawood, Al-Baihqi, Al-Huliyyah and Tajreedut Tamheed.

Hadith No.3734 of *Musnadul Firdaus* is also narrated in Bukhaari, Muslim, Musnad Ahmad, Tirmizi, Nasaai', Ibn Hibbaan, etc.

Hadith No. 5352 of *Musnadul Firdaus* is also narrated in Bukhaari, Muslim, Musnad Ahmad, Abu Daawood, Ibn Maajah, Faidhul Qadeer.

Hadith No.5353 is also narrated in Muslim, Ahmad, Nasaa'i, Ibn Maajah.

Hadith No.1347 is also narrated by Muslim, Tirmizi and Baihqi.

Hadith No.1348 is also narrated by Muslim, Abu Daawood, Tirmizi, Ibn Maajah and Daarimi.

Hadith No.5037 is also narrated by Bukhaari, Muslim, Ibn Maajah.

Hadith No.5038 is also narrated by Tirmizi, Ahmad, Abu Daawood and Haakim.

The deviate may now conclude that these few Ahaadith mentioned above as well as the thousands of other narrations in *Musnadul Firdaus* which also appear in Bukhaari Shareef, Muslim Shareef, Nasaa'i, etc. are all ❖tolerably weak❖, hence they need to be discarding.

Sight should not be lost of the sweeping claim which has been made. The claim is : ❖At best the Ahaadith in Musnadul Firdaus are tolerably weak.❖ Yet innumerable of these so-called ❖tolerably weak❖ Ahaadith are to be found in the most authentic Hadith kutub. Does the deviate have in store the same criticism for Bukhaari Shareef, Muslim Shareef, and the other Reliable Hadith kutub?

And, if they are ❖tolerably weak❖, then the logical conclusion of this ❖toleration' is their reliability. Acceptance of these narrations is within the ambit of a tolerable authenticity and reliability.

He should juggle his brains in an endeavour to understand what precisely Shah Waliyullah (rahmatullah alayh) meant by his comment. Surely Shah Sahib's comment will not apply to the Ahaadith of *Musnadul Firdaus* which are corroborated and confirmed as authentic by Imaam Bukhaari, Imaam Muslim and the other Muhadditheen.

CONCEALMENT

❖ *Woman is an object of concealment. When she emerges, shaitaan waits in ambush for her.* ❖
(Hadith)

The opposite of concealment is exhibition. A necessary product of hair fashion produced by hair-cutting is female exhibition. This evil is necessarily accompanied by the desire of self-exhibition. Denial of this motive is self-deception.

THE DEVIATE ❖S NEW PRINCIPLE

The deviate says that for the benefit of our Ulama ❖ who refuse to see the light ❖, he will quote his Imaam, Maulana Abdul Hayy Sahib, whose muqallid he has become selectively. Maulana Abdul Hayy Sahib said:

❖ *To the contention that the quotation of those who quote these narrations is in itself sufficient basis for reliance due to their eminence and reputations, we respond by saying: Never! No hadith will be accepted without an isnad, even if it should be quoted by a reliable person, especially if the quoter is not a hadith expert.* ❖

This statement of Maulana Abdul Hayy which has been presented by the deviate as a new principle for refuting Shar'i *ahkaam*, requires some elaboration.

- The deviate has not correctly understood the meaning of what Maulana Abdul Hayy says here. If he has understood from this statement that the Ahaadith which constitute the *mustadallaat* of the authoritative Fuqaha, and which have fully satisfied the principle of *Talaqqi Bil Qubool*, then we have to conclude that the deviate wallows in stark *jahaalat*. If this statement of Maulana Abdul Hayy has to be accepted literally, it will lead to the elimination of the entire Shariah which

the Mathaahib have transmitted from the age of the Sahaabah. The deviate's understanding of Maulana Abdul Hayy's statement is plain nonsense and absurd.

- If truly Maulana Abdul Hayy's understanding is what his statement ostensibly conveys and further supported by his comments on the narrations of Hidaayah, then let it be understood that what he has said is not *Nass*. No one is under any Shar'i obligation to make taqleed of Maulana Abdul Hay who had died about a century ago and who himself was the victim of freelancing. Only Allah's fadhl saved him from the ultimate disaster of shrugging off the sacred bonds of Taqleed. He thus remained a staunch follower of the Hanafi Math-hab. Be that as it may. The fact to understand and remember is that the Ulama of former times and of later times, reject the baseless view which emanates from the statement of Maulana Abdul Hayy. The Ummah will follow Saahib-e-Hidaayah, not Maulana Abdul Hayy nor the erroneous views of Az-Zayla'i on the narrations of Hidaayah regardless of the rank of the latter which anyhow is nowhere near to the loftiness of the rank of the Author of Hidayah. In this regard, again read what Maulana Abdul Hayy said about the Author of Hidaayah. See page 141.

Allaamah Zafar Ahmad Uthmaani makes it abundantly clear in *I'laaus Sunan* that he (Allaamah Zafar Ahmad) has found in authentic kutub of the Ahnaaf Aimmah many of the Ahaadith on which Zayla'i commented: ❖*It is Ghareeb. I have not found it.*❖ Allaamah Zafar Ahmad responds: ❖*Alhamdulillah! I have found many of these narrations*❖..❖

The apparent view which the statement conveys is outrightly rejected by the Ulama. Besides Maulana Abdul Hayy and deviates who have latched onto some of his ambiguous and even erroneous views, none of the Ulama among our Akaabireen accept this opinion. If this is Maulana Abdul Hayy's opinion and principle for establishing the authenticity of Ahaadith which have been accepted as authentic since the time of Imaam Abu Hanifah (rahmatullah alayh), it is not the opinion of the Fuqaha and Ulama of former times and later times, including the present time. When the Fuqaha cite a Hadith as their basis, it is highly authentic to them regardless of the differences of the Muhadditheen centuries later.

Hadhrat Maulana Muhammad Abdur Rasheed Nu'maani (rahmatullah alayh) writes in *Ma Tamussu ilayhil Haajat, Muqaddamah Ibn Maajah*: ❖*All the Ahaadith and narrations which our Fuqaha (rahmatullah alayhim) narrate in their books without mentioning any sanad and source as is the practice of As-Sarakhsi in Mabsoot, Al-Kaasaani in Al-Badaai' and Al-Murgheenaani in Hidaayah, are such Ahaadith and Aathaar which they found in the kutub of our Aimmah Mutaqaddimeen such as Imaam A'zam (Imaam Abu Hanifah), his two Companions (Imaam Abu Yusuf and Imaam Muhammad), Ibnul Mubaarak, Al-Lu'luwi, Ibn Shujaa' Ath-Thalji, Eesa Ibn Abaan, Al-Khassaaf, At-Tahaawi, Al-Karkhi and Al-Jassaas (rahmatullah alayhim).*❖

This is the view of all the Ulama with the solitary exception of Maulana Abdul Hayy. His views in this regard are of no significance and devoid of substance. Our Ulama are not the muqallideen of Maulana Abdul Hayy. It is pointless for the deviate to quote Maulana Abdul Hay Sahib as ❖daleel' because his views are rejected.

Maulana Muhammad Abdur Rasheed Nu'maani continues in the Muqaddamah of Ibn Majah:

❖ Then came along the *Mukharrijoon* (commenting) on Al-Hidaayah, Al-Khulaasah and other kutub besides these two. They then searched for these Narrations (of Hidaayah, etc.) in works which were compiled after the second century by the People of Hadith. When they could not find these Ahaadith (of Hidaayah, etc.) in the books of Hadith, they issued the verdict of weakness. In fact, some of them conjectured evil opinions about the Aimmah-e-Fuqaha. They ascribed paucity of knowledge of Hadith to these Aimmah. Never was this their condition.

On the contrary, As-Sarakhsi, Al-Kaasaani and Al-Murgheenaani relied in this matter on their Aimmah who were well-known for their hifz, thiqah (authenticity) and amaanat (trust/honesty).❖

Haafizul Asr Qaasim Ibn Qutloobugha said:

❖ Verily, The Mutaqaddimeen among our Ashaab (rahmatullah alayhim) used to commit to writing the masaa-il of Fiqh and their proofs from the Ahaadith of the Nabi (sallallahu alayhi wasallam) with their asaaneed, such as Abu Yusuf in Kitaabul Kharaaj and Al-Amaali; and Muhammad in Al-Asl and As-Siyar. Similarly At-Tahaawi, Al-Khassaaf, Ar-Raazi and Al-Karkhi, except in the Al-Mukhtasaraat .❖

❖ Then came those who relied on the Kutub of the Mutaqaddimeen and they recorded the Ahaadith in books without mentioning the sanad nor the source.❖

(Ma Tamassul Ilayhil Hajah)

This then is the reason for the *asaaneed* not appearing in the kutub of the Fuqaha. The Ahaadith were recorded from the initial kutub of the Aimmah and transmitted from generation to generation❖ from Ustaadh to his Students ❖ until it reached us by this system of reliable and authoritative transmission.

To accuse the great Fuqaha of including baseless narrations and fabrications in their illustrious Works of Fiqh and to accuse them of employing fabrications as *mustadallaat* for Fardh and Waajib *ahkaam* are slanderous claims. It is tantamount to saying that the Islam which has reached us from the Aimmah and Fuqaha is baseless since its laws have been based on fabrications and forgeries on account of the *supposedly* ❖ *careless*' acceptance of Hadith narrations by the illustrious Fuqaha. This is precisely what the modernist *mulhids and zindeeqs* who clamour for the reinterpretation of Islam claim.

This calumny is intolerable and has to be dismissed with contempt no matter from whom it emanates. It should be understood that Allah Ta'ala created the Jamaat of the Fuqaha first ♦ long before ♦ centuries before the Muhadditheen appeared on the horizon. The Fuqaha were the first of the *Khairul Quroon* after the Sahaabah. The Muhadditheen, i.e. the later Imaams of Hadith, were nowhere in sight in this noble age. The Fuqaha themselves were Muhadditheen of high or highest rank.

It was the sacred task and duty of the Fuqaha, not of the Muhadditheen, to arrange the Shariah in a systematic order and to formulate such principles of law which will endure and be applicable to all exigencies until the Day of Qiyaamah. Can it be said of such illustrious Souls who had such a sacred role to play, that they reared the structure of the Shariah on fabrications, forgeries, weak narrations, etc.? If this was the case with the very first Jamaat created by Allah Ta'ala for the sacred obligation, then it will be a direct attack on the Qur'aan which states that it is Allah's obligation to safeguard the Deen.

How is it ever conceivable that the Fuqaha used fabricated narrations as a basis for *Wajib ahkaam*? Stupid deviates who have a rabid craving to be seen as ♦ mujtahids' can entertain such notions of kufr, not Muslims who believe in the authenticity of the Shariah ♦ an authenticity which has been transmitted from generation to generation from the time of the Sahaabah. The ignoramuses should understand that there is absolutely no missing link in the *Sanad of Ta'leem of the Fuqaha and Ulama*. They are not self-taught ignoramuses nor freelancers of shallow understanding and oblique vision. The *Sanad* of the Fuqaha is an unbroken golden Chain linking them to Rasulullah (sallallahu alayhi wasallam). They are not men who had strayed from the Path of Rectitude, plunging themselves into the dregs of *jahaalat and nafsaniyat* as is the case with deviates.

The principle which the deviate has forged from the statement of Maulana Abdul Hayy has absolutely no validity in the Shariah. We shall shortly prove, Insha'Allah, that the narrations of the Fuqaha are absolutely authentic regardless of what classification the centuries later Muhadditheen have assigned to these narrations. Regardless of the Fuqaha not mentioning any sanad or source for their narrations, these Ahaadith which have been used by the Fuqaha as basis for the formulation of laws are of the highest category of authenticity even if the later Muhadditheen branded such narrations as *dhaeef* and *maudhoo'*, etc.

The formulation of the laws did not initiate with the Muhadditheen two and three centuries after the demise of Rasulullah (sallallahu alayhi wasallam). The process was initiated immediately during the very age of the Sahaabah under whose supervision and guidance thousands of Taabieen acquired their Knowledge of Islam. If the *Sanad* of these Fuqaha is examined, one cannot but wonder with awe at the type of Ulama these Fuqaha were. Their minds and hearts were mind-boggling. The character sketches of these illustrious Souls presented by Maulana Abdul Hayy should suffice to knock some sense of perception of the Haqq into the mind of the deviate. These Men were created specially for the sacred Task which Allah Ta'ala had imposed on them. It is precisely for this reason that after their age passed by, Fuqaha of the calibre of the Aimmah never graced the world again with their presence. Who were they? The loftiness of their

rank and the Authority they wielded in Islam should be more conspicuous than daylight from the fact that the entire edifice of the Shariah of Islam has been structured by the likes of Haakim Ash-Shaheed, Imaam Sarakhsi and numerous others of this category of Fuqaha who were the close Ashaab by way of *Sanad* of Imaam Abu Hanifah (rahmatullah alayh) via the agency of Imaam Abu Yusuf or Imaam Muhammad.

If the statements and narrations of Paragons and Foundations of the Shariah such as Haakim Ash-Shaheed, Imaam Sarakhsi, Al-Kaasaani, Al-Murghheenaani, Tahaawi, etc., etc., who narrate the *Riwaayaat* of Imaam Abu Hanifah via the agency of either Imaam Abu Yusuf or Imaam Muhammad cannot be accepted without **❖** *isnaad* despite their tremendous reliability, authenticity, accreditation, *amaanat*, *adaalat*, *ilm*, *taqwa* and despite them being Muhadditheen in their own right, and despite them being great Mujtahideen, and despite the *masaail* they narrated and recorded having been integral constituents of the Shariah for the past fourteen centuries, then the evil deviates should declare that Islam in its true form has never existed, and that in this era of *shaitaaniyat* of the present time, the new group of deviates are making attempts to unravel the hidden mystery of Islam so as to establish the pure Islam which the Qur'aan Majeed declares was perfected fourteen centuries ago. In spite of all these credentials, their narrations supposedly without *isnaad* are unacceptable, then no one's narration, even of Imaam Bukhaari and the likes, are acceptable. In short, there is no Shariah of Islam, no Islam. This is the logical conclusion of the subtle kufr which the deviates of this age are advocating.

It is now imperative to briefly explain exactly who these illustrious Foundations of the Shariah were. As far as ordinary readers are concerned, these are merely lengthy names signifying nothing to them, hence the need to present some introduction.

IMAAM SARAKHSI

Consider this Miracle Imaam, the likes of whom the world can never dream of seeing again. Who was he and what did he leave for the Ummah? Firstly, let us see what Maulana Abdul Hayy Sahib, the Imaam of the deviate who is insane in his desire to legalize for women the haraam act of hair-cutting, says about Imaam Sarakhsi (rahmatullah alayh):

❖ Muhammad Bin Ahmad Bin Abi Sahl Abu Bakr Shamsul Aimmah As-Sarakhsi was an Imaam, Allaamah, Hujjat (Proof), Perfect, Debater, Usooli and Mujtahid. Kamaal Paashah enumerated him among the Mujtahideen fil Masaa-il❖.. He became the outstanding personality of his age❖...He dictated (writing of) Al-Mabsoot in 15 Volumes while he was in jail in Auzjand, having been jailed by the ruler Khaaqaan for a word of Naseehat. He would dictate Al-Mabsoot from memory without reference to any kitaab while he was held in captivity in a well. His Ashaab (Students) would gather at the mouth of the well. ❖❖.I have studied his Sharah of As-Siyarul Kabeer, and all praise is unto Allah, Rabbul Aalameen. In it are numerous Masaail and wonderful benefits❖❖❖❖ It is mentioned in Tabqaatul Qaari that he dictated Al-Mabsoot of approximately 15 volumes while he was imprisoned in Auzjand as a result of a word of

naseehat. He is among the Seniors of our Ulama (of the region known as) Ma Waraaun Nahr (the Land beyond the River Oxus ♦ the Lands of Bukhaarah, Samarqand, etc. ♦ the Home and Headquarters of Fuqaha and Muhadditheen). He was Saahibul Usool and Furoo'. He died in 438 A.H. ♦ (Fawaaidul Bahiyyah)

The famous Hanafi Faqeeh among the *Mutaqaddimeen* Fuqaha, Al-Haakim Shaheed (died 334 A.H.), assassinated while he was in Sajdah, had compiled in concise form all the *masaail* of the *Kutub Zaahirur Riwaayaat* of the Ahnaaf in his kitaab *Al-Kaafi*. This kitaab is also referred to as *Mukhtasarul Kaafi*. It is a kitaab of foundational import in the Hanafi Math-hab. Its importance, reliability and authenticity are unquestionably of the loftiest calibre. This is the *Ijma'* of the Ahnaaf Fuqaha. In view of this kitaab comprising of all the *masaail* of the kutub known as *Zaahirur Riwaayaat*, it is also enumerated among the *Kutubul Usool* (the Kitaabs of Foundational Importance).

While many Fuqaha have written *Shuroohaat* (elaborate commentaries) on *Al-Kaafi*, the most reliable, authentic and voluminous is the *Sharah of Imaam Sarakhsi*. His *sharah* is known as *Al-Mabsoot* comprises 15 volumes, each one of about 500 pages. According to all the Fuqaha (and also Maulana Abdul Hayy), *Al-Mabsoot* of Imaam Sarakhsi is the most authentic and most reliable of all the *kutub* in this field. ***And in this wonderful Kitaab of this illustrious Imaam appears the Hadith of the Tasbeeh of the Malaikah, and Imaam Sarakhsi (rahmatullah alayh) did not extract this Hadith from Musnadul Firdaus nor from Kashful Khafa.***

While there are many Fuqaha among the Ahnaaf whose title is *Shamsul Aimmah (The Sun of the Aimmah-e-Fuqaha)*, whenever it is used without mention of the name of the Faqeeh, it refers to Imaam Sarakhsi who was the *Shaagird* (Student) of *Shamsul Aimmah Al-Halwaani* (Died 448 A.H.).

If there is a conflict in any *mas'alah* with *Al-Mabsoot* of Imaam Sarakhsi, then preference is accorded to this *Sharah (Al-Mabsoot)*. Allaamah Tartusi (rahmatullah alayh) has categorically claimed this fact.

Imaam Sarakhsi compiled *Al-Mabsoot* while he was in jail ♦ jailed for the Haqq. He compiled this kitaab entirely from memory, not from written references. It is the most acclaimed Kitaab in the Hanafi Math-hab.

Now when an Imaam of this lofty calibre narrates in his *Al-Mabsoot* a Hadith without mentioning the *isnaad*, it will be the heights of stupidity to aver that the Hadith thus presented is without an authentic *isnaad*. These Fuqaha were preoccupied with the presentation of *Fiqhi Masaail* which had already been formulated by the Aimmah-e-Mujtahideen ♦ Imaam Abu Hanifah, Imaam Abu Yusuf and Imaam Muhammad (rahmatullah alayhim) who had completed the work of establishing the authenticity of the Ahaadith on which they had based the *masaail*. These great Fuqaha such as Shamsul Aimmah Imaam Sarakhsi, had no need for the *sanad* of a Hadith, because they acquired the narration from great Authorities (their Ustaadhs) whose *isnaad* linked

up with Rasulullah (sallallahu alayhi wasallam) via the agency of the golden Links in this sacred Chain.

Now when Imaam Sarakhsi states in his *Al-Mabsoot* that the basis for a certain *mas'alah* pertaining to payment of *Diyat* is the Hadith of Rasulullah (sallallahu alayhi wasallam) in which is mentioned the Tasbeeh of the Malaaiikah, then if a thousand Maulanas like Maulana Abdul Hayy Sahib and millions of deviates like the one who labours to make haraam, halaal for the modernist women of this age, claim that this narration is fabricated, then people of fairness, justice, knowledge and understanding cannot but conclude the extreme deviation from the Road of the Ahlus Sunnah into which the freelancers have drifted.

We have presented in brief the credentials of a Foundation of Islam such as Imaam Sarakhsi. The rank of the other Fuqaha such as the Author of *Hidaayah*, etc., can be gauged from the sketches which the deviate's Imaam, Maulana Abdul Hayy Sahib gives in some of his books. It suffices to say that the view which discards the reliability, authenticity, eminence and greatness of the illustrious Fuqaha for the sake of branding a highly authentic Hadith to be a fabrication merely on the basis of the mistaken belief that the Hadith has no *isnaad*, is a ploy of shaitaan whispered into the hearts of those who have set themselves up as the critics and derogators of that Jamaat of Fuqaha who are the *Waratha (Heirs)* of Rasulullah (sallallahu alayhi wasallam) in the first and highest category after the Sahaabah (radhiyallahu anhum).

The *Isnaad* of Imaam Sarakhsi, the Author of *Al-Mabsoot*, joins up with Imaam Muhammad through only six great and golden Links:

Shamsul Aimmah Sarakhsi > Shamsul Aimmah Halwaani > Abu Ali An-Nasafi > Abu Bakr Muhammad Bin Fadhl > Abu Hafs As-Sagheer > Abu Hafs Al-Kabeer > Imaam Muhammad > **Imaam Abu Hanifah** (rahmatullaah alayhim).

Maulana Abdul Hayy, Az-Zayla'i, Ibn Hajar and thousands of other Ulama cannot measure up to the lofty height occupied by Imaam Sarakhsi in the Shariah of Islam. What the deviate speaks is plain nonsense.

(3) There is no corroboration for the view of Maulana Abdul Hayy from the Fuqaha, neither from the Akaabireen Ulama of former and later times. The view of Maulana Abdul Hayy may be *hujjat* for his muqallid, the deviate, but not for us, not for our Akaabir Ulama and not for the Fuqaha of Islam. It is the height of mental insolence and plain ignorance to expect the Ulama of the Ummah to swallow the misconceived view of a Maulana who appeared a century ago and who had almost gone over the brink into the abyss of ruin on which he was tottering. Hakimul Ummat Maulana Ashraf Ali Thaanvi had appropriately commented on the direction of Maulana Abdul Hay (See page 24)

(Tasbeeh of the Malaaikah in the Heavens)

?????? ??? ???? ??????? ??????? ? ???? ??????? ???????????

❖ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses .❖

TALAAQQI BIL QUBOOL

This principle simply means the Acceptance of a narration or a mas'alah by the Authorities of the Shariah. The acceptance by them is so prominent and absolute that there is no scope for claiming that all the great Authorities have united in accepting a fabrication or a forgery. The Authorities of the Shariah are unanimous in their view of accepting the authenticity of a narration or mas'alah which satisfies this principle, even if no *isnaad* is presented by the Fuqaha.

When a Mujtahid or the Fuqaha of lofty and authoritative rank do not mention the *sanad* of a narration it never means that there is no *authentic sanad* for the Hadith. This has already been explained earlier. While the deviate is eager to minimize the worth, operation and role of this vital principle which in fact is the highest standard on which to establish authenticity, he has not been able to produce any corroboration for his view. He has presented a lopsided interpretation of *Talaqqi Bil Qubool* , and the only thing he could quote in this regard is the statement of Ibn Hajar which fully supports and vindicates what we had said of this principle in our earlier book. He thus is forced to cite Ibn Hajar for lack of any evidence to support his case. Ibn Hajar states (we quote from page 18) of the deviates *a rejoinder*.

❖ *Hafiz Ibn Hajar writes: One of the criteria for acceptance...is that the ulama concur in acting upon a particular hadith. Such a hadith will be accepted and it will be a matter of obligation to act according to it. A group of the ulama of usul have made clear mention of this. An example of it is Imam ash-Shafi'i's words: ❖What I have said regarding water becoming impure when najasah falls into it and its taste, smell or colour changes, is narrated from Rasulullah sallallahu alayhi wasallam in a manner which the people of hadith do not affirm. But it is the view of all, and I am not aware of any difference on the point.❖*

The ❖people of hadith❖ are the Muhadditheen who have formulated many principles and criteria for establishing the authenticity of Hadith narrations. The Hadith to which Imaam Shafi'i refers to in the above statement of Ibn Hajar, is not ❖affirmed' by the Muhadditheen. In other words, they cannot find a chain of narrators to authenticitate the Hadith. In spite of this which conflicts with the criteria for establishing authenticity, the Hadith is accredited and forms an authentic basis for formulation of *ahkaam* in the Shaafi'i Math-hab.

On what basis have the Muhadditheen set aside their rigorous criteria and principles of

establishing authenticity? Is it correct and logical to authenticitate a narration inspite of its failing to meet the criteria of authenticity? How can laws of compulsion be derived from narrations whose authenticity cannot be affirmed and determined by the Muhadditheen? The answer for all this is that the principle of *Talaqqi Bil Qubool* is of overriding importance. It overrides the criteria and principles which the Muhadditheen had established centuries after the first Jamaat of Aimmah Mujtahideen whose Ustaadh was the Sahaabah of Rasulullah (sallallahu alayhi wasallam).

In view of this tremendous and vital importance of *Talaqqi Bil Qubool*, the opinion proffered by Maulana Abdul Hayy Sahib is untenable and has to be dismissed as being in violent conflict with the Shariah. How stupid and absurd are these modernists to present the solitary opinion of a solitary Maulana Sahib in conflict with what thousands of illustrious Fuqaha have proclaimed !!! The incongruity of this ludicrousness is even more glaring when we see that the Maulana Sahib appeared on the scene thirteen centuries after the age of the Sahaabah.

It should be abundantly clear to even laymen that inspite of there being no *affirmed isnaad* for the Hadith cited by Imaam Shaafi'i (in the above statement of Ibn Hajar), the narration has been conferred authenticity by the Shaafi'i Fuqaha on the basis of *Talaqqi*. And so is it among the Fuqaha of all Math-habs.

Allah Ta'ala did not bring into existence the Jamaat of Muhadditheen two and three centuries after the age of the Fuqaha for the purpose of giving the former Fuqaha a lesson in Hadith authenticitation. The utility of the Muhadditheen is for posterity ♦ after their age, not for the Fuqaha who flourished two centuries before them. What nonsense is it to even consider that the criteria evolved by the Muhadditheen apply to the Hadith narrations which Imaam Abu Hanifah, Imaam Abu Yusuf and Imaam Muhammad (rahmatullah alayhim) had accepted as authentic and had established as their *mustadallaat for the ahkaam of the Shariah* !!! And, that too, two hundred years before. And that too inspite of these Aimmah having been the Students of Akaabir Taabieen Aimmah-e-Fuqaha whose Asaatizah were all Fuqaha of the highest rank in the Jamaat of the Sahaabah!!! What can we say about those who say that inspite of the eminence, reliability and greatness of such Authorities of the Shariah, their Ahaadith ♦ will not be accepted without *isnaad* ♦. Those who tender such absurdities have no understanding of the meaning of *isnaad*. There is a textual *isnaad* and an implied *isnaad*.

The implied *isnaad* gives rise to a greater degree of authenticity than the textual *isnaad* in view of the fact that the Hadith is presented by Fuqaha of outstanding rank and eminence as *Mustadallaat* (Basis for formulating *ahkaam of the Wujoob category*). Ibn Hajar has presented the example of Imaam Shaafi's statement pertaining to the Hadith with an unaffirmed *sanad* in terms of the criteria of the Muhadditheen. There are countless such highly authentic Ahaadith with implied *asaaneed* of the highest authenticity.

The validity and authenticity of the implied *asaaneed* are the consequence of the principle of *Talaqqi Bil Qubool*. Let us now hear what the Authorities of the Shariah have to say about this

vital principle on the basis of which hinges so many important laws of the Shariah.

Although the explicit declaration of Hafiz Ibn Hajar on the validity of *Talaqqi Bil Qubool* is sufficient for people of unbiased discernment, we shall cite the rulings of more Authorities for further satisfaction, and we think that the decrees of the deviate's Imaam, Maulana Abdul Hayy might serve a better purpose at this juncture.

In his *Al-Ajwibatul Faadhilah*, Maulana Abdul Hayy explaining the principle of *Talaqqi Bil Qubool*, says:

❖ Similarly (will a Hadith be accepted) when the Ummah accepts a Dhaeef Hadith. In the authentic view it will be acted on. Allaamah Muhaddith Faqeeh Shaikh Husain Bin Muhsin Al-Ansaari Al-Yamaani who died in the land of Bhopal in Hindustan in the year 1328 A.H. ❖ rahmatullah alayh ❖ was asked about the statement of Imaam Tirmizi who says in his *Jaami'* when he narrates a Dhaeef Hadith, ❖ Amal (practical adoption) on it is according to the Ahl-e-Ilm (the Ulama). ❖ ❖ ❖.. And it was also asked about the established principle on which there is the unanimity of the Muhadditheen that anything other than a Saheeh or Hasan Hadith will not be accepted in the matter of ahkaam. But this Hadith (referring to a particular narration) is Dhaeef. How is it then permissible for the Ulama to act on it?

The Shaikh (Allaamah Husain Bhopali) said in response:

❖ May Allah grant us and you taufeeq. Verily, A Dhaeef Hadith is one which lacks a condition from among the conditions of acceptance ❖ ❖..As-Suyuti said in *Sharh Nazmid Durar (Al-Bahrul lazi Zakhar)*: ❖ **Qabool (Acceptance) is:**

- What the Ulama have accorded *Talaqqi bil Qubool* (i.e. have accepted) even if there is no saheeh (authentic) *isnaad* for it. Among the Group of Ulama who have narrated this is Ibn Abdul Barr.
- Or it (the narration) has become well-known to the Aimmah-e-Hadith (the Muhadditheen) without them criticizing (it).

And As-Suyuti has also said after mentioning the Hadith ❖ (referring to a particular Hadith)...Tirmizi said (about this particular Hadith): Amal today is on this by the Ulama. With this (statement) he indicated that a Hadith is strengthened with the statement of the Ulama. ❖

Verily, many (Authorities) have explicitly said that of the evidence of the authenticity of a Hadith is the statement (of acceptance) by the Ulama even if there is no reliable *isnaad* for it.

And As-Suyuti (rahmatullah alayh) has also said in *Tadreebur Raawi*: ❖ Some of them (the Authorities) said: ❖ Hadith will be accorded authenticity when the People (i.e. the Ulama) have accorded it acceptance even if there is no saheeh *isnaad* for it. ❖

Ibn Abdul Barr said in Al-Istithkaar when it was narrated from Tirmizi that Al-Bukhaari authenticitated the Hadith of the Ocean (♦Its water is pure'), while the Muhadditheen do not authenticitate this type of isnaad. Nevertheless according to me the Hadith is Saheeh because the Ulama have accorded it acceptance.♦

And it is mentioned in At-Tamheed: ♦Jaabir narrated from Nabi (sallallahu alayhi wasallam): ♦A dinar is twenty four qeeraat'. (About this Hadith) he said: ♦In terms of the qawl of the Jamaa'atul Ulama and the Ijma' of the People regarding its meaning ♦♦It is independent of Isnaad.♦♦♦♦♦♦♦♦♦♦

Regarding the practice of talqeen to the mayyit (according to the Hambali Math-hab), ♦A Dhaeef Hadith is narrated on this issue. At-Tabraani records in his Mu'jam, the Hadith of Abu Umaamah♦♦..This Hadith is not substantiated. However, the continuity of practice in this regard in all the lands and ages without any rejection (of the Authorities) suffices for its practical adoption.♦

The Hanafi Muhaqqiq, Imaam Al-Kamaal Al-Hammaam says in Fathul Qadeer (about the weakness of a Hadith): ♦Among the factors which authenticitate Hadith is the practice of the Ulama on its concurrence.♦

And Tirmizi said after its narration: ♦Hadithun Ghareebun.' (This Hadith is Ghareeb). (But notwithstanding this) the amal is on it according to the Ulama among the Sahaabah of Rasulullah (sallallahu alayhi wasallam) and others besides them (i.e. the Taabieen, etc.)'

And Imaam Maalik said: ♦The fame of a Hadith in Madinah makes it independent of a saheeh sanad.♦

Haafiz As-Sakhaawi says in Fathul Mugheeth: ♦When the Ummah accords a Dhaeef Hadith acceptance, then it will be adopted according to the authentic view. So much so, that it will attain the rank of Mutawaatir in that it will abrogate Maqtoo' (Ahaadith). It is for this reason that As-Shaafi'i (rahmatullah alayh) said about the Hadith : ♦There is no bequest for an heir.', verily, the Muhadditheen have not substantiated it (i.e. it is not authentic), nevertheless, the Aammah (the Ummah) has accorded it acceptance and have adopted it practically to the extent that they (the Fuqaha) have affirmed it to be Naasikh (an abrogation) for the (Qur'aanic) aayat regarding wasiyyat (bequest).♦

(Al-Ajwibatil Faadhilah)

The foregoing discussion has been extracted from the treatise of Maulana Abdul Hayy Sahib whom the deviate has appointed his Imaam. Before we proceed to furnish more substantiation for the principle and meaning of *Talaqqi Bil Qubool*, a very significant factor of the Ahnaaf shall be mentioned here. Imaam Sarakhsi and Shaikh Ibn Humaam said:

❖ *Imaam Abu Hanifah gave preference to a riwaayat (Hadith) on the basis of the fiqaahat (wisdom) of the Narrators just as Imaam Auzaaee would give preference on the basis of the high grade of the Isnaad. This (preference of fiqaahat) is the Mansoos Math-hab by us (the Ahnaaf) because Tarjeeh (giving preference) is with the fiqaahat of the narrators not with the high grade of the isnaad.* ❖

(Mabsoot of Sarakhsi, Vol.1, page 14; Fathul Qadeer

Vol.1, page 219; I'laaus Sunan Vol.2, page 499)

Consider two narrations with ❖defective' chains, the one perhaps more ❖defective' than the other. A factor which the Ahnaaf Fuqaha considered before preferring any particular Hadith will be the wisdom of the narrators. Hence, even if the chain of the one narration is superior, but the narrators are comparatively speaking lacking in wisdom, then the other Hadith whose narrators possess greater *fiqaahat* will be accepted.

If a choice has to be made between two narrations, the Ahnaaf take into consideration the *fiqaahat of the ruwaat*.

This principle of the Ahnaaf is vindicated by what Imaam Suyuti (rahmatullah alayh) said regarding one of the factors which elevates the status of a *Dhaeef* Hadith to the degree of *Saheeh*. In his *Al-Ajwibatil Faadhilah*, Maulana Abdul Hayy Sahib states that according to Imaam Suyuti, among the factors for the promotion of a *Dhaeef* Hadith is:

❖ *The Hadith conforms to an aayat of the Qur'aan or with some of the Usool of the Shariah provided that there is no kath-thaab (liar) in its sanad.* ❖

In this case where there is no *Talaqqi Bil Qubool* of the Fuqaha, a precaution has been added by the Authorities for the elevation of a *Dhaeef* Hadith, and that precaution is that there should be no *kath-thaab* in the chain. But this condition is not applicable to the Ahaadith which have been accepted by the Fuqaha regardless of the state of the *sanad*, and regardless of the fact that it has no *sanad*. From this could be gauged the strength and overriding force of the principle of *Talaqqi Bil Qubool* by the Fuqaha.

The meaning of ❖the people❖ in this context is the Jamaat of the Fuqaha. It does not refer to the masses of laymen, least of all deviates and self-acclaimed ❖mujtahids' irrespective of their numbers.

Continuing with the discussion on *Talaqqi Bil Qubool*, Maulana Abdul Hayy says in his treatise:

❖ *Allaamah Saalih Bin Mahdi Al-Muqbeeli said: ❖Verily, Saheeh Hadith in the specific meaning of the Mutakh-khireen (the later Muhadditheen) from about the age of Bukhaari and Muslim is that which has been narrated by an uprighteous Haafiz from a similar narrator without defect (it*

has a specific meaning in the meaning of Hadith accreditation), and (Saheeh Hadith) in the general meaning according to the Mutaqaddimeen (of earlier times) among the Muhadditheen, **all** the Fuqaha and the Usuliyyeen is (a narration) on which there is practical adoption (ma'mool bihi). ♦ Thus, when a Muhaddith among the Muta-akh-khireen (the later ones) says: ♦ This Hadith is not Saheeh. ♦, then while it negates the special (and restricted) meaning of the term, it does not negate the general meaning (of authenticity according to the Mutaqaddimeen Muhadditheen, all the Fuqaha and Usuliyyeen). Therefore at this juncture there is the possibility of the Hadith being (of the) Hasan or Dhaeef or Ghair Ma'mool (category). On account of this possibility, it devolves as an incumbency to probe the Hadith. If it is established that it is Hasan or Dhaeef Ma'mool bihi (i.e. has been practically adopted by the Fuqaha), then it will be accepted. And if it is Dhaeef Ghair Ma'mool bihi (i.e. it has not been adopted practically by the Fuqaha), then it will not be accepted. ♦

What Maulana Abdul Hayy Sahib has cited in the foregoing discussion of Allaamah Saalih Bin Mahdi Al-Muqbeeli (rahmatullah alayh) is a clear vindication of what we had said in our earlier book about the function of the later (Muta-akh-khireen) Muhadditheen. The Hadith classification of Ahaadith of the later Muhadditheen do not apply to the narrations accepted and adopted by the Fuqaha who went before them. When the Fuqaha-e-Mutaqaddimeen had already adopted a Hadith as their *mustadal* (basis for formulation of a rule), then such adoption is the daleel for the authenticity of the Hadith. This is precisely what is explained in the foregoing discussion of Allaamah Saalih.

Besides what the Authorities have said in this regard, it is simply rational and logical for an intelligent person having even a smattering affinity with *the Ilm* of the Deen provided he has no ulterior motive, to understand that a technical classification formulated two centuries after the age of the Fuqaha cannot negate the authenticity of the narrations accredited by the Mutaqaddimeen Fuqaha who flourished in close proximity to the era of the Sahaabah.

Continuing the exposition of the principle of *Talaqqi Bil Qubool* in his treatise, Maulana Abdul Hayy Sahib says:

♦ Shaikh Ibraaheem Ath-Thabrahaiti Maaliki says in *Sharhul Ar-baeen An-Nawwiyah*: ♦ The occasion for not adopting Dhaeef Hadith in matters of ahkaam (formulation of laws) , etc., is when the People have not accorded it (the Dhaeef Hadith) acceptance. If this is so (i.e. acceptance has been accorded), then it is confirmed, and it (the narration) becomes a proof which shall be practically adopted in matters of ahkaam, etc. as Imaam Shaafi'i has said ♦ ♦ .. ♦

♦ Haafiz Ibn Hajar says in *Fathul Baari*: ♦ None of the isnaad (of the narrations) is devoid of some criticism. But on the whole the Hadith has a basis. In fact, As-Shaafi'i has explicitly stated in *Al-Umm* that the text of this (Dhaeef) Hadith is *Mutawaatir* ♦ .. ♦

Consider the following example, also extracted from the treatise of Maulana Abdul Hayy Sahib:

❖ Haafiz Bin Hajar said (about a certain Hadith), Bukhaari said: ❖ It is not Saheeh. ❖ The Compilers of the Four Sunan narrated it, and Haakim narrated it from the tareeq of Eesaa Bin Yoonus. Tirmizi said ❖ It is Ghareeb'. We do not recognize it except from the narration of Eesaa Bin Yoonus from Hishaam. I (Imaam Tirmizi) asked Muhammad i.e. Imaam Bukhaari, about it. He said: ❖ I do not regard it to be secure (i.e. its sanad). ❖ Ibn Maajah and Haakim have narrated it from the avenue of Hafs Bin Ghiyaath, also from Hishaam. Tirmizi said: It has been narrated in different ways from Abu Hurairah. Its isnaad is not Saheeh. (Inspite of all this), the amal is on it by the Ulama (i.e. they have adopted it). ❖

In his stupid essay (*his rejoinder*), the deviate had accused us of demoting the Muhadditheen and nullifying their utility. Hadhrat Maulana Badr-e-Aalam (rahmatullah alayh)'s exposition on this issue fully vindicates what we had written about the utility and function of the later Muhadditheen. In his treatise, Maulana Abdul Hayy Sahib says:

❖ Our Ustaadh, Allaamah Shaikh Muhammad Badr Aalam ❖ May Allah protect him ❖ said in the *Ta'leeq* on the discussion of Imaamul Asr: ❖ I say: ❖❖❖...Verily, the Shaikh does not intend with the foregoing discussion the abolition (the minimization, cancellation, discardence) of the application of Isnaad. How is this possible? If it was not for this, anyone would have said simply what he desires. On the contrary, the Shaikh intends that when a Hadith has become authentic by way of indications and it has become obvious, then to abandon it merely on the basis of a weak narrator is not correct. How can this be so when continuity of practical adoption of it is a stronger testification for its substantiation according to him❖

❖❖❖❖❖.Ash-Shaikh Muhammad Yusuf Al-Binnuri said: ❖ Verily, Shaikh Al-Anwar (Hadhrat Anwar Shah Kashmiri ❖ rahmatullah alayh). Would say: ❖ The purpose of the Isnaad is to ensure that something which is not of the Deen does not enter the Deen. Its purpose is not to expunge from the Deen what has been substantiated of it by the practice of the Ahl-e-Isnaad (the Ulama whose Isnaad links up with Rasulullah❖ sallallahu alayhi wasallam).❖

Our explanation on *Talaqqi Bil Qubool* and The Utility of the Muhadditheen which appear in our earlier book should be read in conjunction with the aforementioned comment of Hadhrat Maulana Badr-e-Aalam (rahmatullah alayh). This vindication of our claim is not the vindication of an independent opinion ventured by us. What we have said was merely the narration of what the Authorities have said and are saying. We did not present our personal opinion. We are Muqallideen of Imaam Abu Hanifah and we may not traverse beyond the confines of Taqleed. Any opinion which Muqallideen offer in conflict with the rulings and opinions of the Fuqaha have to be struck down and discarded into the trash. Allaamah Badr-e-Aalam (rahmatullah alayh) has explained the utility of the Muhadditheen. Their function of Hadith accreditation was never to expunge any of the *ahkaam* of the Shariah based on Ahaadith authenticated by the acceptance of the Mutaqaddimeen Fuqaha as Hadhrat Anwar Shah Kashmiri (rahmatullah alayh) affirmed.

We hope that the deviate will heed the Haqq before it is too late for heeding.

A few more statements of the Fuqaha will be cited in conclusion of this discussion.

Wakee' Bin Jarraah, the renowned Muhaddith and expert in the field of examining narrators said:

❖ *A Hadith which is in circulation among the Fuqaha is better than a Hadith in circulation among the Shuyookh (of Hadith).* ❖

❖ *When the Mujtahid employs a Hadith as a basis for formulation (of masaa-il), then (his istidlaal with it) is authentication of the Hadith.* ❖ (Raddul Muhtaar, Vol.4, page 38)

❖ *Is the ittifaaq (unanimity) of the Jamhoor not a sign for the Hadith having a strong basis even if the factor of dhu'f (weakness) has become attached to it by way of the sanad?* ❖

(Imdaadul Fataawa, Vol.1, page 147)

❖ *The fame of an issue (a Deeni mas'alah) sets us free from (the need) of probing the asaaneed.* ❖

(I'laaus Sunan, Vol.13, page 146)

❖ Imaam Shaafi'i has written in his Risaalah that the Taabieen Ulama had accepted it (referring to a particular Hadith with no proven isnaad) in view of the fact that it was confirmed to them that it was the instruction of Rasulullah (sallallahu alayhi wasallam). Ibn Abdul Barr said that this instruction (referring to the Hadith in question) is well-known to the Ulama of history and the Fuqaha, hence in view of it resembling Mutawaatar, there is no need for its isnaad. ❖

(Ainul Hidaayah, Vol.4, page 604)

Allaamah Anwar Shah Kashmiri (rahmatullah alayh) said:

❖ *The Muhadditheen (i.e. the later Hadith Compilers) take into consideration only the state of the isnaad. They do not consider Ta-aamul. Hence, many a time a Hadith is authentic on the basis of their criteria. However, they find that there is no practical adoption of it. Thus they (the Muhadditheen) are bewildered. In this regard Tirmizi narrated in his Jaami' two authentic narrations, valid for practical adoption. Then he commented: ❖ Verily, no one has adopted it for practise.' In spite of the authenticity of the isnaad, there is no practice on it. In the same way, they (the Muhadditheen) have classified as Dhaeef a Hadith from the angle of its Isnaad although the Hadith is widely practised on (by the Ummah) in their time (ma'mool bihi). Thus there is a disadvantage here from a different angle. It is therefore imperative to consider Ta-aamul along with the isnaad, for verily, the Shariat revolves around Ta-aamul and Tawaaruth.* ❖

(*Faidhul Baari*, Vol.2, page 237)

The widespread acceptance and practical adoption of an act by the Ummah from the earliest age of Islam and its existence in continuity from that age down the centuries in all times and lands are termed *Ta-aamul and Tawaaruth*. It is impossible to attribute such acts to falsehood in view of the fact that they enjoy the acceptance of the Ulama from the very beginning of Islam.

Sufficient evidence has been presented for the validity and importance of the principle of *Talaqqi Bil Qubool*. In relation to the deviate, the fact that most of the evidence has been forthcoming from his Imaam, Maulana Abdul Hayy Sahib, should be of greater significance. Another fact of much importance in relation to us is the deviate's decision not to cite his Imaam on the question of *Talaqqi Bil Qubool*. He has simply scanned over this issue after citing two extracts on *Talaqqi* ♦ one from Ibn Hajar and one from Ibn Humaam, and both are in our favour, supporting exactly what we have written in our earlier book on this question.

The reason for his hurried exit from the *Talaqqi Bil Qubool* discussion and his strategem of refraining from seeking the aid of his Imaam on this issue is that Maulana Abdul Hayy Sahib speaks with the greatest clarity on the validity of this principle and the overriding importance of submitting to the Acceptance by the Fuqaha of narrations regardless of the state of the *Isnaad* , be it totally unreliable. The Fuqaha's *Acceptance* ♦ *their Talaqqi Bil Qubool*, and also their *Rejection* despite the authenticity of the *isnaad* are the determinants.

Although Maulana Abdul Hayy Sahib has contradicted himself in expressing his erroneous view regarding the *riwaayaat or some riwaayaat* in authoritative kutub such as Hidaayah, he nevertheless has stated the correct conception of *Talaqqi Bil Qubool*. After all, he was a sincere man as Hadhrat Maulana Ashraf Ali Thaanvi explained. May Allah Ta'ala bestow *maghfirat* to Maulana Abdul Hayy Sahib and grant him the lofty states of Jannatul Firdaus.

The deviate has perspired profusely in his attempt to eke as much capital out of the following statement of Maulana Abdul Hayy, which we repeat:

♦To the contention that the quotation of those who quote these narrations is in itself sufficient basis for reliance due to their eminence and reputations, we respond by saying: Never! No hadith will be accepted without an isnaad, even if it should be quoted by a reliable person especially if the quoter is not a hadith expert. ♦

To this error we respond: Never shall we accept this highly erroneous idea ostensibly conveyed by the statement. The Ulama reject it as baseless. In fact, Maulana Abdul Hayy's exposition of *Talaqqi Bil Qubool* presented in the foregoing discussion militates against his self-contradictory error. Even the later Muhadditheen such as Imaam Bukhaari, Imaam Tirmidhi, etc., and the Fuqaha and Aimmah such as Imaam Shaafi'i and Imaam Ahmad Bin Hambal who appeared a

century after Imaam A'zam Abu Hanifah, bowed their heads in submission and obedience to the principle of *Talaqqi Bil Qubool*. Purely on the basis of *Ta-aamul and Tawaaruth* did they accept unconditionally the authenticity of Ahaadith with corrupt *asaaneed* and even without *asaaneed*. Maulana Abdul Hayy Sahib has fully endorsed this principle and practice although there is absolutely no need for his endorsement. But his endorsement may assist to open the eyes of the deviate and exhort him to return to the fold of the Ahlus Sunnah Wal Jama'ah.

THE DEVIATE'S FALSE ALLEGATION

In another attempt to wriggle out of the mess in which he has entrapped himself, the deviate says:

❖❖❖.the talaqqi which the ulama speak of is something vastly different from that which the objector invokes as his ❖overriding criterion of authenticity'❖.

He has made an allegation without stating his proof and without showing in which way is our explanation of this principle ❖vastly different❖ from the *Talaqqi* principle of the Ulama and from the explanation given by Maulana Abdul Hayy in his *Al-Ajwibatul Faadhilah*.

In our earlier book, on page 25 (reprint), we mentioned about this principle:

❖The soundest proof for the authenticity of this Hadith (i.e. the Tasbeeh of the Malaaiakah narration) is the principle of Talaqqi Bil Qubool by the Fuqaha and Ulama. As mentioned earlier, the determinant for accepting a narration to be valid is the conference of acceptability to it by the Fuqaha regardless of the classification assigned to the Hadith by the Muhadditheen.❖

On page 14 of our earlier book (reprint), appears the following:

❖Our surest and strongest criterion for the authenticity of Ahaadith is the view of the Fuqaha.❖

Then in substantiation we cited:

❖Is the consensus of the Jamhoor Fuqaha not a sign (proof) for the Hadith having a strong basis inspite of the dhu'f (weakness) of the circumstance of the sanad.❖❖❖..The following appears in Raddul Muhtaar, page 38, Vol.4: ❖When the Mujtahid makes istidlaal (logically deducts) on the basis of a Hadith, then such deduction (by the Mujtahid), is authentication of the Hadith.❖

On page 16 of our earlier book (reprint), we mentioned:

❖The acceptance by the Ulama in general, in fact, elevates the Hadith to the category of Mutawaatar.❖

Now in which way is this explanation ❖*vastly different*❖ from what ❖the ulama speak of❖? In fact, we should ask: ❖In which way is our explanation different in any way whatsoever from the exposition of *Talaqqi Bil Qubool* presented by Maulana Abdul Hayy Sahib? He and all the Authorities ❖the Mutaqaddimeen Fuqaha and Muhadditheen, as well as the Muta-akh-khireen Fuqaha and Muhadditheen❖ state without the slightest ambiguity that the *Acceptance of the Fuqaha* is the criterion. We have not differed from this. At no stage did we venture an interpretation of this principle to bring into its scope the acceptance by a solitary Faqeeh whose view may be in conflict with the *Jamhoor*.

We stated without ambiguity that the principle envisages the Acceptance of the Ulama in general. We stated that it is the Acceptance of the Fuqaha, and this does not refer to a solitary Faqeeh. It refers to the Jamhoor Fuqaha. Now why would the deviate resort to blatant falsehood? He has been guilty of this crime throughout his *a rejoinder*. He has perpetrated this unholy sin of falsehood for lack of evidence and to hoodwink readers by creating smokescreens and diversions to induce in them forgetfulness about the main issue, viz., the Prohibition of the immoral act of women cutting their hair.

He resorts to the chicanery of conveying the impression that the Hadith pertaining to the Tasbeeh of the Malaaiakah does not satisfy the principle of *Talaqqi Bil Qubool* allegedly on account of it being an isolated narration which has been criticized by some later-era Muhadditheen, and due to the supposed fact of it not enjoying the ❖*concurrence*' of the Jamhoor Fuqaha. If this is his claim ❖and in fact it is❖ then it devolves on us to show and prove that this Hadith does enjoy the Acceptance of the Jamhoor Fuqaha, and that there is absolutely NO difference of opinion among the Fuqaha and Ulama, both Mutaqaddimeen and Muta-akh-khireen, on the issue of the acceptance of this Narration, and that this Hadith has been considered fit to be presented as a *Mustadal for Ahkaam of the Shariat*. *Insha'Allah*, we shall now proceed with this argument.

(1) Haafiz Ibn Hajar in his Takhrij of Dailami's *Musnadul Firdaus*, cites the Hadith of the Tasbeeh of the Malaaiakah, mentioning that Haakim has narrated it.

(2) Allaamah Abdur Ra-oof cites the Hadith in his *Kunoozul Haqaaiq*, also via the agency of Haakim.

(3) Since both these Authorities cite the Hadith from Haakim, it is sufficient evidence from which to infer that Haakim did in fact narrate the Hadith, be it in whichever kitaab of his. No one has denied this fact.

(4) At another place (on page 90) of *Kunoozul Haqaaiq* , Allaamah Al-Munaawi again mentions the Hadith from another source, viz. *Musnadul Firdaus*. On page 142, Vol.1, he attributes the narration to Haakim, and on page 90 to *Musnadul Firdaus*. We have already discussed this kitaab earlier on.

(5) The Hadith is narrated in Tafseer Ruhul Bayaan, Vol.1, page 222 where it is said:

❖ Shaving the beard is ugly, in fact it is disfigurement and haraam. Just as shaving the hair of the head is disfigurement for women, prohibited and tashabbuh with men, as well as elimination of beauty, so too is shaving of the beard disfigurement for men, and prohibited. The Fuqaha have said that the beard in its time (i.e. when it begins to grow) is beauty, and in shaving it is the elimination of perfect beauty. Of the Tasbeeh of the Malaai- kah is:

❖ ***Subhaan for The One Who has beautified***

men with beards and women with tresses.❖

(6) In the *Ta'leeqaat* of Kitaabud Diyaat of *Al-Ikhtiyaar li Ta'leel Mukhtaar*, Vol.5, page 44, this Hadith is cited as a *mustadel* for a compulsory *hukm* pertaining to the payment of *diyat*. It is said in this kitaab

❖ *Regarding the beard, in it is perfect beauty (for men) because of the statement of Rasulullah (sallallahu alayhi wasallam):* ❖ *Verily, the Malaai- kah of the Samaa- e-Dunya (the first heaven) say:*

❖ ***Subhaan for The One Who has beautified***

men with beards and women with tresses.❖

(7) On page 141, Vol.3, *Badaaius Sanaai'* records this Hadith as a *mustadal* for the prohibition of shaving the beard. The illustrious Author of *Badaaius Sanaai'* , died 587 A.H. Allaamah Al-Kaasaani says:

❖ *And, because shaving the beard is disfigurement, because Allah Ta'ala has beautified men with beards and women with tresses. This is on the basis of what has been narrated in the Hadith that for Allah Ta'ala there are Malaai- kah whose Tasbeeh is:*

❖ ***Subhaan unto The One Who has beautified***

men with beards and women with tresses.❖

(8) This Hadith is mentioned as a *mustadal* in the Haashiyah of Shaikh Shahaabuddin Ahmad Shilbi, He was among the Fuqaha of the 10th century. The Shaikh mentioning the Hadith says:

❖ *Rasulullah's (sallallahu alayhi wasallam) statement is :* ❖ *Verily for Allah there are Malaai- kah whose Tasbeeh is:*

❖ ***Subhaan for The One who has beautified***

men with beards and women with tresses. ♦

(9) This Hadith is again narrated in *Badaaius Sanaai'*, Allaamah Al-Kaasaani, on page 312, Vol.7 as a *mustadal* for the *Diyat mas'alah*.

♦ And for us (the proof for this mas'alah) is that, verily, hair for women and for men is perfect beauty and similarly is the beard for men. And the daleel for this is (the Hadith) which has been narrated: ♦ Verily, Allah Tabaaraka wa Ta'ala, Azza Wa Jal, has created in the heaven and earth Malaaikeh whose Tasbeeh is:

♦ Subhaan (pure and devoid of all defect) is He Who has beautified men with beards and women with tresses. ♦

(10) Narrating this Hadith as a *mustadal* for the *diyat mas'alah* , Allaamah Muhammad Bin Husain Bin Ali At-Toori says:

♦ ♦ .because the beard in its time is beauty, therefore the full diyat becomes incumbent ♦ ♦ .and the daleel for the fact that the beard is beauty is the statement of Rasulullah (sallallahu alayhi wasallam): ♦ Verily, for Allah there are Malaaikeh whose Tasbeeh is

♦ Subhaan for The One Who has beautified

men with beards and women with tresses. ♦

(Bahrur Raa-iq, Vol.7, page 231)

(12) Now we present the Daleel of Imaam Sarakhsi (died 483 A.H.) who narrates this Hadith in his *Al-Mabsoot* , perhaps the greatest and most authoritative of all the kutub of the Ahnaaf Fuqaha, obviously besides the Works of Imaam Abu Hanifah, Muhammad and Abu Yusuf. Imaam Sarakhsi states in his *Al-Mabsoot* while discussing the *mas'alah of diyat* :

♦ Similarly is the beard. The asal (basis) for this is what has been narrated from Nabi (sallallahu alayhi wasallam) that he had said: ♦ For Allah Ta'ala there are Malaaikeh whose Tasbeeh is:

♦ Subhaan for The One Who has beautified

men with beards and women with tresses. ♦

There are still more Authorities who have offered their Acceptance.

- In Kashful Khafa of Imaam Al-Ajluni, the following is recorded regarding the Tasbeeh of the Malaaikeh:

♦ Subhaan for The One Who has beautified

men with beards and women with tresses. ♦

❖ *Haakim has narrated it from Aishah. It is mentioned in the Takhrij of the Ahaadith of Musnadul Firdaus of Haafiz Ibn Hajar in the course of the Hadith with the word, the Malaaiakah of the heaven seek forgiveness by the tresses of women and the beards of men, and they say:*

❖ ***Subhaan for The One Who has beautified***

men with beards and women with tresses. ❖

Elsewhere in *Kashful Khafa* it is mentioned:

❖ Aishah ❖ she has narrated it as Marfoo' (i.e. she attributed it to Rasulullah ❖ sallallau alayhi wasallam): ❖ The Malaaiakah of the heaven seek forgiveness by the tresses of women and the beards of men. They say:

❖ ***Subhaan for The One Who has beautified***

men with beards and women with tresses.' ❖

The disparaging remarks the deviate makes about *Kashful Khafa* are truly absurd. He has no valid grounds for claiming that this kitaab cannot be cited as a reference. It is not a kitaab for his trash can.

Regarding *Musnadul Firdaus* ❖ he dismisses this kitaab as if it is a book of fables and fairy tails. He lacks in entirety in understanding and respect for *Ilm*. *Musnadul Firdaus* is a reliable Work, hence Haafiz Ibn Hajar considered it appropriate to make it the subject for his research and comment. The deviate has no inkling of the value and loftiness of *Musnadul Firdaus*. This was the Compilation of two illustrious Muhaddiths ❖ father and son. In this kitaab consisting of 10 Volumes, 10,000 Ahaadith were compiled. Each Volume consisted of 1000 Ahaadith. He was given the title of *Sayyidul Huffaaz* of the age. The narrations in *Musnadul Firdaus* were compiled without their *asaaneed*. Ad-Dailami, the son, compiled four volumes consisting of all the *asaaneed* of the Ahaadith which his father had compiled. The *sanad* for every Hadith was recorded.

Musnadul Firdaus is not a kitaab which can be summarily dismissed as a forgery consisting of fabrications.

(14) It should be borne in mind that the deviate is relying heavily on Imaam Zayla'i and Maulana Abdul Hayy to aid him in his predicament and to extricate him from the quagmire of *baatil* in which he is sinking. However, the only ❖support' if it could at all be termed support, which the deviate feels he can gain from Zayla'i, is the latter's claim about the ❖unreliability' of some of the Hadith narrations mentioned in *Hidaayah*. Let us nudge the deviate out from the latitude of the generalities he has introduced with the motive of diverting attention from the specific issue of hair-cutting for women. For a while leave Zayla'i's view with regard to the other assumed unreliable narrations, and let us concentrate on this specific Hadith of the Tasbeeh of the Malaaiakah. What is Zayla'i's view on this particular Hadith? Has he discarded it into the trash bin

as the deviate has done? The deviate may derive some interest from what Zayla'i states in his *Tabyeenul Haqaa'iq SharKanzid Daqaa'iq*. On page 130 in *Kitaabud Diyaat*, Zayla'i states:

❖ *Verily, the beard in its time is beauty. Similarly the hair of the head is beauty* ❖ ❖ *...And, the daleel for the fact that it is beauty is the statement of Rasulullah (On whom be Salaat and Salaam):* ❖ *Verily for Allah there are Mala'ikah whose Tasbeeh is:*

❖ **Subhaan for The One Who has beautified**

men with beards and women with tresses. ❖

This is the same Imaam Zayla'i whom the deviate cited as the rejector of the *riwaayat* which appear in the kutub of the Fuqaha without *isnaad*. Zayla'i, himself accepts the authenticity of this Hadith and presents it in his Sharah of *Kunzud Daqaa'iq* to prove the correctness of the *diyat mas'alah*.

Now irrespective of what Zayla'i's views are regarding the other narrations in the books of the Fuqaha, as far as this particular Hadith is concerned, Zayla'i accepts its authenticity and its validity to constitute a *mustadal* for the important and incumbent law of *diyat*. The deviate's case has long ago been lost. Imaam Zayla'i and Maulana Abdul Hayy Sahib have hit the last couple of nails in the deviate's coffin of *baatil*.

(15) Whom else should we now produce as evidence for the authenticity of the Hadith of the Tasbeeh of the Mala'ikah? We are of the opinion that Maulana Abdul Hayy has an important role to fulfil at this juncture in the stand against *baatil*.

In *Kitaabud Diyaat* of Hidaayah whose narrations both Zayla'i and Maulana Abdul Hayy had criticized, the illustrious Faqeeh and Author states:

❖ For us (the Ahnaaf), the beard in its time is beauty. And in shaving it, is the elimination of beauty in entirety.. ❖

In his annotation on Hidaayah, Maulana Abdul Hayy Sahib states:

❖ *The daleel for this (fact that the beard is beauty) is that Rasulullah (sallallahu alayhi wasallam) said:* ❖ *Allah has Mala'ikah whose Tasbeeh is:*

❖ **Subhaan for The One Who has beautified**

men with beards and women with tresses. ❖

Maulana Abdul Hayy Sahib has presented two beauties in having produced this Hadith to substantiate the *diyat mas'alah*. The first beauty is that the illustrious Author of Hidaayah does not even cite this Hadith as his *mustadal* although the Ulama are aware that it is his *mustadal*. Nevertheless, he does not produce this Hadith in Hidaayah. In spite of this fact, Maulana Abdul Hayy Sahib brings forth this Hadith of his own accord to state the grounds for the *diyat mas'alah*. Maulana Abdul Hayy has not commented adversely on this specific Hadith. He accepts its authenticity and produces it as the basis for the *mas'alah*, hence the deviate has no alternative but to submit to his Imaam and accept the authenticity of the Hadith of the Tasbeeh of the Malaaikeh even if he believes that some other *riwaayaat* in Hidaayah are fabrications.

The second beauty which Maulana Abdul Hayy Sahib has presented, is that he acquired this Hadith from Zayla'i who happens to be Maulana Abdul Hayy's co-partner in assailing the illustrious Murgheenaani, Author of Hidaayah who was accused of entertaining forgeries and fabrications in his most authentic and most authoritative Book, Hidaayah. But on the issue of the authenticity and strength of the Hadith of the Tasbeeh of the Malaaikeh, both these Ulama are unanimous.

We have cited the verdicts of 15 Fuqaha and Ulama. They belong to different epochs of the history of Islam. They have bridges of centuries separating them. Most of whom we have mentioned, are among the finest Fuqaha of Islam. Their spiritual and academic lineage can be easily traced back to Rasulullah (sallallahu alayhi wasallam) without a single missing link in their golden *isnaad*. They are Men on whose shoulders Allah Ta'ala had imposed the Edifice of the Shariah. Anyone who has the audacity and immodesty of accusing these illustrious Aimmah such as Imaam Sarakhsi, Al-Kaasaani, Al-Murgheenaani, etc., etc., of having formulated the *ahkaam* of the Shariah on fabricated and forged narrations is an abhorrent specimen of humanity suffering from a demented mind and a deranged *nafsaani* attitude gone haywire.

Indeed it will be an act of superior *ibaadat* to supplicate to Allah Ta'ala to rather create impediments of thorns in one's tongue before one will venture the *shaitaaniyat* of wagging one's filthy and ugly tongue in devilish exercises of castigating the finest Examples of *Warathatul Ambiya*.

In addition to the illustrious Fuqaha of former times, we claim without the slightest fear of contradiction, that all our Akaabir Ulama such as Hadhrat Maulana Ashraf Ali Thaanvi, Hadhrat Maulana Rashid Ahmad Gangohi, Hadhrat Maulana Masihullah and a huge galaxy of other Akaabir Ulama, all accept the authenticity of this Hadith. Can the deviate cite the name of any of our Akaabir who disagree with this view and who brand the Hadith a forgery as the deviate is guilty of?

We have established and substantiated beyond the slightest vestige of doubt that the Hadith pertaining to the Tasbeeh of the Malaaikeh has fully satisfied the principle of *Talaqqi Bil Qubool*

, hence the array of Fuqaha and Ulama all citing the very same Hadith as their *mustadal* for important and obligatory *ahkaam* of the Shariah and Maulana Abdul Hayy Sahib and Imaam Zayla'i have endorsed this truth.

EXHIBITION

❖ ***(O women!) Remain (glued) within your homes and do not make a display (of yourselves) like the exhibition of Jaahiliyyah. ❖ (Qur'aan)***

Female-hairstyles are part of the heritage of the times of Jaahiliyyah (Ignorance). It was an evil practice of the females of Bani Israaeel, and it was one of the acts of exhibition which led to the prohibition of women attending the Musjid.

THE HADITH OF JUMMAH

We reiterate the claim we had made in our earlier book regarding the deviate's criticism, attack and rejection of this Hadith of Rasulullah (sallallahu alayhi wasallam). The deviate's argument in this regard is devoid of substance. In his *a rejoinder* he attempts to escape the charge by an exceedingly weak ❖ 'technical' argument which readers do not understand head or tail. He speaks about ❖ *tadlis* ' and ❖ *tadlis at-taswiyah* ' as if he is some ❖ 'muhaddith' who possesses authority in a field which remains sealed to him.

He is not in any position to issue a ruling on the condition of a Hadith after the Ulama have examined it and utilized it for exposition of a Shar'i *hukm*. He cannot arbitrarily reject the Hadith on the basis of what he has understood of the classification of Hadith and the operation of the Ahaadith of different categories in different capacities of the Shariah. Some narrations despite the defective *asaaneed* (chains) have been accepted by the Fuqaha for even formulation of *ahkaam* as has already been explained in the previous pages. It does not automatically follow that a Hadith in whose chain happens to be the defect of *tadlees* or even *double tadlees* is discarded for the waste bin.

Furthermore, a Hadith which has been labelled defective by one Muhaddith, may be quite acceptable to another or to other Muhadditheen.

It is of utmost importance to understand that the conflict in Hadith classification, particularly among the later Muhadditheen is so acute, so intense and bewildering for even the authorities, that it is the height of *jahaalat* for a layman in this critical age of Imaan to attempt to examine Ahaadith in the way the early Muhadditheen had done. The issue of Hadith classification has been resolved centuries ago. It is ***haraam*** for anyone of us in this age to review and re-interpret any of the laws of the Shariah. It is unlawful to base our opinions on the very same Ahaadith

which were known to all the Authorities throughout the history of Islam, and then to arrive at a stupid ❖fatwa' in conflict with what the Fuqaha have ruled centuries ago. Islam cannot be reviewed and re-interpreted. Re-interpretation of Islam is kufr. It is a subtle way of attempting to abrogate the Immutable Shariah of Islam.

The deviate had the obligatory duty of first consulting with his Ustaadh and the other senior Ulama before embarking on an exercise of issuing ❖fatwas' on the strength of Ahaadith which he uses in a bid to scuttle Shar'i *ahkaam*.

The deviate by his personal opinions and by his self-conceited attitude of his ❖expertise' in the field of Hadith, compels us to delve into this subject in some detail to show up the fallacy and drivel he pouts. Instead of simply admitting his error, he gets himself more trapped in the mire of the mess his *baatil* opinion has brewed for him.

In his ❖*a rejoinder*' he has raised other points of defect for the *isnaad* of the Hadith in question. But in his first essay he had stated only one assumed defect. Now after we had appropriately refuted his contention pertaining to that single assumed defect which he had stated, he seeks to vindicate his position by bringing to light more defects and says: ❖*The objector attempts to take mileage out of the fact that I did not state complete details about the lack of continuity in the chain of narration.*❖

Again, for lack of evidence, he attempts to confuse the issue with unrelated facts. What he has brought up now about ❖*tadlis*' is unrelated to his first objection and our response. A sensible person could not have expected us to respond to the defect of ❖*tadlis*' which he just now vomitted up in his *a rejoinder*. He had made no reference to this defect in his first essay, hence it is plain stupidity to have expected us to respond to hidden factors. He had criticized the Hadith only on the basis of lack of continuity, not on the basis of the new defects he is now pointing out, hence he said: ❖*...but its failure to satisfy the requirements of authenticity is due to a problem with continuity in its chain of narration.*❖

This was his only criticism at that stage, and we have adequately responded to it. See pages 35, 36, 37 and 38 of our earlier book.

Besides bringing up the issue of new defects, he has miserably failed to answer the other issues we had raised in regard to the Hadith which he senselessly rejects while authorities accept it. He had assailed the Hadith only on the basis of the assumed defect of lack of continuity. He has not accepted or refuted our response. Since he knows that we stated the Haqq for which we had provided the evidence, he is unable to refute it. On account of deceit he is unable to concede the correctness of our response, hence his silence and the introduction of another dimension which we shall, Insha'Allah, now discuss.

It is necessary to understand that *ilal* (defects) are factors of technical import. The terms do not

have literal meanings. If a Hadith is classified ❖ *Dhaeef* for example, it does not literally mean that the Hadith is a forgery and fabrication and unfit for adoption. Similarly with other ❖ 'defects' which technically ❖ 'corrupt' the *isnaad* (chain of narration).

An *isnaad* with even more than one or two defects can still be authentic and acceptable for utilization as a basis for formulation of Shar'i laws. But, deviates who feel claustrophobic within the confines of the Shariah desire wide scope for manoeuvring. They, therefore, mislead ordinary people into believing that the technical terminology of the Muhadditheen have literal meanings. Hence, laymen understand that a Hadith which one or some Muhadditheen have labelled *Dhaeef* or *Maudhoo'* is totally unfit and have to be discarded into the trash can as forgery. This is far from the reality of the situation.

In the previous pages we had presented some explanation on the Narrator, Umar Bin Haarun Balkhi. Many Muhadditheen brand him a *kath-thaab* (liar) and a *khabeeth* (evil). Even the puny deviate has joined in the fray with some vile expletives. He spat out with vehemence that this Narrator is a ❖ 'fraud', a ❖ 'forger', etc. Yet, inspite of the intense academic controversy in the circles of the Muhadditheen regarding the reliability or unreliability of Umar Bin Haarun, the Chief of the later Muhadditheen, Imaam Bukhaari authenticitates him. He describes this Narrator as ❖ *Muqaarabul Hadith'*. This is a classification for narrators in the language of the Muhadditheen. For the understanding of the laymen, it refers to narrators of moderate reliability. Their narrations cannot be summarily dismissed as fabrications and forgeries merely because some Muhadditheen have classified them as ❖ 'liars'. This is merely one example of intense conflict among the later Muhadditheen in the sphere of Hadith classification. Volumes have been written on this subject. It suffices here to understand that it is the heights of folly fraught with perils for one's Imaan to slander Narrators whose Ahaadith have been accepted as *Saheeh* by Muhadditheen of the calibre of Imaam Bukhaari, Imaam Tirmizi, Imaam Ibn Maajah, Imaam Ahmad Bin Hambal, Imaam Qutaibah, Imaam Ibn Khuzaimah, Imaam Haakim and many others notwithstanding the designation of ❖ *kath-thaab'* and ❖ *khabeeth'* as we have seen with the Narrator, Umar Bin Haarun.

The defective ❖ 'research' of the deviate has taken him to the brink of spiritual disaster. May Allah Ta'ala protect us all from shaitaaniyat.

TADLEES

The literal meaning (i.e. the meaning in the dictionary) of *tadlees* is to conceal defects in merchandise. On account of a degree of concealment in a chain of narration, the literal term connoting concealment has been adopted by the Muhadditheen for this technical ❖ 'defect' of ❖ 'concealment'. The narrator who practises *tadlees* (concealment) in the *isnaad* is termed a *Mudallis*.

One form of *tadlees* is that the narrator does not mention the Shaikh from whom he had acquired the Hadith. He mentions the name of the Narrator from whom the first Narrator had heard the Hadith. He narrates the chain in such a way that the audience gains the impression that he had heard the Hadith directly from the Shaikh above the first Shaikh from whom the *Mudallis* had heard the Hadith.

There is wide difference of opinion among the Muhadditheen in the matter of the acceptability of the narrations of a *Mudallis*. The ruling oscillates between permissibility and prohibition, some saying that it is *haraam* to accept such narrations. Some Muhadditheen explicitly declare *tadlees* as being a serious defect which disqualifies the narration. According to other authorities it is not a disqualifying defect and the narrations of a *Mudallis* will be acceptable.

The deviate's defective 'research' brought him to the limit where there appeared a signboard with the 'fatwa': *Ash-Shamani said: At-Tadlees is haraam according to the Aimmah. It has been narrated from Wakee' that he said that when tadlees is not lawful in garments, how can it be lawful in Hadith? And Shu'bah was intense in his criticism of tadlees.*

About such deficient researchers as the deviate, the Qur'aan Majeed says: *That is the limit of their knowledge*.

When the deviate reached this station in his defective 'research', he gained the impression that this was all to it, hence, he tries to put across the 'unreliability' of a Hadith in whose *sanad* there happens to be the factor of *tadlees*. However, either he is ignorant of the full story of *Tadlees* or he has deliberately again perpetrated his chicanery to confuse readers and to convey a semblance of defence for his shattered cause of attempting to make *halaal* the *haraam* act of hair-cutting for women.

According to the *Jamhoor Ulama* (Muhadditheen) *tadlees* is conditionally acceptable, e.g. if it is known that the *Mudallis* narrates from authentic sources such as Ibn Uyainah.

The motive for *tadlees* is not always corrupt. It is for this reason that according to the *Jamhoor Muhadditheen* the narrations of the *Mudallis* are conditionally accepted. Since this is not the occasion for a detailed exposition of this subject, we shall bypass the details.

A word of advice from Allaamah Zafar Ahmad Uthmaani (rahmatullah alayh):

The explicit statements of the Aimmah-e-Hadith on the fact of Hadith-scrutiny being an ijtihaadi matter are beyond enumeration (on account of abundance). Perhaps what we have mentioned will suffice. Thus, it is not a necessary consequence from the authenticity of a Hadith

according to one authority that it also be authentic by another authority nor that if one Hadith is Dhaeef by one authority, it will necessarily be Dhaeef by another authority. Therefore, understand well and do not be among the ghaafileen (ignorant ones). ♦

(Muqaddamah I'laaus Sunan)

If some authorities have rejected a Hadith on the basis of *tadlees* while others have accepted it despite this technical deficiency of the *isnaad*, then there is no need for the Muqallideen to embark on the dangerous and futile exercise of hurling abuse at the narrations of the other Math-hab. Such an attitude is the consequence of bigotry and narrow mindedness, and at times it is the result of pure *nafsaaniyat* ♦ the motive being emancipation from the fetters of the Shariah.

Everyone is aware of the numerous differences in the *masaa-il* in the *Math-habs*. While certain acts nullify wudhu according to one Math-hab, they do not do so in another Math-hab. A Hadith which happens to be a valid *mustadal* for a law in one Math-hab is refuted by another Math-hab for lack of authenticity based on the principles of authenticity of that Math-hab. In such matters the Muqallideen have to incumbently adhere to their respective Math-habs and not create confusion and corruption by resorting to their opinions with their defective research.

A similar explanation applies to ♦ *Mu-an-an' Ahaadith*. Ahaadith in whose chains of narration appear the term ♦ *un' (??)*, are termed ♦ *Mu-un-un'*. The acceptability of such narrations is also subject to conditions, and there is difference of opinion among the Muhadditheen in this regard.

In view of this position, the Muqallid only has to follow the directive and direction of his Math-hab. He may not become a freelancer in this field and dissect the Ahaadith at will and fancy. For acceptance or rejection of the Hadith regarding the prohibition of the *jumma* hair-style for women, the need is to ascertain and accept the ruling of the Akaabir Ulama. If they have accepted the Hadith, it will be folly and pride to resort to an independent examination of the *sanad* and then to base it on the standard pleasing to our personal opinion. This is precisely the error of the deviate, hence he cannot see whether he is coming or going. When a Muqallid falls into the trap of assumed ability of *ijtihaad*, he will soon be unable to distinguish right from left.

Let's get back to the actual Hadith of the argument. In this Hadith, Rasulullah (sallallahu alayhi wasallam) prohibited women from a certain hair-style known as *jumma* which is shoulder-length hair. Since the acquisition of this type of hair entails cutting off the tresses, the Hadith fully substantiates the prohibition on which *Ijma'* of all the Fuqaha of all the Math-habs has been enacted regardless of the desperate laments of the deviate to the contrary. It has therefore become necessary for him to clutch at even straws in order to falsify the Hadith, hence he said in his essay:

♦ The hadith prohibiting the *jumma* for a free woman is documented in al-Musnad as Sagheer by al-Tabarani (no.363). Al-Haythami has correctly remarked in *Majma'us-Zawaahid* that its narrators are all reliable, but its failure to satisfy the requirements of authenticity is due to a

problem with continuity in its chain of narration.❖

There is no kitaab of Tabaraani by the name ❖al-Musnad as-Sagheer'. We had reproduced his error in our earlier kitaab without comment. The deviate did pick up his own error in our reproduction of his statement, but he cunningly and conveniently opted for silence. He does not bring up this ❖error' in his errata list because he knows that it is his own blunder which we had attributed to an error of typography or genuine oversight. Such things are common with even great Allaamahs. But in view of his implied claim of infallibility in the literary field, it has become necessary to highlight this error which we have explained further in the section under the caption, ERRATA.

In trying to falsify the Hadith by the attempt to assail its authenticity, the deviate is guilty of skulduggery. He is forced to accept that the narrators of this Hadith ❖are all reliable❖. When they all are authentic and reliable, there is no scope for denigrating the authenticity (literally speaking) of the Hadith. Ordinary people who are not schooled in the higher knowledge of the Deen are readers to whom the deviate has addressed his stupid and fallacious article. The ❖authenticity' about which Al-Haitami speaks is not the literal authenticity which laymen understand. Any ❖problem' which the *isnaad* of the Hadith has is of a technical import, not of literal significance to render the Hadith fit for the deviate's trash can. When Ahaadith with ❖*kath-thaabeen'* (*liars*) in their chains of narration are also acceptable and classed as *Saheeh*, how can a Hadith with a chain of reliable and authentic narrators be discarded as unauthentic? The one ❖authenticity' is of technical import while the authenticity which ordinary people understand is something entirely different. In the understanding of laymen an unauthentic Hadith is a forgery ❖a fabricated narration manufactured by a scoundrel with base motives. It is not a Hadith in whose chain of narration are only *Thiqah* (Authentic) narrators.

The deviate in his usual exercise of diversion and deceit, brings up the ❖*un-unah'* issue which is hieroglyphics and a mystery to ordinary readers. By simply sounding ❖knowledgeable' and ❖technical', and without responding to our criticism properly, he wants to convince readers with his mental gymnastics. The ❖*un-unah'*, the ❖*tadlis'* and the ❖*at-taswiyah'* attributes of Hadith, with which he attempts to impress ordinary people, do not assist him in achieving his goal of *baatil*.

The technical ❖problem with the continuity❖ of the chain does not affect the literal authenticity of the Hadith nor is there unanimity of the Muhadditheen on the technical consequence of the ❖problem❖. The technical ❖problem❖ is known to Hadith authorities. Notwithstanding this, they produce the Hadith in support (as daleel) for the prohibition of hair-cutting by women.

Shaikhul Hadith, Hadhrat Maulana Muhammad Zakariyya (rahmatullah alayh) who spent his entire life teaching Hadith, commenting on this particular Hadith in relation to the ambiguity contained in Abu Salamah's statement on ❖hair-cutting', says:

❖ Even if it should be accepted (for argument's sake) that the ostensible meaning of hair-cutting applies (to what Abu Salamah said), then too this act (of hair-cutting) is *Mauqoof* which is in conflict with the *Marfoo'* *riwaayat* because there is *tasreeh* (explicit mention) in *Jam'ul Fawaaid* by the *riwaayat* of *Tabaraani* (in his) *Kabeer* and *Sagheer*:

❖ *Rasulullah (sallallahu alayhi wasallam) prohibited jummah*

for a free woman. ❖

This comment made by Shaikh Zakariyya is to be found on page 179 of *Faidhul Mun'im*, the author of which is Hadhrat Maulana Saeed Ahmad Palanpuri Sahib, the Ustaadh of the deviate.

Hadhrat Zakariyya's comment requires some elucidation so that readers may understand exactly what Shaikhul Hadith said and also what drivel the deviate is attempting to pass in his bid to discard the authentic Hadith of *Rasulullah (sallallahu alayhi wasallam)*.

The Hadith of Abu Salamah in Muslim Shareef, namely the Hadith around which centres this whole controversy about hair-cutting, is unquestionably authentic. If the ostensible meaning of hair-cutting has to be accepted, then Shaikhul Hadith counters it with another Hadith, namely, the Hadith which prohibits the *jummah* style for women. But a *Saheeh* Hadith cannot be countered and set aside with an unauthentic Hadith. The deviate has implied that the *jummah* Hadith is unauthentic. But Shaikhul Hadith makes *istidlaal* with it to negate the view stated in the *Saheeh* Hadith of Abu Salamah. If the deviate wishes us to believe that Shaikhul Hadith Maulana Zakariyya (rahmatullah alayh) was a novice in this field and that he was not fully qualified in the sphere of Hadith Principles, then we shall leave others to put up a defence for Hadhrat Shaikhul Hadith (rahmatullah alayh). But the deviate dare not say so even if this calumny lurks in his heart.

It is abundantly clear that Shaikhul Hadith did not only regard the *jummah* Hadith as *Saheeh* on par with Abu Salamah's Hadith in Muslim Shareef, but he regarded the *Tabaraani* narration of the *jummah* Hadith superior. By virtue of its superiority, Hadhrat Shaikhul Hadith presents it in refutation of Abu Salamah's Hadith. He explicitly states that the act of hair-cutting reported in Abu Salamah's Hadith is *Mauqoof* (i.e. its source is the *Sahaabiyyah* Hadhrat Aishah (radhiyallahu anha), while the *jummah* Hadith recorded in *Tabraani's Kabeer* and *Sagheer* is *Marfoo'*, i.e. its source is *Rasulullah (sallallahu alayhi wasallam)*. It is therefore valid to refute the weaker Hadith of Abu Salamah with the stronger *jummah* Hadith.

We think that this argument of Shaikhul Hadith Maulana Zakariyya Sahib is more than adequate to dismiss the drivel of the deviate.

It is appropriate here to draw attention to another trick of dishonesty perpetrated by the deviate in

his comment on the *jumma* Hadith. Commenting on the Hadith in question in a subtle bid to destroy its authenticity and credibility, he says:

❖ *Al-Haythami has correctly remarked in Majma'us Zawahid that its narrators are all reliable, but its failure to satisfy the requirements of authenticity is due to a problem with continuity in its chain of narration.* ❖

Any person who reads this comment will gain the impression that the words which we have underlined above are also part of Al-Haitami's comment whereas it is not so. The underlined words are the deviate's remarks. There are no such ❖ remarks' made by Al-Haitami in *Majmauz Zawaahid*. The only comment which appears on this Hadith in *Majmauz Zawaahid* is:

❖ *At-Tabaraani narrated it in Al-Kabeer and As-Sagheer. And its Rijaal (Narrators) are Thiqaat (Authentic).* ❖

(Page 306, Vol. 5)

This interpolation of the deviate makes him guilty of aggravated *tadlees*, worse than the *At-Taswiyah* category he has mentioned.

From the foregoing explanation it should be clear that the *jumma* Hadith is valid in authenticity. It is sufficiently strong to negate the interpretation of literal hair-cutting which has been ascribed to the statement in the Hadith of Abu Salamah. It is a *Saheeh Marfoo'* Hadith which can be used as a *mustadal* notwithstanding the factor of *tadlees* in its chain.

REVILING THE ULAMA

Hadhrat Maulana Rashid Ahmad Gangohi (rahmatullah alayh) said:

❖ *The faces of those who criticize and revile the Ulama are turned away from the Qiblah in their graves. Whoever wishes to ascertain this may proceed and see.* ❖

Those who are in the habit of criticizing the illustrious Fuqaha and Heirs of Rasulullah (sallallahu alayhi wasallam), should heed this terrible warning.

THE PROHIBITION OF HALQ FOR WOMEN

In his explanation (in his *a rejoinder*) on the prohibition of *halq* (shaving the head) for woman, the deviate does not concede the existence of *Ijma'* on this prohibition. What he does, is to

concede *Ijma'* on the fact that a woman's duty is only *taqseer* and not *halq*. But this is not a contentious issue. Either he has to accept or deny the existence of *Ijma'* on the prohibition of *halq*. He has tried to escape from his dilemma by once again diverting attention from the main issue and by introducing something which was not raised. Besides the existence of *Ijma'* that *taqseer* is obligatory on women for releasing them from *ihraam*, there is also *Ijma'* on the prohibition of *Halq* for them.

Readers who are concerned with this issue should read carefully our explanation from page 44 to 55 of our earlier book, on the prohibition of *halq* for women and the enactment of *Ijma'* the *Ijma'* of all Four Math-habs on this prohibition. The deviate has attempted to create a diversion with his confusion, hence it is necessary to examine what he says in his *a rejoinder* in the light of what we have written in our book in the aforementioned pages.

It is futile and redundant to reproduce the proofs of *Ijma'* on *halq* which we have mentioned copiously in our earlier book. Refer to the section: THE HADITH ON SHAVING THE HEAD (Pages 44-55). We shall content ourselves to cite here only what Allaamah Binnuri (rahmatullah alayh) said in his *Ma-aarifus Sunan*, Vol. 6 page 275.

He writes:

In this chapter (of prohibition of halq for women), the Hadith of Ali has been narrated. Tirmizi, alone, has recorded it. The hukm for women in tahallul (release from ihraam) is Taqseer to the extent of an annulah. This is Mashroo' (the law of the Shariah) for them (women) by virtue of Ijma' because of the narration of prohibition of halq for them as it appears in the Hadith of this chapter.

All Four Math-habs are unanimous on the prohibition of *halq* for women, not only on the obligation of *Taqseer* for them. But the deviate says: *It is not obligatory on a woman to shave her hair.* By making this statement, he desires people to draw the conclusion that while it is not obligatory on them, it is nevertheless permissible. If an act is not obligatory, then it will be permissible. But this conclusion is baseless. A *Mustahab* act is not obligatory, but it remains permissible. Performing *Tahyatul Wudhu* for example, is not obligatory. There is *Ijma'* on this fact whether it is documented or not.

In the style of his presentation of the Hadith negating and **prohibiting** *halq* for women, the deviate has attempted to convey the idea that while shaving the head is not obligatory for women it is nevertheless permissible. This style of deduction is Islamically absurd in view of the prohibition of *halq being Mansoos Alayh* regardless of the *idhtiraab* and whatever other defects there may be in the chains of narration.

The deviate, presenting his baseless argument in conflict with *Ijma'* on the prohibition of *halq*,

says:

❖ All that the hadith of Ibn Abbas states is that Rasulullah sallallahu alayhi wasallam said:
❖ Laysa alan-nisa'i halqun, innama alayhinnat-taqsir.' (Shaving is not obligatory upon women, only trimming is.)❖

Firstly, the translation is erroneous. The Hadith does not say : ❖ *it is not obligatory upon women*❖. It says: ❖ There is NO halq on women. On them is ONLY Taqseer.❖ There is a big difference in the two translations. The *mashroo'* act is restricted obligatorily to *Taqseer* in this Hadith. Rasulullah (sallallahu alayhi wasallam) states with complete clarity in this Hadith that the obligation is confined to trimming (taqseer). In other words, it is not permissible to remove the obligation from the confines of *Taqseer* to bring it within the scope of *Halq*.

If a woman, instead of *taqseer* , shaves her head bald, then while this *haraam* act will suffice for *tahallul* , i.e. release her from ihraam, she is guilty of a grave sin because the ❖ *laysa'* (the negative term) in this Hadith means ❖ Not permissible❖.

The *Ijma'* of the Ummah and the corroboration of several Ahaadith of prohibition regardless of the state of their *isnaad*, effectively negate any interpretation of permissibility. It is highly erroneous to extract the meaning of permissibility of *halq* for women from this Hadith by making an inference on the basis of the restriction of the obligation to *Taqseer*. This Hadith cannot be interpreted in isolation from the other Ahaadith on this issue and the *Ijma'* which categorically prohibit shaving.

In the context of the meaning of this Hadith and reading it in conjunction with the several other Ahaadith on this subject, the meaning of ❖ *Laysa*❖ is : ❖ It is not permissible❖. The Ahaadith of Prohibition confirm this meaning.

The deviate implies that the Ahaadith on the prohibition of shaving for women are of such an unreliable class that it is not valid to formulate the law of prohibition on their basis. Allaamah Zafar Ahmad Uthmaani states:

❖ It is permissible to formulate (ihtijaaj) with Dhaeef (narrations) when there is an indication as to its sihat (authenticity), in the same way as it is permissible to abandon amal on Saheeh (narration) on account of an indication to the contrary.❖

(*I'laa'us Sunan*, Vol.1, page 56)

It is an accepted fact by the Muhadditheen and Ulama that a Hadith which is ❖unreliable' according to some authorities, can be ❖reliable' to others. A narrator who is ❖unreliable' to some Muhadditheen may be ❖reliable' to other authorities. The difference of opinion on these

issues is intense among the Muhadditheen. The severity of the differences among the Muhadditheen on these issues prompted the great Imaam of Hadith and Expert in the field of classification, Imaam Az-Zahbi to say:

❖ There were never two Ulama of this (lofty) category who had reached consensus on authenticating Dhaeef nor on weakening Thiqah. ❖

This comment of Imaam Zahbi adequately conveys the state of difference in this field. When even great authorities of Hadith could not unite on a verdict, how can fools of this age venture into such a vast wilderness strewn with thorns, pitfalls and dangers!

But this does not mean that all direction is lost in view of this state of affairs. The difficulty and perplexity will be suffered by the Mujtahid. By Mujtahid we mean a true Mujtahid ❖ and there are none existing today. The Mujtahideen in this Branch of Knowledge, in particular the later Muhadditheen, were faced with this dilemma. They had the onerous and unenviable task of determining the integrity of a narrator who had been classified authentic, unauthentic, reliable, unreliable, honest, dishonest, uprighteous, evil, truthful and a liar by different Muhadditheen.

In *Nasbur Raayah* , Zayla'i quoting Ibnul Qattaan, says:

❖ Regarding a Hadith in (whose authenticity or unauthenticity) there is difference (among the Muhadditheen), it is appropriate to designate such a Hadith Hasan ❖.

In Fathul Qadeer, Ibnul Humaam says about one specific Hadith:

❖ *Abdul Jabbaar Bin Muslim has faulted him (the narrator) with weakness while Ibn Hibbaan mentioned him among the authentic narrators. Thus the Hadith will not be demoted to lower than Hasan.* ❖

This is merely a sample. The list of such differences in which diametrically opposite views prevail among the Muhadditheen is too long to encompass.

We are merely repeating what has already been discussed. The *Talaqqi Bil Qubool* of the Ulama on the narration of the *mudhtarab* (containing the defect of *idhtiraab*) Ahaadith as *mustadallaat* for the prohibition is ample evidence for the authenticity of these Ahaadith. The rule:

❖ When the Mujtahid formulates (a law) on the basis of a Hadith, then that Hadith is Saheeh for him.❖,

is well-known and accepted by the Ulama.

In the case of the ❖defective' narrations pertaining to prohibition of shaving the head for women, all the Mujtahideen have accepted all these so-called defective narrations. Their attitude towards these narrations is the strongest testimony for their authenticity regardless of what the deviate tries to imply by introducing the story of ❖defects'. He should forget about his ❖knowledge' of Hadith and about the ❖idhtiraab' and ❖un-unah' business and submit meekly to the rulings of the Ulama ❖ and we mean the Akaabir Ulama who happen to be our *Asaatiza* and the *Asaatizah* of his *Asaatizah*.

Accepted authorities in this field such as Haafiz Ibn Hajar Asqalaani, are also prone to errors and have committed grave errors in promoting and demoting narrators and Ahaadith. In one place, the Muhaddith authenticitates a narrator, and in another place the same Muhaddith proclaims his unreliability. In the *Muqaddamah* of *Taqreebut Tahzeeb of Haafiz Ibn Hajar Asqalaani*, Shaikh Muhammad Awwaamah points out the many contradictions of Haafiz Ibn Hajar Asqalaani. It is not our intention to delve into the errors of such an illustrious authority. We are merely mentioning this fact to show the blunders that self-styled ❖mujtahids' and deviates in this age commit with their defective ❖research'. As for the Muqallideen, they are on safe ground because they do not present their personal opinions and ❖fatwas' on these matters. The Muqallid's obligation is to merely narrate what his seniors say.

THE EVIL OF CUTTING TRESSES

In some societies when an argument or quarrel between two women would boil over, a woman would threaten to get the tresses of her adversary cut off. It was considered as a mark of disgrace since a woman without tresses was thought of as a prostitute.

THE AUTHORITIES AND THE AHAADITH PROHIBITING HALQ FOR WOMEN

Imaam Tirmizi included the *Halq* Hadith in his *Jaami'* because it is fit to be used as a basis for formulating a Shar'i law regardless of the *idh tiraab* or any other ❖defect' in the chain of narration. We shall now see the attitude and treatment of the great Fuqaha in this regard.

Shaving the head is unanimously prohibited. There is no difference of opinion on this issue although the deviate attempts to imply that the *Ijma'* is on the obligation of *Taqseer* during Hajj, not on the prohibition of *Halq*. *Ijma'* on *taqseer* is one issue, and *Ijma'* on the prohibition of *Halq* is entirely a different issue. However, the deviate tries his best to confuse the two issues in his bid to mislead the unsuspecting readers.

- In *Tarhut Tathreeb*, the following appears:

❖ With regard to women, *Taqseer* is *mashroo'* for them by *Ijma'*. Abu Dawood narrated in his *Sunan* from Ibn Abbaas (radhiyallahu anhu) that Nabi (sallallahu alayhi wasallam) said:
 ❖ There is no *halq* on women, Verily, on them is only *taqseer*. ❖ Our Ashaab (the Shaafi'is) said:
 ❖ If a woman shaves, it will suffice for her (i.e. to be released from *ihraam*). Al-Maawardi said:
 ❖ And, she will be sinful. ❖ A Jamaat among our Ashaab said that *halq* is *Makrooh* (*Makrooh Tahrimi*) for her. The two Qaadhis ❖ Abu Tayyib and Husain ❖ said: ❖ It is not permissible (i.e. *halq* is not permissible.). ❖ ...The *mustadal* for the *karaahat* (being *Makrooh*) is the Hadith of Ali (radhiyallah anhu) that Rasulullah (sallallahu alayhi wasallam) forbade that a woman shaves her hair.' Tirmizi narrated it, and said that in it is *idhtiraab*. ❖ (Vol.5, Page 115)

(2) In *I'laaus Sunan*, after narrating the Hadith of Ibn Abbaas (radhiyallahu anhuma) that Rasulullah (sallallahu alayhi wasallam) said: .

❖ There is no *halq* on women. On them is only *taqseer*. ❖, Allaamah Zafar Ahmad Uthmaani comments: ❖ Abu Dawood, Ad-Daara Qutni and At-Tabaraani narrated it. Verily, Bukhaari strengthened its *isnaad* in At-Taareekh, and Abu Haatim in Al-Ilal. Haafiz designated it *Hasan*. Ibnul Qataan faulted it, and Ibnul Mauriq refuted it. ❖

❖ Ali narrated: ❖ Rasulullah (sallallahu alayhi wasallam) forbade that a woman shaves her head. ❖ Razeen added: ❖ In Hajj and Umrah. ❖ He said: ❖ On them is only *taqseer*.' (Jam'ul Fawaaidh). Tirmizi and Nasaai narrated it. Its narrators are authentic except that he differed in its *wasl* (continuity) and *irsaal* (lack of continuity). ❖ *Diraayah*. ❖

(*I'laaus Sunan*, Vol.10, page 177)

- Commenting on the same Hadith of Ibn Abbaas, Allaamah Khalil Ahmad Sahaaranpuri says in *Bazlul Majhood*: ❖ Shaukaani said: ❖ In it is *daleel* on *taqseer* being *mashroo'* for them (women) . ❖

(Vol. 9 page 303)

This issue is dealt with in more detail in our earlier book. Here we simply want to show that inspite of the *idhtiraab* and whatever other defect the deviate is speaking about, the Fuqaha employ this and other similar Ahaadith as their basis for formulating the law of prohibition of *Halq*.

The deviate says that *Taqseer* is regarded obligatory ❖*not so much on account of the hadith itself, as it is on account of the fact that there exists ijma'*❖. He either overlooked or is ignorant of the fact that every Faqeeh cites this Hadith as the basis for not only the obligation of *taqseer* , but also for the prohibition of *halq*. They furthermore, bring in the other Ahaadith on this question to corroborate the Hadith thereby adding strength and greater authenticity to it. If the Hadith was not up to standard, the Fuqaha would not have cited it as their *daleel* for either *taqseer* or prohibition of *halq*. In the unanimous view of the Fuqaha, a Hadith cited as *daleel* by a Mujtahid is authentic. The Mujtahid's act of formulation with the Hadith is the proof of the authenticity of that Hadith.

In stating the proof for the prohibition of *halq*, all the Fuqaha cite the Hadith which forbids shaving as the *daleel* for the prohibition. The contention of the deviate is therefore devoid of any substance.

The deviate should answer now: On what is the *Ijma'* based? In his opinion there are no authentic Ahaadith for the obligation of *taqseer* and for the prohibition of *halq*. So what is the basis of the *Ijma'* he has mentioned? His admission of the absence of *Saheeh* Ahaadith for the obligation of *taqseer* and for the prohibition of *halq* leads to the logical conclusion of the overriding importance of *Talaqqi Bil Qubool*, *Ta-aamul* and *Tawaaruth* of the Ummah regardless of the designation the later Muhadditheen gave to the Ahaadith. Since there exists *Talaqqi Bil Qubool* of the Ulama regarding the ❖defective' Ahaadith on the question of *taqseer* and *halq* for women, the authenticity of the narrations is established, hence the valid basis for the laws.

The deviate ignorantly believes that only if the word ❖*ijma'* is ❖documented' or written in a book will there be *Ijma'* otherwise not. All the Fuqaha *unanimously* claim it is prohibited for women to cut their hair. The deviate has so far not come up with the name of a single Faqeeh who claimed that it is permissible for women to cut their hair. Yet he intransigently and stupidly requests to see the word ❖*ijma'* written somewhere as if each and every *hukm* of the Shariah on which there exists *Ijma'* is written in some book under the heading of *Ijma'*.

The evidence for the authenticity of the Hadith in question is overwhelming as has been shown in these pages as well as in the dozen pages written on this subject in our earlier book. It is necessary to read those pages in conjunction with the claim of the deviate and our response in this book. Only then will readers understand the full argument and be able to separate falsehood from truth.

The deviate alleges:

❖*I should point out, however, that Mawlana Zafar Ahmad Uthmaani has conclusively laid to rest all speculation that this idtirab is of the harmful variety.*❖

The deviate tries to convey the idea that Allaamah Zafar Ahmad Uthmaani has declared the *idhtiraab* mentioned by Imaam Tirmizi in the Hadith prohibiting *halq*, to be of the 'harmful variety' which disqualifies it for *istidlaal* and qualifies it for discarding. This claim by the deviate is false for two reasons:

- Allaamah Zafar Ahmad Uthmaani is aware that the Fuqaha utilize this and similar Ahaadith for the ruling of prohibition and taqseer.

(2) Allaamah Zafar Ahmad himself produces this Hadith and another similar Hadith in *I'laaus Sunan*, on page 177, Vol.10, to substantiate the law in this regard. We have already mentioned the relevant extract above. He accepts the Hadith as authentic despite the 'defect' of *idhtiraab* mentioned by Imaam Tirmizi. From this it should be clear that while the *idhtiraab* in the *qullatain* Hadith is *idhtiraab* of the 'harmful variety' according to Allaamah Zafar Ahmad Uthmaani, the *idhtiraab* in the *halq* and *taqseer* Hadith are not of the kind to warrant it being discarded. The deviate has only seen the word *idhtiraab* and Allaamah Uthmaani's criticism of it without understanding what the Allaamah said. If he had understood correctly, he would have understood why Allaamah Zafar Ahmad Uthmaani authenticitates the *halq* and *taqseer* Hadith with its *idhtiraab*, and refuting the *qullatain* Hadith with its *idhtiraab*.

The fact that the Fuqaha of all the Mathaahib cite the Hadith in question as proof for the prohibition of *halq* (some say Makrooh Tahrimi, some say Haraam), for woman is the proof of its authenticity by the consensus of the Fuqaha. The consensus had been transmitted from long before Imaam Tirmizi appeared on the scene to highlight the 'idhtiraab' in the chain which had reached him more than two centuries after it had reached the Aimmah-e-Mujtahideen of the early period of Islam.

(Tasbeeh of the Malaaiikah in the Heavens)

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◆ Glory to Allah (i.e. He is above all defect)

Who has adorned men with beards and women with tresses .◆

THE AHAADITH OF THE SIHAAH SITTAH AND OF OTHER HADITH KUTUB ARE ALL VALID FOR ISTIDLAAL

We reiterate that all the Ahaadith in the *Sihaah Sittah* as well as in other authentic Hadith kutub are valid for *istidlaal*. In denying this, the deviate refers us to Maulana Abdul Hayy Sahib. In response we say that we are not the muqallideen of Maulana Abdul Hayy Sahib. If he had concluded the contrary, it is his opinion which is not binding on anyone. Even if Maulana Abdul Hayy Sahib answered this contention in a hundred pages, it is of no concern to us Muqallideen who are not only the Muqallideen of Imaam Abu Hanifah, but also of our immediate Akaabir

Ulama to whom we owe our *Ilmi* and our *Roohaani* existence. If Maulana Abdul Hayy's opinions conflict with the opinion of our Akaabireen, we conclude that such opinions of his are erroneous and devoid of Shar'i substance.

While there are valid differences among the authorities on this question, the contention we have made is not baseless. It cannot be baseless because it is not our opinion. We have not assumed this. On the basis of what the Akaabireen have said, we emphasise that all these kutub of Hadith contain Ahaadith which are valid for *Istidlaal*. By this we mean that *every Hadith* in the *Sihaah Sittah* and in other kutub annexed to the authentic Six, is a valid basis for formulating Shar'i rules.

The contention that according to some authorities most of these kutub contain many *Dhaeef* narrations, hence it is erroneous to claim that every Hadith in these kutub is fit for *istidlaal*, does not alter the position. If our contention sounds like a ❖sweeping claim❖ for the deviate, it is as a result of his defective research. It does not behove a ❖mujtahid' in a field of knowledge to be ignorant, in fact plain stupid, of the viewpoints and opinions of others in the same field. Muqallideen, like us can be excused for incompetence and paucity of knowledge, but not the ❖mujtahid'.

It goes without saying, that while certain narrations in this and that Compilation are *Dhaeef* to some Muhadditheen, they are *Saheeh and Hasan* and worthy of *istidlaal* according to other Muhadditheen. The verdict of one Muhaddith who is a Mujtahid in Hadith Knowledge, is not a *hujjat* against another Mujtahid in the same sphere. Ahaadith which Imaam Abu Hanifah regarded as authentic and which he used as *mustadallaat*, are dismissed as ❖weak' or *Dhaeef* by Imaam Shaafi' and the same is true vice versa. If the deviate cites a dozen Muhadditheen to bolster his claim, namely, that certain narrations in Tirmizi, for example, are not *Saheeh'*, then there are other authorities who regard those self-same Ahaadith as being *Saheeh*. Furthermore, in spite of some Ahaadith being recorded as weak in the Hadith Kutub of the later Muhadditheen, they were *Saheeh* according to the Aimmah-e-Mujtahiddeen decades and even centuries before. The *halq* Hadith is a typical example.

We are not contending that there is unanimity among the Ulama on the claim we have made. But we had put forward a valid claim❖ a claim which the Ulama have made❖yes, great Ulama, even if the deviate is unaware of them due to his defective research. The fact that he is aghast at this revelation, and that when he read it in our book it was the first time he became aware of such a contention, speaks volumes for the ❖knowledge❖ of this ❖mujtahid' and for the ❖level of his academic competence❖.

The deviate and all of his ilk should understand that the illustrious Muhadditheen were not compilers of fables and fairy tales. They were not writing some silly ❖thesis' for some silly ❖doctorate' degree. They were men created by Allah Ta'ala for a sacred purpose❖ to compile the *Saheeh* Ahaadith of Rasulullah (sallallahu alayhi wasallam) for the benefit and for the safety

of the Imaan of posterity. The suggestion or implication that Imaam Tirmizi, Imaam Ahmad Bin Hambal and other Aimmah-e-Hadith of this calibre included forgeries, fabrications and unreliable Ahaadith in their *Sihaah* is indeed lamentable and revulsive. Will an Imaam of Hadith of the status of Imaam Hambal and Imaam Tirmizi include unreliable narrations in their Works of Authenticity? No, never! This satanic implication can never be accepted.

The technical and academic arguments on the categories of the narrations are entirely different issues, not open for satisfying the desires of deviates to scuttle *ahkaam* of the Deen. Imaam Ahmad Bin Hambal (rahmatullah alayh) was not dense in the mind nor a forger to include forgeries in his *Saheeh*. Imaam Tirmizi (rahmatullah alayh) was not a novice in the field of Hadith accreditation. He knew what all the deviates and all the pious Ulama of this age and ages beyond do not and did not and will not know about Hadith accreditation until the Day of Qiyaamah. To blabber in a manner which assails the lofty status and integrity of such Aimmah by targeting their Saheeh Compilations on the basis of technical factors such as *idhtiraab* and *dhu'f* is a display of a tendency of kufr which lurks concealed in the heart.

We state with the greatest degree of emphasis, conviction and without the slightest fear for contradiction which may emanate from the *mudhilleen*, *zanaadaqah* and *mulhideen*, that **every** Hadith in the Compilations of Imaam Ahmad, Imaam Tirmizi, Imaam Abu Daawood, Imaam Nasaa'i and other Aimmah Mujaahideen of this calibre, is *Saheeh* and worthy of *istidlaal* notwithstanding the technicalities of *ilal* (defects) in the chains of narration. Elevation and promotion of lesser categories of narrations is a branch of this science of *Usool-e-Hadith* which has hitherto been beyond the scope of the defective 'research' of the deviate. It is precisely for this reason that he not only refutes a Hadith when he sees the terms *idhtiraab* and *dhaeef*, but he actually gloats.

By denying the validity of the claim we have made, the short-sighted deviate is aiding in the process of opening the avenue for the destruction of the Deen. It is the ludicrous contention of the modernist *zindeeqs* and *mulhids* (all products of kuffaar universities) that the Shariah is the edifice which the Ulama erected from Ahaadith, the whole lot of which is 'spurious'. According to the *zindeeqs* and *mulhids*, 'only' the Qur'aan, i.e. only its text, is Islam and nothing else. Obedience to the Rasool which the Qur'aan commands is of no significance in the religion of kufr of these modernist deviates. But, such obedience is submission to the Ahaadith from which the practical *Sunnah* is derived. And, this Divine Immutable Sunnah of Rasulullah (sallallahu alayhi wasallam) is not confined to the Compilations of Imaam Bukhaari and Imaam Muslim in the unanimous ruling of the Fuqaha, Ulama and Muhadditheen of all times. This reality has been explicitly asserted by these two illustrious Imaams of Hadith as well.

Denial of this contention of the Ulama, which we have stated, is to open the way for modernists, deviates, morons, mulhids and zindeeqs to simply dissect these kutub at whim and fancy and to discard just any Hadith of Rasulullah (sallallahu alayhi wasallam) which is unpalatable to their westernized palates.

For the benefit of the deviate, our contention does not posit that every Hadith in each one of these kutub is valid for *istidlaal* or acceptable for *istidlaal* by each and every one among those qualified to formulate *ahkaam*. It means that the very same Hadith which has been set aside by one authority on the basis of his assessment, can be a valid *mustadal* for another qualified person. The process of *istidlaal*, however is not available to deviates who believe that they are among the *Mujtahideen*. Indeed the vile manner in which freelancers with their defective research have made a toy out of the *Sihaah Sittah* and the other Hadith kutub more or less of the same level of authenticity, is despicable. They have exposed themselves to kufr. The *ikhtilaafaat* of the Muhadditheen may not be seen as latitude and licence for justifying personal and nafsani opinions of *baatil and shaitaaniyat* to legalize haraam, as the deviate is guilty of.

Every modernist deviate who possesses some 'doctorate' degree acquired from kuffaar institutions or some westernized institution of 'Islamic' theology feels himself competent to expunge from the Shariah just any immutable *hukm* of Allah Ta'ala. In justification of such kufr the deviates cite the *dhuf'* and the *idhtiraab* of Saheeh Ahaadith in the same way as the deviate with whom we are dealing is guilty of.

For almost any *mustadal* there is scope for criticism. Deviates will for example produce the comments of some Muhaddith to refute the *mustadallaat* of a particular Math-hab, not because they happen to be followers of another valid Math-hab, but in order to expunge the *hukm* from the Shariah. The deviate is guilty of this capital crime on this hair issue.

On the basis of his shallow understanding of Hadith and defective 'research', and assumed 'academic competence', he has developed the audacity to refute what all the Senior Ulama and all the Fuqaha of all the Lands have said since the past centuries of Islam's history.

We shall cite here just one reference to enlighten the deviate on the issue of the *Istidlaal* - value of all the Ahaadith in the *Sihaah Sittah*.

Imaam Suyuti says :

Everything contained in these five kutub (*Bukhaari, Muslim, Saheeh of Ibn Hibbaan, Mustadrak of Haakim and Al-Mukhtarah of Al-Muqaddasi*) is Saheeh. Similarly, is it with whatever is in *Muatta of Maalik, the Saheeh of Ibn Khuzaimah, Saheeh of Abu Awaanah, of Ibn Sakan and Al-Muntaqi of Ibn Jaar, and Al-Mustakh-rajaaat*..And, everything that is in *Musnad Ahmad* is acceptable because the *Dhaeef* therein approximates *Hasan*.

(*I'laa'us Sunan, Vol. 19, pages 67, 69*)

This should suffice. The deviate may expand on his 'research' in this regard.

(Tasbeeh of the Malaaiakah in the Heavens)

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◆ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses .◆

TAQSEER REPRESENTATIVE OF HALQ

The deviate claims that we had removed a certain statement from its context and mis-translated it, and in so doing we had ◆perpetrated a ploy◆. The deviate presents the translation as: ◆*Taqsir can take the place of halq, but halq is better.*◆ Our translation was: ◆*Taqseer is representative of halq.*◆ There is nothing amiss with this translation. Something which ◆can take the place◆ of another thing, is the same as saying that it represents that act. Before we proceed with this argument, it is best that we reproduce the deviate's translation of a passage from *Raudhatut Taalibeen* from which we had also cited the relevant statement in question. The deviate presenting his translation says:

◆*There are two opinions (of Imam as-Shafi'i) on (the nature of) halq at its (appointed) time (during hajj). The one is that is (?) the commission of a (hitherto) unlawful act and not a ritual act; and the stronger of the two is, it is a ritual act that is a rukn and cannot be compensated for by a dum, so that if a person suffers from an ailment on his head for which reason he cannot cut his hair, he should persevere till it becomes possible, and he will not give a fidyah. The case is different for one who has no hair on his head. He will not be commanded to shave it after it grows (again), because the ritual is to shave hair which is found during the state of ihram. Taqsir can take the place of halq, but halq is better.*◆

He has committed three errors in his presentation and understanding of this text. The first error is in the translation. Translating the words:

??? ??????? ????? ◆ ????? ???? (*Istibaahatu mahzoor wa laysa bi nuskin*), he says: ◆ *The one is that is the commission of a (hitherto) unlawful act and not a ritual act.*◆ (The underlining and the question mark are ours, and the purpose for this is the atrocity of the ◆that is' which appears in the translation of the deviate.)

According to the Shaafi'i Math-hab there are two dimensions to the practice of *halq* (shaving the head) in relation to the duties of Hajj and Umrah. The one view is that *halq* (for males) is *Istibaahatu mahzoor* which does not mean ◆*the commission of a hitherto unlawful act*◆. The readers are mystified by the translation which in actual fact means: Halq is to commit an act

which was hitherto (until now) unlawful. Halq does not mean the commission of any act other than shaving the head. Yes, it has a consequence in the context of Hajj and Umrah. Its consequence is the legalization of the prohibitions of *Ihraam*. This is what the first view states. *Istibaahatu Mahzoor* means 'making lawful the prohibitions of Hajj'. *Istibaahatu* means 'to make permissible'. *Mahzoor* refers to the prohibitions or the things which were made unlawful during the state of *Ihraam*. There is a big difference between 'committing an act' and 'making lawful an act'. In short, the translation of the term *istibaahatu* has been rendered incorrectly.

The second error flows from the manner in which the translated sentence has been phrased. His translation means that *Halq is the commission of a hitherto unlawful act and not the commission of a ritual act*. Firstly, as mentioned, the translation of the word *istibaahatu* is incorrect. Secondly, the meaning that *it is not the commission of a ritual act*, is also incorrect. The correct translation of the statement is:

'Halq at its appointed time in Hajj and Umrah there are two views in this regard. The first of the two is: It is the legalization of prohibitions, and it (i.e. halq) is not a ritual act.'

The third error is in understanding. He has misunderstood the text, hence he conjoins the entirely new sentence, namely,

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(*Taqseer is representative of Halq*) with the former *mas'alah* in which the two Shaafi'i views are stated. The words which form the last sentence in this translation, pertain to an entirely new *mas'alah*. It is unrelated to the two views which are explained in the previous statement. Any sensible reader will be able to understand that the statement: '*Taqseer is representative of Halq*..', is not related to the two views in the previous statement. However, the deviate has erroneously connected it to the previous statement.

In the statement which he has connected to the previous statement, it is merely said that *Taqseer* will suffice in place of *Halq*. In other words, if someone does not shave his head, which is the rite to gain release from the prohibitions of *ihraam*, then *Taqseer* will also serve the same purpose, namely, release from *ihraam*. This is a *mas'alah* on its own. It is a separate rule, unconnected with the previous statement which explains the two views of the Shaafi Math-hab on the conception of *Halq*.

Imaam Nawawi (rahmatullah alayh) who is the author of *Raudhatut Taalibeen*, explains the same *masaail* in his *Al-Majmoo'*. The two rules are in fact written in separate paragraphs in *Al-Majmoo'*.

While such errors are expected from incompetent Muqallideen like us, it is not expected of a 'mujtahid' and a 'poet' to commit such trivial errors. There was a better way and a logical way in which the deviate could have faulted our citation of the particular sentence as substantiation

for our case. We shall apprise him of the rational way in which he could have achieved this even if it goes against the grain of our argument. He should have argued as follows:

The statement:

◆Taqseer is representative of Halq◆, in the context of Hajj applies to only males not to females. The statement merely means that just as release from ihraam is achieved by means of halq, so too is it achieved by means of taqseer. It deals with tahallul (release from ihraam). Even if Taqseer is representative of halq, there is no support for the claimed prohibition of hair-cutting in this statement because it deals with only the Hajj rites. The representative effect of Taqseer in this context is restricted to tahallul. In other words, just as tahallul is acquired by halq, so too is it acquired by taqseer.◆

This was the correct manner in which to neutralise the *istidlaal* from this particular *mas'alah*. But after committing three errors in the process, the deviate did not achieve his purpose logically. While our claim, namely, *taqseer* (trimming/cutting) is representative of halq in relation to women, is correct, we concede that the *istidlaal* from this particular *mas'alah* is incorrect as is evident from the counter argument we have stated above.

This, however does not detract from the fact that just as *halq* is prohibited for women, so too is cutting their hair prohibited. Besides the incorrect argument, we have already presented copious Shar'i evidence for the prohibition. That cutting is representative of shaving minus the context of *tahallul*, is true, is supported also by the Shaafi Math-hab.

Haafiz Ibn Hajar Al-Haitami in his *Haashiyah ala Sharhil Eedhaah*, discussing the category of prohibition of *halq* (some Shaafi'is say that it is Makrooh Tahrimi and some say Haraam), cites Al-Isnawi as follows: ◆*Taqseer of more than an annulah is like the earlier explanation of halq.*◆ (Page 355). According to the Shaafi'is, the ruling varies from *Makrooh Tahrimi* to *Haraam*. Thus, in cases where *halq* for women for *tahallul* is in the prohibited category of *Makrooh Tahrimi*, in the same instances cutting more than one *annulah* will also be *Makrooh Tahrimi*. When *halq* for women is in the prohibited category of *Haraam*, then cutting more than one *annulah* will also be *Haraam*.

In this explanation the purely representative nature of cutting is stated. It is not restricted to only Hajj. Even outside of Hajj, cutting hair for women will be *Makrooh Tahrimi* according to those Shaafi'i Fuqaha who say that shaving is *Makrooh Tahrimi*. According to those who say that halq is *Haraam*, cutting will also be *Haraam*.

Another strong indication for the claim that even according to the Shaafi'i Math-hab hair-cutting (*taqseer*) is representative of *halq*, is the exceptionally severe stand which the Shaafi'i Fuqaha have adopted on the abhorrence of hair-cutting. All the Fuqaha of all Math-habs, in all the Lands of Islam and in every age have explicitly declared that shaving the head is not only ugly, but is disfigurement for a woman. There are no two opinions on this issue. On the very basis of

this issue have Al-Maawardi and other senior Fuqaha among the Shawaafi'adopted the severe stand:

❖*She should not cut (the one anmulah) from her tresses because that disfigures her (makes her ugly), but she should lift the tresses and cut from the (hair) on the place under the tresses.*❖

Almost every authoritative Shaafi'i kitaab mentions this fact. *Anmulah* is the size of one third of a finger. How will cutting such a little hair from half metre long tresses disfigure a woman? When women and deviates in this age see ❖beauty' in a woman who has cut off all her tresses and has emulated males in her styles and appearance, how can we ever expect people with such diseased palates to understand the Islamic concept of beauty ❖ the beauty which Allah Ta'ala has ordained?

In fact, the severity of the Shaafi'i viewpoint on cutting even less than one *anmulah* is sufficiently demonstrated by some Shaafi'i Fuqaha who say that in certain cases, a woman shall be prevented from cutting even one *anmulah* to secure release from *ihraam* without the permission of her master. If she does not have his permission, she may cut only *three strands* of her hair to be released from *ihraam*. From this severe position adopted by some Shaafi'i Fuqaha, the concept of beauty and ugliness in Islam can be readily understood.

The question here is not that this *three strand* view is not the opinion of the *Jamhoor* Shaafi'i Fuqaha. In spite of the *Jamhoor* Fuqahaa not accepting the *three strand* view, none of them dispute the rationale for this view. Other arguments are produced to contradict the view, the main one being that when the master allowed her to perform Hajj, he by implication consented to her availing of the Sunnat of making *Taqseer* of one *anmulah* of her hair. But, the issue of disfigurement is not contested by anyone.

Since the Shaafi'i Fuqaha regard even the cutting of one third the size of the finger (in length) as disfigurement for a woman, the claim that hair-cutting, especially the hair-cutting (styles of diseased beauty) advocated by the modernist deviates is *representative of halq* is more than adequately vindicated.

CONSENSUS ON HALQ

The deviate says:

❖But all said and done, I am candidly prepared to admit acceptability of the hadith prohibiting shaving for a woman according to the criteria of the Hanafiyyah, and I apologise for the fact that my earlier statement created the wrongful impression that its authenticity was a matter of consensus.❖

The acceptance or rejection of the deviate is of no substance. The fact remains that the consensus on the prohibition of shaving for women is the consensus of the entire Ummah ♦ of all the Fuqaha of all Math-habs. Whatever he has said earlier, he has created the impression that there is no consensus on the prohibition of *halq* for women. His statement of ♦'acceptability' is a gross understatement, deception and baseless. In *Al-Majmoo'*, Imaam Nawawi says:

♦*The Ulama have enacted ijma' on the fact that a woman will not be instructed with halq. But, her act is taqseer of the hair of her head. Ash-Shaikh Abu Haamid, Ad-Daarimi, Al-Maa-wardi and others besides them said: ♦Halq is Makrooh (i.e. Makrooh Tahrimi) for her.' Al-Qaadhi Abu Tayyib and Al-Qaadhi Hasan said in their Ta'leeq: ♦Halq is not permissible for her.' (Imaam Nawawi then comments): Perhaps they meant (by not permissible) it is Makrooh. And, at times istidlaal on karaahat (prohibition) is made with the Hadith of Ali (radhiyallahu anhu) that Rasulullah (sallallahu alayhi wasallam) forbade that a woman shaves her head.' Tirmizi narrated it and he said that there is idhtiraab in it. ♦ (Al-Majmoo', Vol.8 page 177)*

Regardless of the *idhtiraab and dhu'f* (technical factors of defect) in the chain of narration of this and similar other Ahaadith, these narrations have been used by the Fuqaha of all Math-habs as the basis for the prohibition of *halq*.

Then there is another tactic of deception which the deviate employs in order to create the impression that there is no *Ijma'* of the Ummah on the prohibition of *halq* for woman. In his statement which we have just quoted above, he said:

♦*.. I apologise for the fact that my earlier statement created the wrongful impression that its authenticity was a matter of consensus. ♦*

While he has climbed down a bit and conceded the consensus of the Hanafi Fuqaha on the authenticity of the Hadith prohibiting *halq*, the deviate ♦mujtahid, lost in his egoistic fancies, peddles the idea that there is no such consensus among the Fuqaha of the other Math-habs. The motive for the endeavour to gain acceptance for this idea is to get ordinary people to accept that after all, *the prohibition of halq* is not so severe as the Ahnaaf would like us to understand. If this idea succeeds in finding a responsive note in the minds of laymen, the next step is a forgone conclusion. *If there is no consensus on the prohibition on halq, then to a greater degree will there be no consensus on hair-cutting*, The attempt to belittle the degree of the prohibition of cutting hair is a despicable exercise stemming from brains disfigured by the kufr influences of the corrupt western culture of liberalism and libertinism ♦the culture in which immorality, lesbianism and homosexuality preponderate.

There is complete consensus of the Ummah on both acts of disfigurement ♦ shaving the head

and cutting the hair. The severe stand of the Shaafi'i Fuqaha and the *la'nat* on such woman reported unanimously by the Hanafi Fuqaha should be sufficient to convince even modern women who cut their hair and wear shaitaani garments that this act is *haraam*. If the Imaan in the heart is not on the verge of extinction, even such women will concede the *Haqq* which came from their Nabi Muhammadur Rasulullah (sallallahu alayhi wasallam), and they will, Insha'Allah, gain the *taufeeq of Taubah* at some time during their lives.

Taqseer, for these reasons does represent *Halq*, not only in the instance of *tahallul*, but also in the acts of *muthlah* (disfigurement) and *shain* (ugliness) and *tashabbuh bir rijaal* (emulating males), and *tashabbuh bil-kaafiraat* (emulating the kuffaar women).

SIN AND CURSE

Rasulullah (sallallahu alayhi wasallam) has invoked the ***la'nat (curse)*** of Allah Ta'ala on those who bring about changes in their naturally created forms. Hair-cutting by women is described as ***taghyeer li khalqillaah*** (changing the natural form created by Allah Ta'ala). It is an act which results in sin and the curse of Allah Ta'ala. Such an accursed act can never be a ❖sinless' deed. An act which renders a woman ***mal-oonah (accursed)*** cannot be *Mubah* (permissible) or *Makrooh Tanzihi*.

THE PRINCIPLE OF ORIGINAL PERMISSIBILITY

On the issue of the Shar'i principle that originally things are permissible and that only by the ruling of the Shariah do things become unlawful, the deviate has tried to squeeze out capital for his baseless opinion of the permissibility of hair-cutting for women. He had cited this principle as ❖proof' for his opinion. Such citation is utterly baseless as we shall soon show.

He baselessly accuses us of ❖partial quotation'. ❖Partial quotation' is valid if the meaning of the text is not altered or destroyed. There is no incumbency to quote a whole page or several pages of text. Only such portions considered relevant to the discussion may be cited. This is perfectly in order. By having deleted certain portions of the text from which we had quoted the different views regarding this principle, we had not cited any word out of context. Nothing of the meaning of the text has been changed. The purpose of quoting the text from *Al-Ashbaah*, was merely to show that there is no unanimity on this principle.

We did not claim anywhere in our book that the majority Hanafi view is *Tawaqquf* (Non-committal) as the deviate falsely alleges. It is necessary for readers to read the relevant section (pages 126, 127 and 128) of our earlier book (reprint) in conjunction with what the deviate alleges, and then refer to the present explanation we are proffering.

The deviate alleged:

❖ ❖ *the view of tawaqquf which the objector had appropriated as the Hanafi view is actually the view of some Ash'aris and the muhaddithun.* ❖ (Emphasis ours)

Nowhere in the entire discussion on this subject did we ❖ appropriate *Tawaqquf* as the Hanafi view. We had not passed any ❖ fatwa' on the three different views on this issue. We had only reproduced the text from an authoritative kitaab and stated the truth as follows:

❖ *From this array of different meanings for this concept, the shaykh very selectively chose a definition which he thought suited his baatil idea the best. What is the basis for this selection?* ❖

We faithfully stated the three views which are explained in the text of *Al-Ashbaah*. What we wished to know at that stage was the determinant for the deviate selecting the option of the original permissibility of all things. He is not a Hanafi. He is not a Shaafi. His dabbling with the Shariah with his corrupt ❖ ijtihaad' bears ample testimony for this. He is what they call ❖ *La-Math-habi'* ❖ a deviate without guidance ❖ one who has strayed from the Path of the Ahlus Sunnah, like the ❖ holy' cows and bulls of India, roaming in the streets, eating from this one's basket and that one's basket and getting whacked by each owner of the respective baskets. The deviate tries to pick and choose from the Math-habs in this way ❖ like the holy cows and bulls of India . He selects to suit the fancy of the inordinate nafs.

Let us momentarily grant him the benefit of doubt and accept that he is either a Hanafi or a Shaafi'i. If so, then by what right did he adduce the authority of going directly to the Ahaadith, dissecting it, criticizing it, reviewing it and mutilating it, then come up with his own opinion?

We had merely displayed the differences regarding the principle about which he was making an issue, kicking up dust about nothing. Accepting the fact that the principle in things is permissibility in the majority view of the Hanafis and Shaafi'is, we must still contend that the deviate has no right to employ this principle on any issue on which the Shariah has issued its ruling. The principle which he had selected applies to such things on which the Shariah is completely silent and in regard to which there are no Shar'i indications to prefer a particular ruling. In the text which he has quoted from Allaamah Ibn Aabideen, the following is clearly stated:

❖ ❖ *..it is stated that most of our companions (Hanafis) and most of the companions of ash-Shafi'i hold the view that before the coming of the Shariah* ❖ ❖ ❖

This principle applies only to things ❖ before the coming of the Shariah ❖ and to things on which there is no Shar'i ruling and there are no Shar'i principles other than *Ibaahah* which could be applied to such things, then only will this principle operate.

This principle cannot be used to proclaim pork lawful on the basis of the argument that all things originally are permissible. The Shariah has already ruled on pork. The example which Imaam Muhammad (rahmatullah alayh) gives and which appears in Ibn Aaabideen's statement quoted by the *deviate*, should not throw any one into confusion. Eating carrion, drinking liquor and eating pork, etc. would have been lawful on the basis of the principle of *Ibaahah* only in the absence of any directive from the Shariah. Now that there are Shar'i directives on the prohibition of these things, it will be plain stupidity, deviation and shaitaaniyat for someone to argue that in view of the principle of original permissibility, relishing in pork consumption, drinking wine, etc., etc., are lawful. If this is understood, then it will be a simple matter to understand why this principle cannot be invoked for legalizing hair-cutting for women. There is a mass of Shar'i evidence, including *Ijma'* of the Ummah, on the prohibition of this act of disfigurement.

Furthermore, the principle of *Ibaahah* applies to things in the original state not in their state of corruption. The original condition of the female's hair is long hair. Therefore in terms of this principle at most it will be said that long hair is permissible, not the disfigurement produced by shortened hair because such shortening is in fact mutilation of the natural originality.

The deviate's whole argument on this principle is insipid and another example of his diversionary tactics to deceive and confuse people unschooled in the knowledge of the Shariah.

On the basis of this principle there is no proof for either the permissibility of hair-cutting or for its prohibition. The ruling has to be acquired from the authorities of the Shariah ♦ the Fuqaha of Islam.

?????? ??? ????? ????????? ????????? ? ????? ????????? ???????????

♦ *Glory to Allah (i.e. He is above all defect) Who has adorned men with beards and women with tresses . ♦*

ERRATA

In the presentation of his list of errata, the deviate has displayed puerility and vindictiveness for which he may be excused. We do realize that the tone of our criticism has made him see red. His childish reaction as displayed in his compilation of the errors in our book should not detract from the main issue, viz., the prohibition of hair-cutting. Since the deviate has been unable to prove his case and claim of permissibility of the immoral act of hair-cutting for women, he was obliged to divert attention from the main issue to our deficiencies.

The charges of incompetence, etc. do not detract from the fact that he has miserably failed to substantiate what he has claimed about hair-cutting. The permissibility of hair-cutting for women cannot be proved from our incorrect spelling of names of books and authors. Unfamiliarity with the names of authors and books do not dent the Shar'i arguments based on Shar'i principles. If it

does, the deviate should substantiate such a claim. Firstly, we have to confess to our incompetence in regard to names. But inspite of such incompetence, there is, *Alhamdulillah*, sufficient competence in these Muqalliddeen to smash out the brains of *baatil* as Allah Ta'ala declares in His Qur'aan Majeed:

❖ *In fact, We fling the Haqq on Baatil. Then it (the Haqq) smashes out its brains (the brains of Baatil). Then suddenly it (Baatil) vanishes. And Wail (Jahannam) for what you are fabricating.*❖

The deviate has displayed extreme childishness in the presentation of his errata thesis. This is the type of ❖ *ijtihaad* in which he excels. A man of true *Ilm-e-Deen* never gets himself bogged down in such futility. Rasulullah (sallallahu alayhi wasallam) said:

❖ *The beauty of a man's Islam is that he shuns all things futile.*❖

While the physical beauty and even spiritual, if the intention is pious, of man is his beard and that of a woman her long tresses, the intellectual beauty, the spiritual beauty and the health of Imaan are evidenced by his abstention from drivel and futility. But this claimant of ❖ *ijtihaad* has the inclination and the leisure for indulgence in exercises of futility with the intention of ridicule and also to display his ❖ *expertise* in Arabic, as well as to convey to people that he is a master in the art of perfection.

Besides these reasons, he has a more serious motive for his thesis of errata. Just as it was motivated by childishness and vindictiveness, so too was it motivated by a sinister ploy. And that ploy is his trick of diversion. In view of his total bankruptcy in so far as Shar'i *dalaail* are concerned for his *baatil* opinion of permissibility of hair-cutting for women, he has produced the diversionary trick of his errata list. The sinister attempt is to derail laymen from the main argument, viz., the prohibition of hair-cutting for women.

The idea is to convince them by hook or crook that it is ❖ *permissible* for women to parade around with their hair cut in kuffaar styles. If it was not for this dishonest diversionary ploy, we would never have bothered to waste time answering an errata list, especially when such a list itself is based on 90% error.

Furthermore, the urge to defend oneself when errors are pointed out is a reflection of *takabbur* (pride). All people are prone to error, and error in abundance. It is for this reason that the Ulama say:

❖ *Insaan (the human being) is constituted of error.*❖

The Ulama also have said :

❖ A Fortunate man is he whose errors are counted and an Aalim is he whose errors are enumerable. ❖

The aim of the deviate is to detract from his failure to provide Shar'i proof for his claim, hence the attempt to ❖convince' readers with an errata list primarily consisting of typographical errors mainly due to the proof-reading of the book not having been done. Since unsuspecting and unwary persons may fall into this trap and misread the arguments presented in refutation of the deviate's *baatil* , we are constrained, much to our aversion, to respond to the stupid errata list.

Let it also be understood that the deviate's ❖ijtihaad' and whimsical fancy in his evolvement of a process of transliteration of diacritical signs (*fat-hah*, *kasrah*, etc.), and his use for an apostrophe to connote certain *huroof* , is not binding on us nor on anyone else. We are not his *muqallideen* in any sphere. Nor is there any *nass* or any incumbency whatsoever to adopt his perculiar brand of spelling and letters to represent different *huroof* and *harakaat*, etc. In this matter we are not the followers of anyone's *urf-e-khaas* (special custom, system or preference).

When this has been understood, the deviate should understand that it is perfectly correct to spell the word *????* with either *a* or *u*. Thus it is proper to spell *M u* sjid, the *fathah* being discharged by the *u* as in the English word *b u* n. It is also correct to spell *M a* sjid, the *fathah* fulfilled by the *a* as in *m a* p. Similarly it is correct to spell *????* with *u* or *oe* or *o* or *oo* or *ou* . Thus, *M u* slim as in *p u* t ; *M oe* slim as in the Afrikaans version; *M o* slim as in *d o* , and *M oo* slim as in *b oo* k ; *M ou* slim as in *c ou* rier. All versions are proper although the *oo* in the word *b oo* k is the closest to the correct pronunciation. It is the whimsical fancy of a person which dictates such adoptions.

It is correct to spell *????* with either an *a* or a *u* . Both these letters can be used to represent a *fathah*.

Consider the word, *Allah*. This is the way in which the *urf-e-khaas* of most Muslims has the spelling. Yet we all know that the *single a* does not correctly serve the purpose of either *fathah* or *alif qasr* No one is under any obligation to adopt the system of the deviate and insert a hybrid ❖alif qasr' with a infinitesimal stroke on top of the *a*

But errors in an evolved system by a claimant of perfection and a self-styled ❖mujtahid' are intolerable. While he desires to be known as a perfectionist with his imagined ❖meticulous' spelling and transliteration, he consistently, throughout his essays of *baatil*, commit errors such as the following:

- He spells with a small letter a proper Arabic name. When the name is preceded by an *alif* and *laam* which transform a common noun into a proper noun in Arabic, he uses a small letter. Thus, he writes, for example, *al-Qattan*' instead of *Al-Qattan*; *al-Bukhari*' instead of *Al-Bukhari*. In Arabic the *alif-laam* do not render the name a common noun. On the contrary it is the opposite. A *mujtahid* should at least be aware of the very elementary rules of the language in which he writes, especially when he demands the world to be his followers even in his personal whims and fancies.

Then he uses the letter *h* to represent *?*. But this is clearly erroneous. The *h* does not convey the sound of the Arabic *harf*. In view of the fact that the deviate has adopted for himself a *system*' to convey his *perfection*' in pronunciation, it is incumbent that he adopts some term of hieroglyphic writing to discharge the *?*. The simplest for him, seeing that he has failed to evolve a sign to represent the *?*, is to adopt the Capetonian *urf-e-khaas* of *gh*. It will be superior for him to therefore write *Ghadith* as they write *Moeghamat and Aghmad*. But then he will have to evolve a sign for *?*.

The deviate also has failed to write the *?* correctly. He represents this *harf* with a *t* whereas the closest to the correct pronunciation would be *tw*.

In view of everyone being his own *mujtahid*' in such matters which are of no Shar'i concern, one may spell *qabul* or *qubul* or *qabool* or *qubool* or *qaboel* or *quboel* or *kubul* or *kabul* or *kaboel*. The drivel the deviate says is devoid of substance.

His childishness or silliness is adequately displayed by his reference to an imagined error which appears on page 46 of our book (reprint). We spelt the name of a narrator *Hummaam*. The deviate writes in his errata that the *correct* spelling is *Hammam*. Yet just six lines below *Hummaam* we spelt the name *Hammaam* which according to the deviate is the *correct* spelling'. A sensible person would have attributed the *u* to a typographical error or to a common error or to a preference. We have already explained above that both the *u* and the *a* are correct.

At best, the errata thesis of the deviate is a display of extreme childishness. At worst, it is a deliberate design or sinister ploy to divert attention from his inability to provide Shar'i evidence for the *Haraam* hair-cutting act by women.

It does not matter and it does not affect the argument if one transliterates *????? tawaqquf* or *tawuqquf*. In our book this term appears twice. Once we spelt it with an *a*, and once with a *u*. In a transliteration there is no incumbency to have either *a* or *u* to represent *fathah*.

Another example which displays the deviate's wrath and puerility is his reproduction of our

statement: THE PRINCIPAL OF AL-IBAAHAH. After the misspelt word , *PRINCIPAL* he adds his remark, ❖(sic)'. Yet in the three pages dealing with this topic the word is spelt correctly 13 times, namely, *principle*. We are sure that any sensible person would have understood that this is a typographical error in the same way as he states on page 28 of his booklet: ❖*Sayyidah Maymuna, the wife*❖ instead of wife.

Again he comments with his sick remark (*sic*) when the *I* was left out at the end of *Nasaai*'.

It is not our intention nor desire to put up a defence for errors in our book. However, since the deviate has attempted to use these errors as a diversionary tactic to divert from the fallacy of his case regarding hair-cutting for women, we have to in general explain that to any unbiased reader it will be clear that the book went to print without proof-reading. Besides the errors which the deviate has compiled in his pamphlet, there are a further couple of dozen errors which he has not picked up. He should have been a bit more meticulous in his gathering of errors because he would have had more grounds for gloating with the additional errors to expand the size of his pamphlet.

His comment that such errors are due to unfamiliarity with the kutub, is quite true. We are not writing any thesis for a ❖doctorate❖ degree to be acquired from *zindeeqs* and *mulhids* or worse, from some kaafir university. The array of kutub are studied when the occasion demands. For example, when some deviate presents his *baatil*, then the need arises to refer to the kutub. Hence, due to unfamiliarity with the names such errors are not surprising when committed by muqallideen of deficient knowledge such as us. But when a claimant to ❖ijtihaad❖ commits blunders in the translation of the text, especially if he happens to be an ❖expert❖ of the Arabic language of which we are not, and especially if he happens to be a self-acclaimed poet, then it is indeed surprising.

Reading our present book, the reader will see the serious blunders he has committed in both the translation and understanding of the texts in certain cases. Besides this, his gravest blunder is his refutation of the law of prohibition on hair-cutting on which there exists consensus of the Ummah. His many blunders in the presentation of argument and his incompetence in understanding the principles of Hadith are true blunders which rub off onto one's Imaan. Such blunders expose the deviate to the dangers of kufr.

Consider his spelling of the name of Imaam Nawawi's kitaab. He spells it: *Rawdat at-Talibin*. Both the spelling and the pronunciation are wrong. In English, the spelling ❖raw❖ never gives the sound of ?? which can neither be properly conveyed by ❖aw❖ nor ❖ou❖. It can be however conveyed by only a single ❖o❖ as in the case of the word *f o cus* or *b o g us*. Hence, if anyone has a preference for any one of these modes, he is at liberty to adopt the one of his choice. But to say :

Rawd at at -Talibin is incorrect. The ? may not be conjoined with the ? . On the contrary, the ?

has to be conjoined with the ? in the next word which is ???????? . His other error in the combination of these two words is that he says *at'* instead of *ut'* or *oet'*. The *a'* in English never gives the sound of a *dhammah*.

He commits the same type of error a hundred and one times throughout his booklet. But this is not something to crow about. We are merely drawing attention to the fact that when a person lacks in solid arguments, then he clutches at every passing straw to save himself. He is constrained to create diversions to detract from the actual dispute, viz., that hair-cutting for women is immoral and haraam in the unanimous ruling of all the Fuqaha of all the Math-habs, of all the Lands and of all the ages, not only from Rasulullah's time, but from the time of Hadhrat Aadam (alayhis salaam). The divine *Urf* has never changed nor will it ever change regardless of the satanic efforts of deviates and modernists whose ideas are part of the inheritance from the kuffaar orientalis.

Although the deviate has confessed that part of his intention in his presentation of the list of errors is to ridicule, he cannot achieve the objective of his motive because his ridicule is simply a ploy to divert attention from the main argument, which is the prohibition of hair-cutting for women. Citing spelling errors, errors in pronunciation of unfamiliar names and typographical errors do not negate the validity of the *dalaa-il* (proofs of the *Shariah*) which have been presented in negation of the *baatil* hair-cutting opinion.

Consider his pettiness in his *fatwa'* that the term *sharah'* used by us is erroneous. Regardless of the Arabic spelling being *sharh'*, we have inherited the expression in the Urdu language as *sharah'* from our Akaabireen. In Urdu, the term is expressed *sharah'*, not *sharh'*. The same applies to the word *salf*. In Urdu, we do not say *Salaf Saaliheen'*. We say, *Salf-e-Saaliheen'*. Such pronunciations are on our tongues, gained from our Seniors. It does not detract from the validity of the *dalaa-il* which thoroughly refute and neutralize the baseless arguments of the deviate.

While some of the spelling errors he has pointed out regarding names of some kutub and their authors are not typographical errors. We accept that this is due to unfamiliarity with the kutub, but not with the content-matter.

Regarding the kitaab *Al-Jauharatun Nayyirah*, he is in error for claiming that the commentary is well-known for students who have studied *Al-Qudoori*. The system of our Akaabireen, which have of recent changed, was to ban all *Shuruhaat* (Commentaries) for students during their Madrasah days. Commentaries were not allowed in the Madrasah where we pursued *Ilm*. In this far-sighted policy of the Akaabireen of our Madaaris there are benefits. It prevents the student from two destructive harms *a zaahiri* detriment, and *a baatini* detriment. This is not the occasion to expound these harms and the wisdom of our seniors.

Ridiculing and gloating on account of such errors which do not affect the validity of the *dalaa-il* is not surprising from deviates. When the deviate has the rude audacity to produce criticism for

personalities such as Imaam Al-Ghazaali, Saahib-e-Hidaayah, Al-Kaasaani, etc., then there is nothing to surprise us in his ridicule. When the impression has been conveyed to an unschooled public that these great and illustrious Auliya of Allah Ta'ala, who occupied exceedingly lofty heights in the Office of the *Warathatul Ambiyaa*, were the compilers of forged and fabricated narrations, then every Muslim can understand the degree of *Imaani* corruption such deviates suffer from.

And, who is free from the commission of an abundance of errors. Great Muhadditheen ♦ it is improper to mention their names here ♦ who excelled in their fields of *Ilm* , committed numerous errors, not spelling errors, but grave errors of judgement. Such errors are not our discovery. Other authorities presented these for valid reasons, not for ridiculing the Muhadditheen. They did not dismiss the kutub of the Muhadditheen as compilations containing forgeries and fabrications. They did not dismiss their narrations as the deviate has treated Al-Hidaayah . The disparaging manner in which he refers to *Badaaius Sanaai'* reveals the *zung* which has engulfed his heart. About this highly authoratative kitaab of Imaam Al-Kaasaani (rahmatullah alayh), the deviate spits:

♦And anyone who thinks ♦ as the objector evidently does ♦ that mention of this hadith in a fiqh work such as *Badai'as-Sana'i'* guarantees its genuineness would be well-advised to go and read Mawlana Abd al-Hayy's words in the second section of this rejoinder.♦ (Underlining ours)

What really does the deviate mean by his disparaging remark of ♦such as *Badai'as Sana'i'*? Truly, he scrapes the dregs of disrespect. For Ulama we say that it is ♦not permissible' to even handle this sacred Kitaab of this great and illustrious Imaam without wudhu. But the one whose heart is corroded with *baatini zung* implies that such a sacred Kitaab contains fabrications and forgeries and that its narrations lack ♦genuiness'.

There is no need for us or any Mu'min to refer to Maulana Abdul Hayy Sahib for understanding what *Badaaius Sanaai'* is and who its Author, Allaamah Al-Kaasaani was. However, it will perhaps benefit the deviate to read about the accolades which Maulana Abdul Hayy Sahib bestows on the illustrious Author of this sacred Kitaab, in his *Al-Fawaaidul Bahiyyah*.

When the Fuqaha and the Ulama of the entire World of Islam have recognized the authority of Allaamah Kaasaani and the value of the Treasure called *Badaaius Sanaai'*, there is absolutely no need for us to refer to Maulana Abdul Hayy Sahib for the acquisition of any reference on this illustrious Authority of the Shariah to whom all the later Muhadditheen are subservient.

Consider the deviate's spelling , ♦*ibn Muhammad al-Qastallani*' on his page 40. A ♦mujtahid' and a ♦poet' is not allowed to make such an error which is expected of incompetent Muqallideen. The correct spelling is *Qastalaani* with one *laam* or *l*.

Commenting on our statement, ❖*Al-Hamawi, the Sharah of Al-Ashbaah*' , he says:

❖*Al-Hamawi is not a ❖sharah❖. It is the eponym of the author. The commentary itself is named Ghamz Uyun al-Basa'ir.*❖

When a person's speech is the consequence of anger, he becomes reckless in blurting out nonsense. Just as the word *Al-Hamawi* is the eponym of the Author, Ahmad Ibn Muhammad, so too is it the eponym of the Commentary which he wrote. No one in Ulama circles refers to this commentary by its title, *Ghamzu Uyoonil Basaa-ir*. When the Ulama refer to this *Sharah* , they say: *Hamawi*. Numerous kutub are referred to by the names of their Authors. Saheeh Bukhaari is simply referred to as *Bukhaari*, and Saheeh Muslim as *Muslim*. The names of the authors have become the eponyms of their Works.

Our Senior Ulama, when they cite from *Raddul Muhtaar* of Ibn Aabideen, they simply say *Shaami* which is the eponym of both the Author and of his Work. For the Kitaab of Imaam Tahaawi, namely, *Sharhu Ma-aanil Aathaar, the Ulama simply say, ❖Tahaawi'*. An Authority of the calibre of Haafiz Ibn Hajar Al-Haitami says: ❖*fil Muslim'* (In Muslim), yet the name of the Work of Imaam Muslim is *Saheeh Muslim*. The list is never-ending. The use of the eponym, *Al-Hamawi*, for the Commentary of the Author is thus perfectly in order.

While the deviate wishes to display his ❖expertise' in Arabic, he commits two errors in spelling the title of *Al-Hamawi*. His spelling is ❖*Ghamz ❖Uyun al-Basa'ir*. The correct spelling is *Ghamzu Uyoonil Basaa-ir*. While he is entitled to employ a *u* with a stroke to denote the long vowel, it is incorrect to say *Uyun al-Basa'ir*. The grammatical construction of the terms demands ❖*il'* , not ❖*al'*. He has deleted the *dhammah* from the word *Ghamz*. While such deletions are not errors for incompetent Muqallideen, they are a bad reflection on one who demands meticulous spelling from others, especially if he seeks to peddle the idea of him being a ❖*mujtahid'* and a ❖*poet'* excelling in the Arabic language.

He finds fault with the typographical error which appeared in the name of the kitaab, *Al-Fiqhul Islaamiyyu Wa Adillatuhu*. Soothing himself with his ridicule, he states:

❖ *And in any case with the title boldly embossed upon the cover of every volume, it is inconceivable how the objector managed to make this blunder.*❖

If the deviate had momentarily expunged the bias from his heart, he would have understood that such an error is readily conceivable because typographical errors are a *standard practice* even after proof reading. He may perhaps not be aware that some prints of *Mishkaat* contain more than a 1000 serious errors. *Ma-aanil Aathaar of Imaam Tahaawi* contained 80 full pages of errors numbering 850 which were rectified in the later prints. And, the 23 Volumes of Imaam Nawawi's *Al-Majmoo'* must be containing in excess of a thousand errors which are recorded in the errata lists in each volume.

While these are typographical errors and errors due to those doing the proof-reading perhaps not being as competent as the ❖mujtahid-poet', the deviate spells the very name of Dr. Wabbah's kitaab incorrectly. While pointing the finger at others, he spells the name: ❖*al-Fiqh al-Islami wa Adillatuhu*. In spite of the name being conspicuously embossed on the cover as well as on the inside of every volume, he misspells it. The name of the kitaab is *Al-Fiqhul* (not *Fiqh al-*) *Islaamiyyu* (not *Islami*), and the *I'raab* (the diacritical sign) ❖the dhammah in this case❖ is conspicuously embossed on the last letter of the word. What viable explanation can there be for a ❖mujtahid-poet' to blunder in this way?

Regarding the kitaab, *Irshaadus Saari*, he is blissfully unaware that it is not only the name of a Commentary of Bukhaari Shareef. The Author of the Kitaab is Husain Bin Muhammad Saeed Abdul Ghani Al-Makki Al-Hanafi. The full name of this Sharah is *Irshaadus Saari ilaa Manaasikil Mullaa Alil Qaari*. Instead of writing the lengthy name we simply abbreviated it in this manner without thinking of anyone's ridicule. But to claim or imply that in this wide world there is only the *Irshaadus Saari* which happens to be the Commentary of Saheeh Bukhaari, is to display arrogant ignorance.

Regarding the name of Imaam Ahmad Ibn Hambal, our use of ❖*m'* for the ? (*noon*) in ???? is correct. The rule of *Qalb* has been employed, hence the *noon* is replaced with a *meem*. This is the manner in which all our Akaabireen pronounce the name. They don't say *Hanbal*. They say *Hambal* No one pronounces the name ❖*Ha n bal'*. Everyone says ❖*Imaam Hambal'*

As for the gross misspelling, *Al-Nadaiul Mukhtaar*, it will obviously ❖beat❖ his ❖powers of deduction❖ on account of deficiency in such powers. If he had employed his powers of deduction correctly, i.e. without being prey to wrath and bias, he would have immediately referred to *Al-Ashbaah Wan-Nazaair* which is the kitaab from which we cited the text. This is mentioned in our book. If he had referred to *Al-Ashbaah*, he would have seen that the name of the Kitaab is *Al-Badaai'* and the word following is *al-mukhtaar* which is not the name of a kitaab. Surely, any sensible person will understand that this is an error of a typographical nature made by a typesetter who has no understanding of these terms and names. Surely, the deviate cannot be so stupid to believe that the name of Allaamah Kaasaani's Kitaab which we have referred to in the same book a dozen times, is unknown to us. When we have already mentioned *Badaai'* elsewhere in the book, he should have understood the type of error this was. But when blinded with bias and wrath, the mind is overwhelmed with the *zung* of the heart. In case he has not unravelled the

mystery of the meaning of *zung*, he can refer to his noble Ustaadh, Hadhrat Maulana Saeed Palanpuri who still happens to be in his post at Daarul Uloom Deoband.

While the Arabic pronunciation is *jarh*, the Urdu pronunciation is *jarah*. His aversion for Urdu, the language of his Asaatizah whose salt he ate for perhaps 8 years, is disgusting. Is his aversion for Urdu motivated by a bias for the Hanafi Math-hab, or by a more sinister motive? He cannot conceivably say that he has never heard the Asaatizah in Deoband pronounce the terms *sharah*, *salf*, *jarah*, etc.

Consider another error the deviate commits. In his first essay, mentioning the name of a kitaab, he says: *al-Musnad as-Saghir by at-Tabrani*. The name of Tabaraani's kitaab from which he quotes the Hadith is *Al-Mu'jamus Saghir*, not *al-Musnad as-Saghir*. In spite of the ♦mujtahid-poet' committing this grave error by substituting *Musnad* for the correct name, *Al-Mu'jam*, he makes a childish issue from a typographical error which appears in our book regarding a similar kitaab of Tabaraani. The name of that kitaab is *Al-Mu'jamul Kabeer*. A typographical error presented it as *Al-Mujma-ul Kabeer*. The deviate is quite aware that it was an error of the typesetter because elsewhere in the book, the word, *Al-Mu'jam* is correctly spelt.

The deviate has evolved for himself a style of diacritical signs to indicate how ♦meticulous' he is in the pronunciation of the Arabic *huroof*.

He thus denotes the *alif qasar* with a horizontally written ♦ *fathah*' on an *a*. An upside down *dhammah* (an inverted comma) in front of a letter denotes ? to him. A *dhammah* (comma) in front of a letter denotes ? (*hamzah*). An *i* with a horizontal *fathah* denotes ? preceded by *kasrah*. A *th* denotes ? . These are about all the constituents of the system he has evolved. But reciting all the *huroof* correctly is important. His extremely deficient system, however, does not consider it necessary to have signs to denote the other *huroof* of distinction. For example, he uses *s* for ? ; *h* for ? and ? ; *t* for ? and ? .

He thus incorrectly spells words such as *Muhammad*, *Muhadditheen*, etc. The *h* in *Muhammad* has the sound of ? (*haa*) in Arabic. The Arabic rendition of *Muhammad* is ?????, which has a vastly different meaning. This is not expected of one who considers himself a ♦mujtahid-poet' who demands the highest standard in literary matters. He has as yet not evolved signs to connote ?, ?, ?, ?, ? .

He trumpets much about ♦urf '. He should have adhered to the *Urf-e-Khaas* of the Capetonians in the matter of transliteration of the Arabic *huroof*. In their *special urf* the letters *gh* denote ? . In the *Urf-e-Khaas* of those associated with the Indo-Pak Ulama, the letter *h* denotes both ? and ? . Both urfs are correct usages and are covered by the principle of *Urf-e-Khaas*.

Then while ridiculing the typographical error of the double *e* which appeared in the word *Seeraatul*, he objects only to the double *e*. He is blissfully ignorant of the fact that *s* does not convey the meaning of ? . *Sw* better conveys the meaning of ? .

There is absolutely nothing wrong if anyone uses a *k* for *q*. It is part of a special *urf*, although it was a typographical error on the part of our typist. No one is under any Shar'i obligation to adopt the *special urf* of any person or community.

His rendition of the word *qataan* is *Mawlana*, which does not produce the correct pronunciation. Our rendition is *Maulana*. Others write *Moulana*. *Molana*, as in the word *to* ne; *Mowlana* as in the word *ow* n; *Moelana* as in the word *f* *oe* s. All forms are correct to their authors. It is pure childishness and stupidity to make an issue about nonsense. Highlighting such 'errors' displays the shallowness of a man's understanding and the constriction of the heart. It is precisely on account of such stupid vindictiveness motivated by animosity which we concede is spawned by our tone of acquittal, that you will find a 'mujtahid-poet' descending to the ridiculous level of making an issue of a plain typographical error such as typing *Karhi* for Karkhi, and *Huzaimah* for Khuzaimah.

Regarding the word *Qitaan* appearing in our book, the deviate says: 'Only a person who comes across the name of Ibn al-Qattan for the first time in a book will spell his name as *Ibn Qitaan*'. The conclusion is incorrect. One can come across it a hundred times and spell it incorrectly because the error does not pertain to *I'raab* which requires the application of grammatical rules for correctness. But as far as the insertion of *harakaat* in strange and unfamiliar names is concerned, this is not governed by rules of grammar. Correct pronunciation in such cases is related to what one's ears have heard from the people of the language. Thus in English there is no grammatical rule to decree that *gh* produces the sound of *f*. Sometimes it conveys the sound of *f* as in *enough*, and sometimes it does not have this sound, as in *bough*. There are numerous such words in all languages, the pronunciation of which is not the product of rules, but depends on what the people of the language say.

Hence, if the word *qataan* is written without the *harakaat*, and the reader has not been informed of the correct pronunciation, then even if he comes across it a thousand times he may err and pronounce it *Qitaan*, *Qittaan*, *Qataan*, *Qutaan*, *Quttaan*. But this pronunciation does not affect the *dalaail* which have established that hair-cutting for women is immoral and *Haraam*. The motive for highlighting such acceptable errors is twofold: ridicule and worse, to divert attention from the prohibition of hair-cutting for women. And, of course, there is also another reason, and that is to convince ignorant laymen who do not understand the operation of *Shar'i dalaal* and *Mustadallaat*, that if names are misspelt, the 'logical' conclusion is error in the *dalaail* and *mustadlaat* of the Fuqaha who proclaim the prohibition of hair-cutting. But the deviate conceals behind the smokescreens of such diversions to attribute the *mustadallaat* and *fataawaa* of the Authorities to these insignificant Muqallideen.

It is understandably difficult for him to say, for example, Imaam Sarakhsi (rahmatullah alayh) wrote nonsense and drivel when he cited the Hadith of the Tasbeeh of the Malaaikeh as his *mustadal* for a mas'alah pertaining to a *Wajib* ruling. He cannot overtly declare that the Ahnaaf Fuqaha had all accepted the 'fabricated and forged' Hadith of the Tasbeeh of the Malaaikeh. So, he finds an easy outlet for the corruption of his view by attributing the acceptance of the Hadith and using it as a *mustadal* to these Muqallideen.

The lesson the deviate should learn from the puerility of his exercise is that those who live in glass houses should not throw stones.

A perusal of the list of errors produced by the deviate has established, besides typographical and spelling errors in names, only one or two genuine errors, and these errors pertain to confusion in names, not any confusion in the presentation of *dalaail*. The validity of our arguments remain intact and unassailable despite the errors in the names. One is the incorrect attribution of a statement to Daarimi. This is an error due to our deficiency. Insha'Allah, this error and spelling errors in some of the words shall be corrected in the next edition. But there is nothing for the deviate to gloat about. The *dalaail* on the prohibition of hair-cutting for women are all valid and intact, Alhamdulillaah. That is the fadhl of Allah Ta'ala.

We reiterate that we are averse to defending our errors and faults. The only reason why we felt impelled to offer some explanation is the possible confusion which can develop in the minds of laymen who are generally unacquainted with *Ilmi* discussions. They may be misled to conclude that the spelling and typographical errors and the non-errors which the deviate depicted as errors, substantiate the *baatil* case of the deviate on the haraam hair-cutting issue. The demand of *Ilm* and of our spiritual training is to immediately acknowledge our errors and faults and not to put up a defence. Self-vindication is the product of *takabbur* (pride) which is the shaitaani attribute from which those who pursue 'doctorate' degrees suffer. They are chronic patients of this disease, hence they cannot tolerate criticism even though they do not hesitate to criticize those illustrious Stars of the Shariah who may not be criticized by morons and those deficient in knowledge.

IMAAM SHAAFI'I AND HIS USTAADH

The story of Imaam Shaafi'i (rahmatullah alayh) should serve as a lesson in *adab* which the junior has to compulsorily observe for Ustaadhs and Akaabireen. When Imaam Shaafi'i (rahmatullah alayhi) would be in the same room with his Ustaadh, Imaam Waki' (rahmatullah alayh), both being engrossed in *mutaala-ah* of kutub, Imaam Shaafi'i would be in a dilemma when he reached the end of the page he was studying. The dilemma which he faced was the distraction which the sound of the turning page would cause to his Ustaadh who was absorbed in *mutaala-ah*. For fear of disturbing his Ustaadh with the 'sound' of the turning page, Imaam Shaafi'i would exercise the greatest caution to avoid the sound of the turning page reaching the ears of his Ustaadh and distracting him.

Then the deviate and all students in the Madaaris should open their ears and their eyes, listen and read the following anecdote of a great Muhaddith, Allaamah Anwar Shah Kashmiri. Usually in the margins of our kutub, some lines are written in an inverted position. To read these lines, students usually turn the kitaab around with the *matan* (the central text) the other way. When the need should arise for Allaamah Anwar Shah Kashmiri to read the inverted *ibaarat* (text), he would not commit the disrespect of turning the kitaab upside down. Rather, he would rise and go

to the other side to read the inverted lines. Let no deviate labour under the impression that the Allaamah lacked in the ability to read the *ibaarat* sitting in his position, i.e. reading the inverted lines without getting up and without turning the kitaab around. Alhamdulillah, even the students in the Madaaris who lack in Taqwa are able to recite the *ibaarat* upside down. But the degree of awe and *adab* the Fuqaha and Auliya had for Deeni *Kutub*, constrained them to conduct themselves in this manner.

This was their condition towards the *Kutub* which expound the *Ilm of Wahi* ♦ the Qur'aan Majeed. The sanctity of these Books of the Deen constrained the true Students of the Deen to be always in the state of Wudhu. They did not sit in *Dars* without wudhu. Yet the deviate can wag his corroded tongue and wield his satanic pen against the likes of Allaamah Kaasaani, Allaamah Murgheenaani and others of this stature (rahmatullaah alayhim)!!!

The *Ilm of the Deen* is the Knowledge of the Qur'aan. Such *Ilm* is a *Noor* from Allah, which settles in the heart of the *Mutaqqi* Taalib. It does not enter a heart corroded with *zung*. A student or a so-called shaikh or molvi who lacks in even the rudiments of *adab* and who does not understand the stature of those he is criticizing, can never be a recipient of *the Noor of Ilm*, regardless of how many silly ♦ *doctorates*' he has acquired and how many miserable ♦ *disciplines*' he has pursued.

Hadhrat Shaikh Tastari (rahmatullah alayh) said:

♦ *The worst zulmat (spiritual darkness) is the zulmat of knowledge.* ♦

By knowledge here is meant book knowledge bereft of *taqwa*. It refers to the type of ♦ *disciplines*' deviates pursue and struggle for in the universities of *dhalaal*. It is about such ♦ *knowledge*' which takes a man to the brink of kufr and Jahannum that Imaam A'zam Abu Hanifah (rahmatullah alayh) said: ♦ *Ilm is the greatest veil.* ♦ It creates a veil between man and his Rabb.

THE LESSON FROM THE AKAABIREEN

We have taken this opportunity to offer the aforementioned *naseehat*, not to the deviate, but to the *Talabah* in our Madaaris. They should not be blind to the pitfalls in the Path of *Ilm*. There are too many wolves in sheep skins ♦ too many shayaateen in human form, roaming around to enlist followers from the ranks of the *Ahl-e-Ilm*.

The lesson we have acquired from our Akaabireen who were all remnants of the noble *Salf-e-Saaliheen* ♦ Allah Ta'ala having retained them for this age in close proximity to Qiyaamah ♦ is the lesson of *Tawaadhu* which is the true emotional state of feeling lower than even an animal due to the abundance of our sins. This attribute of humility was an outstanding feature of our Akaabireen. An episode of Hadhrat Maulana Ya'qoob (rahmatullah alayh), an Ustaadh of Hakimul Ummat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) will not be out of place at this juncture.

Hadhrat Maulana Ya'qoob (rahmatullah alayh) according to our Akaabireen was among the senior *Abdaal* . This is a category of Auliya who are always 40 in number. Their headquarters are located in Damascus . They rank high in the hierarchy of the *As-haab-e-Takween* and their identities are unknown save to a few. Whenever Hadhrat Maulana Ya'qoob (rahmatullah alayh) was stumped while teaching, he would immediately take the Kitaab and barge into any class in Darul Uloom and regardless of the ♦junior' status of the Ustaadh in that class, he (Maulana Ya'qoob) would open up the Kitaab, indicate the text he did not understand and asked the Ustaadh to explain. After acquiring the explanation, he would return to his class, pass on the explanation and at the same time inform the students that a certain Maulana Sahib (taking the name of the Ustaadh) had explained it to him in this manner. *Subhaanallaah! Alhamdulillah!* Such were our Akaabireen. And, this occurred frequently with this great Ustaadh. *Tawaadhu* (*total humility*) had permeated every capillary in their bodies. They lacked in entirety in pretence.

It is our good fortune to have sat at the feet of such august personalities, hence we do endeavour to follow that Path of the Sunnah which our Akaabireen have grounded into us. Thus, for this Refutation of Baatil which we are presently engaged in, we have sought the assistance of even students in our Madaaris due to the deficiency of our knowledge.

We lay no claim to being ♦allaamahs', ♦mujtahids' and ♦oceans of knowledge'. Such pretences are among the attributes of those who are devoid of *adab* for *Asaatizah* and for the sacred *Kutub* of the illustrious Fuqaha and those who dismiss the *Kutub* of the Muhadditheen as forgeries and fabrications, and they indulge in destructive even corruptive exercises while their *Asaatizah* are still alive. They become adversaries to their seniors, simply discarding their advices . They feel over-competent, hence they do not deem it proper to consult with their *Asaatizah*.

This is the disease from which the deviate suffers. In spite of his awareness of the explicit *fatwa* of prohibition of his Ustaadh and of all the Akaabireen whom at least he cannot openly refute, he defies them, and does not feel obliged to consult with them in order to rid himself of the doubts and *wasawis* which are plaguing him on this issue.

Deviatees lack the ability and competence of correctly understanding the *Kutub* of the Fuqaha, but they are swift in posing as critics of these admirable and unique *Kutub* ♦ Works which have a status far superior to the Works of the later Muhadditheen. While the Muhadditheen were in entirety dependent on the Fuqaha-e-Mutaqaddimeen, the latter were in entirety independent of the former. This is a fact stated by senior Ulama and cannot be denied by men of intelligence.

Let us revert to the errata compilation of the deviate. Just how is the *dalil* of the *Ahl-e-Haqq*

affected or weakened if instead of *Daraqutni* it is said *Daar Qutni* or *Daaru Qutni*? Does it alter the meaning of the statement or view attributed to him? And how does the spelling *Moosili* or *Mawsili* strengthen or weaken an argument? And in which way does the typographical error in the name *Jurzaqaani* instead of *Jawraqani* etc. alter the validity of the argument. How does the correct spelling *Ibn Mueen* strengthen the argument of the deviate who prefers *Ibn Ma'in*'. What mileage does the deviate gain from *Qattan*, and in which way did he dent the claim of prohibition maintained by those who have spelt the word *Qitaan*?

Is the spelling *Tibraani* a refutation of the *daleel* of prohibition and is the spelling *Tabarani* a substantiation for the *Haraam* opinion for hair-cutting for women? And did Sayyiduna Bilal's (radhiyallahu anhu) pronunciation *Ashadu* for *Ash-hadu* invalidate the Athaan he used to recite? How does the term *Jurashi* debunk the arguments in favour of prohibition and how does the word *Harashi* add strength to the arguments presented in favour of *Haraam* hair-cutting for women? Does the spelling of *Tayaalasi* instead of *Tayalisi* create a fundamental change or a superficial change in the prohibition of hair-cutting on which there exists *Ijma'* of the Ummah? How does the incorrect spelling of Imaam Tirmizi's name lend support to the deviate's claim of harmful *Idhtiraab* in the *Halq* Hadith narrated by the illustrious Imaam?

Consider the following different spelling versions both correct and incorrect in relation to the actual argument and see if such different versions of spelling produce any change in the *Daleel*.

- Imaam *Sarakhsi* said that the basis of the *mas'alah* is the Tasbeeh of the Malaaiakah.
- Imaam *Saraghsi* said that the basis of the *mas'alah* is the Tasbeeh of the Malaaiakah.
- *Ie* maam *Carakhsi* said that the basis of the *mas'alah* is the Tasbeeh of the Malaaiakah.
- *Eemam* *Serakhse* said that the basis of the *mas'alah* is the Tasbeeh of the Malaaiakah.
- *Emaam* *Creghsee* said that the basis of the *mas'alah* is the Tasbeeh of the Malaaiakah.
- *Imam* *Srkhsi* said the basis of the *mas'alah* is the Tasbeeh of the Malaaiakah.

Besides the abovementioned few forms which are all correct in terms of the customary practices which anyone chooses to satisfy his fancy, there are many other versions which could also be adopted. While some of the versions maybe genuine errors in pronunciation due to unfamiliarity with the name, such versions and errors in no way whatsoever detract from the validity of the claim that ***the statement concerning the Tasbeeh of the Malaaiakah has been correctly attributed to the illustrious Imaam Sarakhsi (rahmatullah alayh).***

In the same way we ask in which manner did the deviate gain support for his *baatil* view from the rest of the ❖errors❖ he has compiled? And in which way has he, in anyway whatsoever, achieved to produce the slightest kink in our *dalaail* to prove the prohibition of hair-cutting for women?

(Tasbeeh of the Malaaiakah in the Heavens)

?????? ??? ????? ??????? ??????? ? ????? ??????? ???????????

❖ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses . ❖

THE FUQAHA AND HAIR-CUTTING FOR WOMEN

In the previous pages readers must have realised the confusion the deviate had endeavoured to create and his attempts to detract attention from the prohibition of hair-cutting for women. After all the labyrinthal and confusing arguments, we bring readers to the actual rulings which the Fuqaha of Islam have issued and their comments. Their rulings are the Law of Islam since all verdicts of the Fuqaha are based on teachings and principles of the Qur'aan and Sunnah. Opinions which novices, deviates and freelancers formulate on the basis of their personal understanding of the Qur'aan and Hadith have no validity in Islam.

Since the Chain of Learning of the Fuqaha is directly linked to Rasulullah (sallallahu alayhi wasallam) without any missing link, and with each Link in the Chain being a Golden Link, no one can fault the *Sanad* of the Fuqaha. Each Ustaadh in the Golden *Sanad* of the Fuqaha was an authority in Fiqh, Hadith and all branches of Islamic *Uloom*. Not a single authority, *Faqeeh* or *Muhaddith*, had ever criticized any one of the Ustaadhs in the *Sanad* of the Fuqaha. On the contrary, there is a preponderance of conflict in the classification of the *Raawis* (Narrators) of the Ahaadith compiled in the kutub of the Muhadditheen.

The most authentic and authoritative Ahaadith are those which appear in the kutub of the Fuqaha, without *sanad*. Those Fuqaha who were the Students of the Aimmah-e-Mujtahideen were totally independent of seeking the *asaaneed* for the Ahaadith which constitute the basis for the *ahkaam* which appear in the kutub of Fiqh.

They had acquired the Ahaadith from their most reliable and most authoritative Sources in whose integrity there is not the slightest blemish of any kind of *ilal* (defects) whatsoever. On the other hand, a *Raawi* who is authenticitated by one of the later Muhadditheen is branded a liar by another Muhaddith. Such conflict does not exist among the Fuqaha of a Math-hab.

The Ahaadith were transmitted to the Fuqaha of one generation by their Ustaadhs who were even greater Fuqaha, from the earlier generation. The earlier generation acquired the narrations from greater authorities before them. And so the Chain continues until it meets Rasulullah (sallallahu alayhi wasallam). No one, but deviates, can find fault with the Ahaadith which constitute the *mustadallaat* of the *Fuqaha-e-Mutaqqaddimeen*.

The Later Fuqaha acquired everything ♦ the *Usool and the Furoo-aat* (The Principles and the Details) and the Ahaadith with their classification, from their senior *Asaatizah* above them on a higher level in the Ladder climbing into the Heavens. Thus, the *ghuthaa* (*rubbish*) which the deviate gorges out about forgeries and fabrications in the kutub of the highest category of *Warathatul Ambiyaa* (Heirs of the Ambiyaa) is *ghuthaa* of a foul stench.

The later Muhadditheen, all of them, were the Students of the Students of the Fuqaha who inturn were the Students of the Students of the Sahaabah. It is precisely for this reason that Imaam Tirmizi will frequently comment in his Jaami, inspite of defect in the chains of narration: ♦ *The practice of the Ulama is on this.* ♦ And, why should he not make this declaration when he himself was a Student of the Student of the illustrious Fuqaha?

It is of vital importance to understand and remember that Islam and its Shariah were not unearthed from a mass and mess of folklore by the Muhadditheen two centuries after the Sahaabah. When the Muhadditheen appeared on the scene, they performed Salaat, fasted, paid Zakaat, performed Hajj and executed all the *ahkaam* of the Shariah in exactly the same way as all Muslims do. They followed specific Math-habs, and they were Muqallideen. They were not deviates wandering in confusion and bewilderment in a barren wilderness like the modernist deviates. They proceeded with their acts of ibaadat in the manner they had acquired it from their Fuqaha *Asaatizah*. In relation to the illustrious *Fuqaha-e-Mutaqaddimeen*, the later Muhadditheen like Imaam Bukhaari, etc., (rahmatullah alayhim) were all infants.

When the Mu'min searches for a directive of the Shariah, he has no option but to turn to the Authorities of the Shariah, namely, the Fuqaha. He cannot turn to the Muhadditheen for a ruling nor to their Kutub. They operated in an entirely different field.

The Shariah of Islam for practical adoption is thus what is stated in the Kutub of the Fuqaha not what appears in the Kutub of the Muhadditheen who all practised the *Masaail* as they appear in the Kutub of *Fiqh*.

THE RULINGS OF THE FUQAHA

(1). Ad-Durrul Mukhtaar, citing from Mujtaba states:

♦ *A woman who cuts her hair, has sinned, and she is accursed.* ♦ ♦ *Bazaaziyah adds: ♦ ...and even if her husband consents because there is no obedience to anyone in an act of disobedience to the Creator.* ♦

The Author of Mujtaba is a Faqeeh who died in 658 A.H.

(2). ❖ *In this Hadith is the daleel (proof) for the fact that it is not permissible to change anything on which Allah has created a woman whether it is by increasing or decreasing (any of her natural physical characteristics) for the sake of gaining beauty for the husband or for anyone else.* ❖

(Bazlul Majhood, page 54)

Cutting hair is among the acts of *taghyeer li khalqillaah* (changing the natural appearance which Allah Ta'ala has created for women).

(3). ❖ *It is not permissible for a woman to cut her hair even with the permission of the husband.* ❖

(Al-Ashbaah Wan-Nazaair, page 178)

Allaamah Zain Ibn Nujaim, the Author of Al-Ashbaah died in 921A.H.

(4). ❖ *If a woman cuts the hair of her head, she sins and is cursed (by Allah Ta'ala).* ❖

(Shaami, Vol.10, page 431)

Allaamah Ibn Aabideen As-Shaami died in 1306 A.H.

(5). ❖ *It is not lawful for a woman to cut her hair just as it not lawful for a man to cut his beard. Similarly, if the husband permits her to cut her hair, it is not permissible for her (to do so).* ❖

(Al-Multaqat)

Author of Al-Multaqat is Allaamah Abul Qasim Muhammad Bin Yoosuf Husaini Samarqandi who died in 556 A.H.

(6). ❖ *If a woman cuts her hair, Istighaar (seeking forgiveness) from Allah Ta'ala is incumbent on her.* ❖

(Khulaasatul Fataawaa, Vol.2, page 52)

The Author of this Kitaab is Allaamah Taahir Bin Ahmad Bukhaari who died in 542 A.H.

• ❖ *When a woman cuts her hair, she sins and she comes under la'nat (curse of Allah Ta'ala). It is incumbent on her to seek*

forgiveness from Allah Ta'ala, and to repent. ❖

(Kitaab Jumalil Ahkaam, Vol.3, page 165)

The Author of this Kitaab is Imaam Abu Abbaas Ahmad Bin Muhammad Bin Umar An-Naatifi who died in 446 A.H.

(8). ❖ *Allaamah Abu Bakr Al-Iskaaf was asked about a woman who had cut her hair. He said: ❖ It is incumbent on her to seek forgiveness from Allah Ta'ala, repent and not again return to this act.' It was said (to him): ❖ If she cuts her hair with the permission of her husband?' He said: ❖ There is no obedience to any creature (person) in any act which is disobedience to Allah.' He was asked: ❖ Why is it not permissible for a woman to cut her hair?' He said: ❖ Because (in so doing) she emulates males. Nabi (sallallahu alayhi wasallam) said: Allah curses women who emulate men, and men who emulate women.❖ And, because hair for women is like the beard is for men.❖*

(An-Nawaazil , page 111 ❖ Ta'leeqaat ❖ Kitaab Jumalil Ahkaam)

Allaamah Muhammad Ibn Ahmad Abu Bakr Al-Iskaaf Al-Balkhi died in 333 A.H. His *Sanad* (Chain of Qualification) links up with Imaam Muhammad and Imaam Abu Yusuf via only two Links, namely, Muhammad Bin Salmah (Died 278 A.H.) and Abu Sulaiman Al-Jauzjaani (Died after 200 A.H.).

(9). ❖ *Al-Maawardi said: A woman should not cut (even the size of one anmulah) from her tresses. But she should lift her tresses and cut from the hair under the tresses because (cutting from the tresses) disfigures her.❖*

(Kitaabul Majmoo', Vol.8 page 177)

Al-Maawardi was among the very senior Shaafi'i Fuqaha. This is the view of many senior Fuqaha of the Shaafi'i Math-hab. Imaam Nawawi narrates this Fatwa in his Kitaabul Majmoo'. Al-Maawardi died in 450 A.H. The permissibility for the cutting of one *anmulah* applies to *tahallul* (gaining release from Ihraam).

(10). ❖ *A woman who has cut her hair has sinned and she is cursed (by Allah Ta'ala) even if her husband permits her because there is no obedience to any creation in any act which is disobedience to Allah.❖*

(Fataawaa Bazaaziyyah)

(11). ❖ *A woman shall be prohibited from shaving her head❖. ❖❖.The obvious meaning of halq*

of the hair of her head, is its removal whether by shaving, cutting, plucking or lime. She should therefore abstain (from this act of removing the hair on her head). The meaning of not being permissible is that its is Makrooh Tahrimi. This is said in Miftaahus Sa-aadah.❖

(Al-Hamawi, Vol.1, page 73)

(12). (According to the Shaafi'is) ❖*The law pertaining to Taqseer (cutting) more than anmulah (during Hajj) is just as the law pertaining to halq (shaving).*❖

(Tarhut Tathreeb Fi Sharhit Tatreeb, Vol. 5 page 116)

According to the Shaafi'i Math-hab for the prohibition of halq for women there are two views. One is Makrooh Tahrimi and the other is Haraam. The same ruling will apply to *Taqseer* (cutting more than one *anmulah*) during Hajj. While one *anmulah* in length is permissible to secure release from Ihraam, more than it is either Makrooh Tahrimi or Haraam according to the Shaafi'i Math-hab. In this regard, it appears in *Tarhut Tathreeb* :

❖*Should permission be given to cut more than this, (i.e. anmulah during Hajj), it will ultimately lead to disfigurement as we have already explained.*❖

• ❖*Ibn Hajar (among the Shaafi'is) said (regarding cutting for release from Ihraam): ❖...except from her tresses because cutting some of it disfigures her.*❖

(In the Annotation of Allaamah Shabramallisi

of Ar-Ramali's Nihaayatul Muhtaj)

Haafiz Ibn Hajar Al-Haitami died in 909 A.H.

• In his Fatwa of the prohibition of hair-cutting, Hakimul Ummat Maulana Ashraf Ali Thaanvi says:

❖*In Ad-Durrul Mukhtaar narrating from Al-Mujtaba it appears: ❖When a woman cuts her hair, she has sinned and is accursed.' Bazaaziayah added: ❖And, even if the husband permits her because there is no obedience for any creature (person) in anything which involves disobedience to the Creator. The rationale for this (prohibition) is emulation of males. In Al-Ashbaah in the chapter on the ahkaam for females is this statement: ❖A woman shall be prohi- bited from shaving the hair of her head❖❖❖❖❖. For the full Fatwa of Hakimul Ummat, see pages 106 and 107 of the reprint of our earlier book on THE FEMALE'S HAIR.*

• Hadhrat Maulana Saeed Ahmad Palanpuri says:

❖*It is prohibited for a woman to cut her hair❖❖It is haraam for a woman to shave or cut her hair. Such a woman is deserving of the la'nat (curse) of Allah Ta'ala. It appears in Shaami: ❖A woman who cuts her hair has sinned and is cursed.*❖

(The Beard and the Sunnats of the Ambiyaa, pages 96, 97)

Hadhrat Maulana Saeed Ahmad Sahib is a senior Mufti and Ustaadh at Daarul Uloom Deoband, and he is the Ustaadh of the deviate.

- In his Fataawaa, Mufti Ludhyaanwi of Pakistan writes:

❖ *It is not permissible for women to cut their hair.* ❖

(Vol. 7 Page 132)

(18) In a lengthy *Fatwa* in *Imdaadul Ahkaam*, Allaamah Zafar Ahmad Uthmaani, the Author of *I'laaus Sunan* , explains the *Fatwa of Prohibition* , namely, hair-cutting for women is haraam. In his *Fatwa* he also mentions:

❖ *No where is it proven from the Mujtahideen that they had given permission for either a married woman or a widow to cut hair without the valid reason of pain, sickness or Hajj. On the contrary, the Fuqaha have totally prohibited women from shaving or cutting their hair. There is no proof for permissibility in the statement (of Imaam Nawawi)* ❖.❖

(19) The Author of Fataawaa Rahimiyyah, Hadhrat Mufti Abdur Rahim Lajpuri states:

❖ *It is a grave sin if a woman cuts her hair because her husband wants her to have a fashionable hair-style or even if she herself desires such a style. It is haraam. In an act of sin obedience to the husband is not permissible. In Ad-Durrul Mukhtaar it is said: ❖When a woman has cut the hair of her hair, she has sinned. Bazaaziyah added: ❖and, even if the husband permits her because there is no obedience for makhlooq in an act which is disobedience to Khaaliq.* ❖

(Fataawaa Rahimiyyah, Vol. 10, page 321)

(20) In another place, Hakimul Ummat Maulana Ashraf Ali Thaanvi says: ❖ *It is haraam for a woman to shave and cut her hair. In the Hadith it comes that la'nat is invoked on her.* ❖

(Beheshti Zewer, Part 11, page 124)

Besides, these few Fuqaha and Ulama mentioned here, there are innumerable other Ulama who have issued the *Fatwa* of Prohibition. However, paucity of kutub has not permitted us to acquire further names. But in reality, more names are not required.

Every unbiased, intelligent Muslim earnestly seeking the truth on this *mas'alah* will readily understand and accept the Rulings issued by the authorities we have mentioned here. It will be seen from the illustrious names we have cited, that the Ruling of Prohibition is stated from Fuqaha and Ulama of different ages and different lands. And, all those Fuqaha and Ulama who have issued a unanimous verdict are great Authorities of the Shariah whose *asaaneed* (chains of

learning) link up with Rasulullah (sallallahu alayhi wasallam). Each link in the Chain is golden without the slightest tinge of alloy or blemish. We shall now proceed with the views and rulings of Contemporary Ulama.

THE CONTEMPORARY ULAMA AND THE FATWA OF DAARUL ULOOM DEOBAND

The deviate in his booklet claims for his *baatil* view ♦*corroboration by contemporary ulama*♦. In support for this preposterous claim he presents a view which he had picked up from the internet which is perhaps the most unreliable of all the unreliable instruments which disseminate news and information. From the internet he picked up a *fatwa* which is attributed to Hadhrat Mufti Taqi Uthmaani Sahib of Pakistan .

The *fatwa* of Mufti Taqi Uthmaani purportedly states the permissibility of hair-cutting for women to beautify themselves. Then he refers to Shaikh Abdullah Bin Baaz (rahmatullah alayh) who is alleged to have issued a *fatwa* of permissibility. On the assumption that these two Ulama did issue rulings of permissibility, their views which conflict with the views and ruling of all the Fuqaha and Ulama of all Math-habs have to be set aside and dismissed as erroneous. All narrational and rational *dalaa-il* negate the view of permissibility.

Furthermore, from the innumerable Ulama still living in this corrupt world, the deviate has been able to come up with only two names from the contemporary Ulama. He has *Asaatizah* who are top-grade Ulama in Daarul Uloom Deoband. He spent many years in the *Ilmi* circles of Daarul Uloom and he must be acquainted with many Ulama, yet he has been unable to furnish a single name from the many contemporary Ulama besides picking up a dubious internet report. Surely there is something seriously amiss. If he was on the Path of Rectitude, he should have been able to enlist the support of many contemporary Ulama, especially in this liberal and immodest age in which an extremely wide avenue has opened up for *baatil* and *kufr ta'weel* (interpretation).

HADHRAT MUFTI TAQI UTHMAANI

As far as the venerable Mufti Sahib is concerned, the internet report is highly incorrect and misleading. Mufti Taqi Uthmaani Sahib has dissociated himself from the view of permissibility. He is at one with the Akaabireen in the *fatwa* of the prohibition of hair-cutting for women. We have already reproduced his explanation and clarification on this issue. See page 17 & 18. The deviate may now expunge the name of Hadhrat Mufti Taqi Uthmaani from his brief list of two contemporary Ulama. He is now left with one name ♦Shaikh Bin Baaz (rahmatullah alayh).

SHAIKH BIN BAAZ

(1) Shaikh Bin Baaz has purportedly issued the following *fatwa*:

❖ I do not know of anything (wrong) in cutting a woman's hair. It is not allowed to shave all of it off. You (referring to the female who posed the question.) cannot shave off the hair of your head but you may shorten its length. I do not know of anything wrong with that. ❖

This ❖ *fatwa*' which cannot be termed a *fatwa*, appears in the book, *Fataawal Mar'ah* (FATAWA REGARDING WOMEN). This is the work of contemporary Hambali Ulama of Saudi Arabia.

In the very same kitaab, *Fataawal Mar'ah*, in the Arabic version appear two *fatwas* of his colleague, Shaikh Ibn Uthaimin (rahmatullah alayh), one of the top Ulama of Saudi Arabia. In both these *fatwas*, Shaikh Ibn Uthaimin very explicitly and with much emphasis states the prohibition of hair-cutting for women. Shaikh Ibn Uthaimin and Shaikh Bin Baaz were members of the same Ulama Standing Committee.

In the English version of the book, only one of the two *Fatwas* he issued in Arabic on the prohibition, appears. In the Arabic version of the book appears one *fatwa* of permissibility issued by Shaikh Bin Baaz, and two of prohibition issued by Shaikh Ibn Uthaimin, and of these two only one appears in the English translation.

Then, the so-called *fatwa* of Bin Baaz looks like the work of a modernist layman. It cannot be called a *fatwa*. The statement states : ❖ I do not know of anything wrong in cutting a woman's hair. ❖ No Shar'i arguments are presented for this view. Not a single Shar'i *daleel* is presented. Only, ❖ I don't know of anything ❖❖ mentioned thrice in the short ❖ *fatwa*'. If one Shaikh does not know, someone else will know. A *fatwa* is not based on what the Mufti does not know. A true Shar'i *Fatwa* is based on explicit teachings or principles of the Shariah.

It is strange that Shaikh Bin Baaz (rahmatullah alayh) issued a ❖ *fatwa*' based on his ignorance of the Hambali view and ruling on this issue. His colleague has explained with clarity the Hambali position, and the *Fatwa* of prohibition appears in the same book. Furthermore, the two Shaikhs were colleagues serving on the very same Standing Committee. It is inconceivable that Shaikh Bin Baaz was unaware of the Hambali Math-hab's viewpoint on this question.

A man's personal opinion, and that too, based on his ignorance regarding the matter concerned, is not the Shariah. If there is no Shar'i basis for a ❖ *fatwa*', it shall be discarded and rejected. This is the treatment which has to be meted out to the so-called ❖ *fatwa*' of Shaikh Bin Baaz.

It is indeed weird that Shaikh Bin Baaz did not know of anything which renders hair-cutting for women haraam. How is it possible to believe that such an able Shaikh with extensive knowledge

of the Deen happens to be so entirely ignorant of such a basic mas'alah? His co-Shaikh in the same Standing Committee presented the views of the Hambali Math-hab with much clarity and emphasis. How come Shaikh Bin Baaz was so blissfully ignorant of these views of the Hambali Math-hab and of his own colleague, and that the ruling of prohibition issued by Shaikh Ibn Uthaimin (rahmatullah alayh) appears in the same book in which his fatwa appears?

Any discerning Muslim will be able to understand, if he reads Shaikh Bin Baaz's statement, that these are the words of some layman. It is unacceptable of a man of learning such as Shaikh Bin Baaz to issue such a nonsensical statement which has been attributed to him, and to believe that such nonsense is a Fatwa of Shar'i import. The statement is ridiculously silly to say the least. It has to be necessarily dismissed. Whether the statement has truly been issued by the Shaikh or not, it is drivel to be discarded in someone's trash can.

We shall now present the *Fatwa* of Shaikh Ibn Uthaimin (rahmatullah alayh) who was the colleague of Shaikh Bin Baaz (rahmatullah alayh)

(1) Shaikh Ibn Uthaimin, a senior Mufti of the Hambali Math-hab in Saudi Arabia, issued the following *Fatwa*:

❖ *A woman cutting her hair, does so either on account of emulating males. In this case it is Haraam and of the great sins because Nabi (sallallahu alayhi wasallam) said: ❖ Women who emulate men have been cursed'. Or the hair-cutting may not reach (the limits) of tashabbuh with men. In this case, the Ulama have differed and there are three views: Among them are those who say that it is permissible. And, among them are those who say that it is haraam, and among them are those who say that it is Makrooh (Tahrimi). The well-known (Mash-hoor) view of the Math-hab of Imaam Hambal is that it is Makrooh (Tahrimi). The reality is what we have answered earlier (referring to another question). Just a short time ago, we saw women (i.e. Muslim women) taking pride in an abundance of hair on their heads and in long hair. What has happened with their condition (nowadays)? They go towards this act (of hair-cutting) which has come to us from alien lands. I am not denouncing every new development, but I denounce every thing which leads to the changing of the community to the acceptance of the practices of non-Muslims. ❖*

(*Fataawal Mar'ah*, page 232)

(2) In another *Fatwa* Shaikh Ibn Uthaimin says:

❖ Hair-cutting for women according to the Hanaabilah is Makrooh (Tahrimi). However, if the cutting is in emulation of males, then it is Haraam because Rasulullah (sallallahu alayhi wasallam) said : ❖ Allah has cursed women who imitate men. ❖ Similary (will it be haraam) if she cuts her hair in emulation of kaafiraat (non-Muslim women). This too is Haraam because it is not permissible to emulate kaafir women and immoral women because Rasulullah (sallallahu alayhi wasallam) said: ❖ Whoever emulated a people, becomes of them. ❖ **If there is no tashabbuh with this (hair-cutting) or with that (hair-cutting), then according to the Hanaabilah Ulama, it is Makrooh (Tahrimi).** ❖

(*Fataawal Mar'ah*, pages 235, 236)

The Shaikh has stressed the prohibition without any ambiguity. Even if the hair-cutting is not in emulation of kuffaar or males, then too it is prohibited according to the Hambali Math-hab. We have already, elsewhere in this book, clarified the meaning of Makrooh when used without any descriptive word. When the word Makrooh is used it means Makrooh Tahrimi according to all Math-habs, especially if the *hukm is between Haraam and Makrooh*.

From these two *Fatwas* of Shaikh Ibn Uthaimin, the view of the Hambali Math-hab is adequately and unambiguously stated. The ruling of the *Jamhoor* Hambali Fuqahaa is either Makrooh Tahrimi or Haraam even if the factors of *tashabbuh bir rijaal* (imitating men) and *tashabbuh bil kaafiraat* (imitating kaafir women), and *tashabbuh bil faajiraat* (imitating immoral women) are not present in the hair-cutting.

PERMISSIBLE?

In one of his two Rulings, Shaikh Ibn Uthaimin (rahmatullah alayh) mentioned that of the three Hambali views, one view is permissibility if there is no *tashabbuh* (imitating kuffaar) accompanying the act of cutting hair. It is necessary to comment on this claim of the venerable Shaikh.

In Saudi Arabia , the Ulama in general, and the establishment Ulama in particular, are under strain and pressure from different quarters. They are not entirely free. Their position in official committees such as the Standing Ulama Committee demands that they tread warily and speak with caution so as not to ruffle the feathers of people of prominence in the different circles of the establishment. The statement of the one view of permissibility which the venerable made in his one *fatwa* is of the type of caution which he was constrained to exercise for some reason known to him.

In fact, in the Hambali Math-hab there are no three views regardless of the absence of the factor of *Tashabbuh*. Even if the hair-cutting by women is not accompanied by *Tashabbuh* , it remains prohibited. The only difference in the Ruling is the designation accorded to the Prohibition. In this case the one Hambali view is *Makrooh Tahreemi* and the other view is *Haraam*.

The imaginary third view was simply to accommodate the baseless view of Shaikh Bin Baaz who had proffered the view of permissibility if there is no *Tashabbuh* involved. In spite of this aberration introduced by Shaikh Ibn Uthaimin, he nevertheless, stated unequivocally the *Mash-hoor* (Well-Known and Established) and the *Mufta Bihi* (the Official Verdict) of the Hambali Math-hab, viz., Hair-cutting by women is either *Makrooh Tahrimi* or *Haraam* notwithstanding the absence of *Tashabbuh*.

The venerable Shaikh Ibn Uthaimin (rahmatullah alayh) accomodated the baseless view of of Shaikh Bin Baaz on account of either duress or weakness. May Allah Ta'ala forgive him. He was a Man of the *Haqq*.

This leaves the deviate deprived of the straw which he had clutched under the subterfuge of 'contemporary ulama'. The fact is that there are no contemporary Ulama who hold the view of permissibility. Ofcourse, the dandy type modernist beardless, suit and tie wearing sheikh is of no concern. Such deviates simply do not feature anywhere in this discussion and they are of no substance even if they are able to outclass Abu Jahl in proficiency of the Arabic language and compilation of poetry.

(3) In the kitaab , *Tambeehaat Alaa Ahkaamit Takhassusin bil Mu'minaat*, Shaikh Saalih Bin Fazraan Bin Abdullah Al-Fazraan of Saudi Arabia says:

♦ Muslim ladies are required (by the Shariah) to lengthen the hair on their heads. Shaikh Muhammad Bin Ibraaheem Aal Ash-Shaikh, the previous Grand Mufti of Saudi Arabia said: ♦ It is not permissible for women to shave their heads because of (the prohibition) in the following narrations:

Imaam Nasaai' (rahmatullah alayh) narrates in his Sunan from Hadhrat Ali (radhyiallahu anhu), Imaam Baza (rahmatullah alayh) narrates in his Musnad from Hadhrat Uthmaan (radhiyallahu anhu), and Allaamah Ibn Jareer Tabari (rahmatullah alayh) narrates from Ikramah (radhiyallahu anhu) that Rasulullah (sallallahu alayhi wasallam) prohibited women from shaving their heads.

The prohibition of Rasulullah (sallallahu alayhi wasallam), invokes Tahreem (being haraam) if there is no contrary hukm.

In Mirqaat, Sharah Mishkaat, Mulla Ali Qaari (rahmatullah alayh) writes:

♦ Rasulullah's instruction that a woman should not shave her head, is on account of the fact that in the matter of beauty and adornment, tresses for women have the same status as the beard has for men. ♦

Besides the motive of beauty and adornment, there is nothing wrong to shorten the hair for some other (valid) purpose. (But not for the sake of beautifying). If the motive in shortening the hair is to emulate non-Muslims and immoral women, then undoubtedly it is haraam.

If the intention in shortening the hair is to gain beauty and adornment then evidently this does not seem permissible. If the husband orders his wife to shorten her hair, it is not permissible for her to obey him because obedience to anyone in any act which is sin against Allah Ta'ala is not permissible ♦ ♦ ...It is necessary for women to fully protect their hair and form them into tresses.

*In the same way as women have been prohibited from shaving and **cutting** their hair without valid reason, so too is it prohibited for them to artificially lengthen their hair.*

(4) The *Fatwa* and clarification of Mufti Taqi Uthmaani appears on page 17 & 18. The deviate should have no qualms in accepting Mufti Taqi's Ruling. After all, Hadhrat Mufti Sahib in the words of the deviate is: *❖a Hanafi faqih and muhaddith of the highest rank❖*.

(5) In his *Fatwa* , Maulana C.M.Sema Sahib of Daarul Uloom Newcastle says:

❖Nabi-e-Kareem (sallallahu alayhi wasallam) has warned us from imitating the lifestyle of the Kuffaar, the Yahood and the Nasaara. On many occasions he said: ❖Oppose the Yahood and the Nasaara.'

Nabi (sallallahu alayhi wasallam) also said: ❖Whoever imitates a people becomes of them.' In the light of these Ahaadith and warnings it is not permissible for Muslim women to imitate the hairstyle of non-Muslim women and shorten their hair.❖

It is significant in relation to the prohibition, that all Ulama see in it the vice of *Tashabbuh bil kaafiraat wal faajiraat* , i.e. emulating immoral non-Muslim women. Regardless of whatever is proclaimed, the bottom line is that when there is no valid reason, the motive for hair-cutting is nothing but the adoption of the hairstyles of western women.

(5) Mufti Gulaamullah Sahib of Madrasah Miftaahul Uloom says in his *Fatwa*:

❖When one looks at the pure teachings of our Shariah, one will note that Islam has always made a clear difference between right and wrong, good and bad. Even the identity of a male believer has been kept clear of any resemblance with a female believer. One of the salient features of this pattern is the hair of the head. Through the long corridor of our history, the Ulama have always ruled against the cutting of the female's hair without a real shar'ee reason. May Allah Ta'ala protect our sisters from emulating the women of the kuffaar whose common practice is to cut their hair. Hair-cutting for them is Haraam and cannever be justified by the argument of beauty.❖

(6) Mufti Ebraahim Desai Sahib from Daarul Ifta, Madrasah In'aamiyyah, Camperdown , South Africa , writes in his *Fatwa*:

❖ The Ruling of our Daarul Ifta has always been that generally it is prohibited for females to trim their hair. We have corresponded with Mufti Taqi Usmani Sahib directly and he has clarified his position on the matter, namely, a female may trim her hair at the bottom (i.e.the ends of the tresses), only to straighten the uneven ends or to enhance its growth. Such cutting does not exceed more than a few inches (and is not a hair style designed for beauty). Mufti Taqi Sahib has stated that his ruling on the albalagh.net site should be read in this context.❖

(Mufti Taqi Sahib's full clarification appears on page 17 & 18)

(7) Mufti Ebraahim Salejee of Siraatul Haq Madrasah, Escort , South Africa states in his *Fatwa*:

❖ *It is not permissible for women to cut their hair to shoulder length or shorter for the sake of beauty or even for the sake of pleasing their husbands. In such trimming is the resemblance with men and also imitation of non-Muslim women. Both acts are Haraam..*❖

(8) Mufti Ya'qoob Wali of Jamia Miftahul Falaah, South Africa states after citing the Arabic kutub references:

❖ *It is evident from this text that even with the permission of the husband and with the intention of beautifying herself, it is not justifiable to cut off the long tresses of hair. Such an act is impermissible and sinful. All our Akaabireen are unanimous in regard to this prohibition.*❖

(9) Mufti Rizaaul Haq Sahib of Madrasah Zakariyya Lenasia, South Africa , writes in his *Fatwa*:

❖ *Regarding the issue of women generally cutting or trimming their hair , the Fuqaha and Ulama state that a woman who cuts her hair has committed a sin and is cursed (Ad-Durrul Mukhtaar quoting from Al-Mujtaba). It is further mentioned in Al-Bazaziyyah that this is not permissible even if her husband permits it because the Hadith states: ❖There is no scope for obeying the creation in matters wherein the disobedience of the Creator takes place.' It is for the very same reason that it is haraam for a male to cut his beard (even at the insistence of his wife).*

The main reason for women not being permitted to cut their hair is that it leads to resemblance with the menfolk. It is further stated in Al-Ashbaah under the laws pertaining to women that the prohibition of a woman shaving her hair encompasses all modes of removal (of hair) whether it be by means of cropping, trimming, plucking out with tweezers, or shaving with a razor. Imam Nasaa'i (rahmatullah alayh) has recorded a Hadith on the authority of Hadhrat Ali (radhiyallahu anhu) that Rasulullah (sallallahu alayhi wasallam) prohibited women from shaving their hair (Mishkaat). In this Hadith too, the word ❖shaving' brings within its scope the prohibition of all forms of removing the hair. (Imdaadul Fatawa, also Safai Muamalaat and Beheshti Zewer).❖

- Mufti Ahmad Mia Sahib and Mufti Basheer Sanjalvi Sahib of Waterval Islamic Institute, Johannesburg , South Africa , state:

❖ *The female's hair is part of her blessed natural beauty and adornment❖❖...Thus the principle by law in the Shari-ah is that it is Haraam for females to shorten their hair or shave their heads. This is from the hadeeth mentioned in Nasa-iy, that Rasulullah (sallallahu alayhi wasallam) prohibited females to shave their heads. Therefore Muslim females should carefully avoid and abstain from hair fashions and styles which are merely for the ogling eye.*❖

The principle, as the venerable Muftis have clarified, is ♦ that it is Haraam for women to shorten their hair. ♦ The principle is not permissibility to cut as the deviate has claimed.

- Mufti Shuayb Rawat of Jamia Masihiyyah Ashrafiyyah, De Deur , South Africa states in his *Fatwa*:

♦ *It is not permissible for a woman to cut her hair short. It is not permissible for her to cut her long tresses even if her husband wishes her to do so. Our Akaabir Ulama and Muftis have all along held the view of female hair-cutting to be prohibited.*

It is stated in the authoritative Hanafi kitaab, Al-Multaqat, page 102:

♦ *It is not halaal for a woman to cut her hair. Similarly, if her husband grants her permission for cutting, then too, it is not permissible for her.* ♦

Numerous Fuqaha who were Muhadditheen of the highest calibre, have employed the Hadeeth of the Malaaikah's Tasbeeh as a basis to deduce important masaa'il on the issue of Jinaayat and Ihlaal from Ihraam. Among them are Muhaqqiq Badrud Deen Aini, the author of the celebrated Sharh of Bukhaari Shareef, Umdatul Qaari Fee Sharhil Bukhaari, and Uthmaan Bin Ali Zaila'i, author of Tabyeenul Haqaaq Sharhu Kanzid Daqaaq.

Their acceptance and employment of the Hadeeth on the Tasbeeh of the Malaaikah as mustadal leaves no scope for doubt on the authenticity of this Hadeeth.

The Ulama of Deoband are unanimous on women's cutting hair being na-jaaiz (not permissible). Refer to Hazrat Shaikh Zakariyya's fatwaa on this issue in Faidhul Mun'im, pages 178/9. Hazrat Shaikh (rahmatullah alayh) refutes the contention of permissibility which has been deducted on the basis of the Hadeeth of Muslim.

All those linked to the Imaam of Tasawwuf, Hazrat Moulana Maseehullah Khaan Sahib (Rahmatullah alayh) are aware of the great Shaikh's explicit views on the prohibition of women cutting their hair and are familiar with the words of the Hadeeth related by Hazrat Maseehullah Sahib. Thus, after narrating:

♦ **Glorious is He Who has adorned men with beards**

and women with locks and tresses ♦,

(Refer to the MajlisMaseehul Ummat, No.34. Page 111)

He laments: ♦ Women are cutting their tresses which are a wonderful item of beauty, and men are shaving their beards which are (their) adornment ♦.. ♦

(12) Mufti Muhammad Saeed Motara Sahib of Madrasah Arabiyya Islamiyya Ifta Department issued his *Fatwa* which is as follows:

❖ *Apart from the occasions of Hajj and Umrah when it becomes essential for a woman to cut a negligible amount of hair in order to come out of Ihraam, it is prohibited under normal circumstances for women to cut or trim their hair. The prohibition is further aggravated by the fact that women who do have the inclination of cutting their hair up to their shoulders or even shorter, do so in emulation of western lifestyle. The Qur'aan clearly proclaims: ❖ That which the Rasul has brought to you, accept it, and that which he prohibits you from, desist from it. (Surah Hashr, 59:7) In this Aayah we have been commanded to refrain from whatever has been prohibited by Rasulullah (sallallahu alayhi wasallam). If we now cast our glance at the prohibitions of Rasulullah (sallallahu alayhi wasallam) with regard to women who emulate men and the western world by cutting their hair, we find the following Ahaadeeth:*

Rasulullah (sallallahu alayhi wasallam) prohibited free women from shoulder-length hair (Faidhul Qadeer, Vol.6, pg.312), as recorded by Tabaraani on the authority of Hadhrat Abdullah bin Umar (radhiyallahu anhu). It is obvious that the hair of a woman can only be shoulder-length if it is trimmed and cut to this length. Keeping hair in this manner has been expressly forbidden in this Hadith.

Rasulullah (sallallahu alayhi wasallam) cursed those men who emulate women and also those women who emulate men. (Narrated by Bukhaari -Mishkaat, page 380)

In one Hadith, Hadhrat Ali (radhiyallahu anhu) narrates: ❖ Rasulullah (sallallahu alayhi wasallam) forbade women to shave the hair on their heads.' (Mishkaat, Pg. 334 narrated by Nasaa'ie)

Just as shaving the head is essentially a male practice so too is the practice of trimming, chopping and cutting the hair. Thus, it goes without saying that women who trim and cut their hair are, (apart from emulating western society) also emulating men, thereby making themselves targets for the curse of Rasulullah (sallallahu alayhi wasallam).

Mulla Ali Qaari (rahmatullah alayh) writes: ❖ Long hair and plaited locks are adornments for women, just as the beard is an adornment for men. ❖ Since long hair is an adornment and beauty for women, they should fulfil the right of that adornment by lengthening their hair and not cutting it. Nowadays, most women have a totally opposite concept in that they regard trimming and cutting the hair as an act of beauty and adornment. This ideology has crept into Muslim women too, due to western influence and indoctrination. By trimming and cutting the hair, a Muslim woman will, in effect be emulating the lifestyle of the western world whereas emulation of nations foreign to Islam, has been severely condemned in a Hadith wherein Rasulullah (sallallahu alayhi wasallam) says:

❖ *Whoever emulates (the lifestyle of another) nation is from amongst them.* ❖

From the abovementioned facts, it can be safely deduced that it would not be permissible for a woman to cut her hair, even though her husband may desire this. The whims of the husband cannot justify disobedience to the injunctions of the Shariah. A Hadith of Rasulullah (sallallahu alayhi wasallam) clearly states: ❖ The creation cannot be obeyed when such obedience countenances disobedience to the Creator. ❖

We take this opportunity to express our *shukr* (thanks and gratitude) in particular to Mufti Motara Sahib, and in general to the Ulama of the other Madaaris, who have assisted with numerous references from the kutub. The information they had provided with copious references sent to us have proved very helpful in the preparation of this book against *baatil*. We have also derived assistance from the *tahqeeqaat* of Mufti Motara's *Talabah*. . It is our fervant dua that Allah Ta'ala grants them all greater *ikhlaas*, greater *taqwa*, *hikmat* and the *taufeeq* to serve his Deen. Their co-operation in this exercise to uphold the *Haqq* and to demolish *Baatil* has considerably assisted these incompetent *khudaam* (servants) of the Ulama, and Muqallideen deficient in *Ilm* and *A'maal*. To all of them we say:

Jazaakumullaah!

REVILING THE ULAMA

Hadhrat Maulana Rashid Ahmad Gangohi (rahmatullah alayh) said:

❖ *The faces of those who criticize and revile the Ulama are turned away from the Qiblah in their graves. Whoever wishes to ascertain this may proceed and see.* ❖

Those who are in the habit of criticizing the illustrious Fuqaha and Heirs of Rasulullah (sallallahu alayhi wasallam), should heed this terrible warning.

THE FATWA OF

DAARUL ULOOM DEOBAND

In a very recent *Fatwa* issued by the Headquarters of the Ulama-e-Deoband, Daarul Uloom, Deoband, four Muftis of Daarul Uloom's Ifta Department jointly issued their verdict as follows:

❖ THE ANSWER WITH THE TAUFEEQ OF ALLAH ❖

❖ We do not know who Shaikh Muhammad Taha Karaan is nor are we aware of the occasion when he qualified at Daarul Uloom Deoband. We are not in agreement with his liberal views which he has expressed on the question of women's hair. We do not consider his personal views to be correct.

This *mas'alah* (of hair-cutting for women) is a well-substantiated ruling. It is proven from the Saheeh Hadith that it is *Waajib* for women to keep the hair of their heads. It is *Haraam* for them to cut or shave their hair. It is narrated from Ali (radhiyallahu anhu) that Rasulullah (sallallahu alayhi wasallam) prohibited a woman from shaving her head. ❖ Nasaai' narrated in ❖ Mishkaat, Vol.1, Page 384.

This Hadith has complete clarity and is faultless. It is above every vestige of doubt and defect, hence *amal* (practice) on it is *Waajib*.

With regard to the narration of Muslim Shareef, namely the Hadith in which appears the statement: ????? ?? ?????? ??? ????? ???????

It means that the Wives of Nabi (sallallahu alayhi wasallam) would arrange their hair in such a manner during ghusl that it had the appearance of the hair style called *wafrah*. Allamah Zafar Ahmad Uthmaani, the Commentator of Muslim, in explaining this Hadith, presented several probabilities. At the end of his elaboration he said that the Wives of Nabi (sallallahu alayhi wasallam) did not cut their hair. In fact, they would tie up their hair at the back of their necks during ghusl. This gave the impression of hair like *wafrah*. Hence (to the observer) it appeared that their hair was not lower than the ears. In our land too, many old and other women do not leave their hair loose during ghusl. (After washing the hair), they tie it behind their necks.

Even during Hajj when women have to release themselves from Ihraam, then they have to make *taqseer* (trim the hair). Malikul Ulama (The King of the Ulama, i.e. Allaamah Al-Kaasaani) says in Al-Badaai', Vol.2, page 29:

❖ There is no shaving for a woman. Because of what has been narrated from Ibn Abbaas who narrated that Nabi (sallallahu alayhi wasallam) said: ❖ There is no halq on women. On women is only taqseer.' Narrated by Tirmizi. Aishah (radhiyallah anha) narrated that Nabi (sallallahu alayhi wasallam) forbade that a woman shaves her head.' This (prohibition) is also because halq for

women is disfigurement. It is for this reason that none of the Wives of Rasulullah (sallallahu alayhi wasallam) did it. On the contrary, they made taqseer. They would cut on the sides of their hair the extent of one anmulah because of what has been narrated from Ibn Umar (radhiyallahu anhu). He was asked: How much should a woman cut (her hair in Hajj)? He said: ❖ So much (and he indicated to the tip of the finger (i.e.anmulah) ❖❖ Haakim in Mustadrak.❖

For Muslim women to emulate non-Muslim women and to cut their hair into different styles, is undoubtedly *tashabbuh* with males, hence unlawful and forbidden. Such women become deserving of *la'nat* (divine curse) as it is mentioned in the Ahaadith. If the husband gives permission then too will she be sinful on account of the Hadith:

❖ *There is no obedience to any creation in any act which involves disobedience to The Creator .'*

It is mentioned in Durr-e-Mukhtaar:

❖ *A woman who has cut her hair has sinned and has become accursed. Bazaaziah adds: And even if the husband gives permission, because there is no obedience to makhlooq in any act of disobedience to Khaaliq, It is for this (same) reason that it is haraam for a man to cut his beard. The rationale (for the prohibition) is tashabbuh with men.'*

In Al-Ashbaah, in Ahkaamul Unthaa is mentioned: ❖ Woman will be prevented from shaving the hair on her head❖. The self-evident meaning of halq of her head is the removal of hair whether by shaving, cutting, plucking or lime (etc.). Therefore reflect! The meaning of not permissible is Makrooh Tahrimi❖❖.❖

The term *halq* brings within its scope cutting as well. The Ruling (of prohibition) for both acts is the same.❖ (18 th Safar 1424) [21 st April 2003] (*End of Deoband's Fatwa*)

❖ *Those who dispute in (in the Shariah) of Allah after its acceptance (by the Ummah), their disputation is false by their Rabb. And on them is the Wrath (of Allah) and for them is a severe punishment.❖*

[Qur'aan]

WHAT IS MUTHLAH?

Al-Mutrazi (rahmatullah alayh) said: ❖ Muthlah is to cut part of the limbs, to disfigure the face and to change the natural appearance.❖

(Al-Binaayah)

All the Fuqaha describe shaving and hair-cutting for women as *muthlah*.

Muthlah as defined by the Fuqaha is to cut off parts of the limbs. In other words, it is to mutilate. It is not merely disfigurement. We have persistently translated *muthlah* with the term *disfigurement* which is not wholly correct. In fact, it could be said to be incorrect and a gross understatement of the proper meaning of *muthlah*. Nevertheless, we chose the mild term to describe hair-cutting by women in view of the fact that minds clouded by westernism and *the norms of the immodest cult* are incapable of comprehending just how an act like hair-cutting executed in the quest of 'beauty' can be described as *mutilation*. Be that as it may. The fact is that in the Islamic and divine concept of beauty for the Mu'mineen, hair-cutting by women is mutilation and bringing change in the natural created appearance of women. A woman cutting her hair is just like a woman cutting off her nose or part of her nose. Since cutting her nose is mutilation (*muthlah*), hair-cutting too is in the same category.

It is, however, interesting that the deviate who was on his witchhunt for errors in our book, had failed to pick up this 'incorrect' presentation by us. Either it was due to his ignorance or by deliberate design. We are of the opinion that the latter is the case because the correct translation conveys the abhorrence of the act and the gravity of the prohibition. Furthermore, the Shaafi'i Fuqaha are in the habit of using this term to describe the abominable act. The ploy of deceptive manipulation of the other Math-habs to portray the assumed 'extremism' of the Hanafi Math-hab is an outworn stunt.

In terms of the Shariah hair-cutting in general for women is *muthlah* which means it is disfigurement caused by mutilation.

THE FATWA OF MAULANA ABDUL HAYY

Al-hamdulillaah ! We have so far presented numerous *Fataawaa* , statements and views of Fuqahaa and Ulama, from among the *Mutaqaddimeen*, *Mutaakh-khireen* , of the past, of recent times and of contemporary times of those who have already passed on to the next stage of existence, and of those who are still living. Innumerable *Fataawaa* to support the Prohibition of hair-cutting by women can be acquired from the Ulama of the world. The *Ijma' of the Ummah* is *total* on this Prohibition as the many *Fataawa* which we have included in this book testify.

However, our list will be incomplete without presenting the *Fatwa* of Maulana Abdul Hayy Sahib (rahmatullah alayh). It will be recalled that according to the deviate, Maulana Abdul Hayy Sahib was of the greatest luminaries of the Indian subcontinent. In his eulogy, the deviate says:

♦ Mawlana Abd al-Hayy of Farangi Mahal, Lucknow died just over a century ago in 1304 AH. With his brilliance of mind, unequalled command of fiqh and hadith, phenomenal literary output and ♦ probably his most admirable quality ♦ his fair mindedness and impartiality, he must be

ranked one of the subcontinent's greatest luminaries. Two of the fiqh texts included in the dars-e-nizami (the curriculum taught at the dar al-ulums) carry his annotations: Shar al Wiqayah and al-Hidayah. ❖

We trust that the deviate will read, study and reflect on Maulana Abdul Hayy's *Fatwa* on the question of hair-cutting for women. Perhaps he will be guided when he realises that the Imaam whom he follows and has eulogized so much is an integral part of the Fabric of *Ijma'* on the Prohibition of hair-cutting for women.

While the deviate had laboured his best to contain the effect of the Prohibition by battling to keep it nailed to *Al-Mujtaba* of Ibn Mahmud Abdur Raja' Najmuddin Zaahidi of the 7th century, Maulana Abdul Hayy Sahib took us back into antiquity by another four centuries to Imaam Abu Bakr Al-Iskaaf Al-Balkhi who issued the *Fatwa of Prohibition and La'nat* long before the third century of the Hijrah era ended. Between Imaam Abu Bakr Al-Iskaaf and Imaam Muhammad are only two Ustaadh Links. We are truly indebted to Maulana Abdul Hayy Sahib for his *tahqeeq* on this issue. May Allah Ta'ala bestow to him the high stages of *Illiyyeen* and *Jannatul Firdaus*.

The following question was posed to Maulana Abdul Hayy Sahib in regard to hair-cutting by women:

Question: *Is it permissible for women to pluck and cut hair from their foreheads for the sake of beauty?*

ANSWER: *For women to pluck hair from the head is just as unlawful as it is for men to pluck hair from the beard. While adornment for women is permissible, it never means changing of their natural appearance on which they were created.*

It appears in Nisaabul Ihtisaab: It is mentioned in An-Nawaazil in Kitaabun Nikaah that Abu Bakr (Al-Iskaaf) was asked about a woman who cut her hair. He said: ❖She should seek forgiveness from Allah, repent and not commit such a deed again.' It was said to him: What if she did that with the permission of her husband? He said: ❖There is no obedience to anyone in an act which involves disobedience to The Creator.' It was said to him: ❖Why is that not permissible for her? He said: ❖Because, verily, she (thereby) emulates males. Verily, Nabi (sallallahu alayhi wasallam) said: Allah has cursed men who imitate women and women who imitate men.❖ And (also) because hair for a woman is like the beard for a man. Hence, just as it is unlawful for a man to cut his beard, so too is it unlawful for a woman to cut her hair.❖

(Fataawa Maulana Abdul Hayy, page 429)

It is abundantly clear from this *Fatwa* , that according to Maulana Abdul Hayy Sahib:

- It is *Haraam* for women to cut their hair.
- Hair-cutting for women is an act of *taghyeer li khalqillaah*.
- The act of hair-cutting for women is sinful.
- Hair-cutting is *tashabbuh* with males.
- The prohibition of hair-cutting is equivalent to the prohibition of cutting the beard by men. This is inspite of the fact that men are allowed to cut the beard after it has exceeded one fist-length, but women are not allowed to cut their hair at all.

It should be borne in mind that Maulana Abdul Hayy Sahib issued this *Fatwa* about 150 years ago when the question of emulating western women never was the issue in India . Furthermore, although it is clearly stated in the question that the object of the cutting was for the sake of beauty, then too Maulana Abdul Hayy Sahib stated with clarity and emphasis that the element of *tashabbuh* existed, hence it is *Haraam*.

After all, despite his initial leaning towards *ghair muqalidi'ism* , he was not a victim of the liberalism and libertinism which have smitten the modernist deviates of this age, hence he fully submitted to the *Ijma'* of the Fuqaha on the Prohibition.

It will be appropriate at this juncture to offer some advice to the deviate. It is clear that he has accepted Maulana Abdul Hayy to be a Mujtahid Imaam inspite of the fact that the Maulana Sahib had not abandoned his *taqleed* of the Hanafi Math-hab. Nevertheless, for the benefit of the deviate, we shall for a while assume that Maulana Abdul Hayy Sahib was a **❖**Mujtahid'. Now, the deviate is not a mujtahid. He will, therefore, be on safe ground if he makes *taqleed* of the *Furooaat* of his Imaam, Maulana Abdul Hayy Sahib. The deviate is neither a **❖**mujtahid' in the *usool* of Maulana Abdul Hayy nor in his *Furoo-aat* . Since the deviate recognizes the outstanding all-round knowledge and abilities of Maulana Abdul Hayy Sahib, he is under Shar'i obligation to make *taqleed* of the *Furoo-aat* of his Imaam.

Among the *Furoo-aat* is Maulana Abdul Hayy Sahib's *Fatwa* on the Prohibition of hair-cutting for women. If the deviate honestly believes in Maulana Abdul Hayy's *ilmi* superiority and in his lofty rank in Fiqh and Hadith, he should have no difficulty and no qualms in following the Maulana in the *Furooaat* . If he does so, he (the deviate) will remain a **❖** *pukka* ' **❖**a fully-baked **❖** Hanafi Muqallid. After all, that was the end pedestal from which Maulana Abdul Hayy Sahib departed from this world by the *fadh*l and *rahmat* of Allah Ta'ala.

MAULANA ABDUL HAYY SAHIB AND THE TASBEEH HADITH

The deviate has sweated a lot in his labour to debunk the authentic Hadith of the Tasbeeh of the Mala'ikah. In this attempt he had abortively tried to enlist the support of Maulana Abdul Hayy Sahib and Imaam Zayla'i by referring to some of their generalisations, the scope of which

excludes the Hadith pertaining to the Tasbeeh of the Malaai kah. But to his utter consternation it has transpired that Maulana Abdul Hayy Sahib has upheld the authenticity of the Hadith of the Tasbeeh of the Malaai kah. In spite of the aspersions cast on the authenticity of some narrations in Al-Hidaayah, Maulana Abdul Hayy Sahib, himself produces the Hadith of the Tasbeeh as the *mustadel* for the *Diyat mas'alah*. He brings up this Hadith in his Annotation on Hidaayah.

What is so pleasantly surprising is that although the illustrious Imaam of Fiqh and Hadith, Allaamah Murgheenaani, the Author of Hidaayah, does not cite this Hadith as his *mustadal*, Maulana Abdul Hayy Sahib brings in this Hadith to prove the correctness of the *mas'alah* stated in Hidaayah.

Then to add *Noor upon Noor*, Maulana Abdul Hayy Sahib acquires the Hadith of the Tasbeeh of the Malaai kah on the authority of Imaam Zayla'i who had also made some critical remarks about some of the narrations of Hidaayah.

To add to this *Noor*, Imaam Zayla'i despite his criticism of Hidaayah and despite Hidaayah NOT citing this Hadith, also presents the Hadith in his own Work, *Tabyeenul Haqqaaiq* which is a Sharah on *Bahrur Raa-iq*. Hence, regardless of what they had commented about Hidaayah, both these Scholars at least believe in the authenticity of the Hadith:

❖ GLORY UNTO ALLAH WHO BEAUTIFIED MEN
WITH BEARDS AND WOMEN WITH TRESSES. ❖

What a wonderful juxtaposition of the elements of the *Haqq* !

The deviate had commenced his evil refutation of the 14 century Prohibition and Practise of Islam with selected statements of Maulana Abdul Hayy Sahib and Imaam Zayla'i. He presented these two Ulama as his fundamental basis for attacking some of the great personalities, luminaries and Fuqaha of Islam. He tried to utilize their criticism to convey the impression that some of the greatest Mujtahideen of the Ahnaaf who were themselves Muhadditheen had haphazardly included forgeries and fabricated narrations in their kutub, and had utilized such fabrications for their basis for the *ahkaam* of the Shariah.

But this stunt has rebounded on him. Both Imaam Zayla'i and Maulana Abdul Hayy Sahib have presented as *Mustadal* for Fiqhi masaa-il such an allegedly fabricated Hadith which Saahib-e-Hidaayah does not even cite in his Hidaayah. Allah Ta'ala explaining such turn of events says in the Qur'aan Majeed:

❖ *And, Haqq has arrived while baatil has dissolved. Verily,
baatil (by its very nature) perishes.* ❖

 Text Box: THE PRIORITY OF HADITH Ibnul Hazam narrated that there is Ijma' on the fact that according to the Math-hab of Abu Hanifah, Dhaeef Hadith has priority over Qiyaas and opinion when there is no other Hadith available (on the question). (Daleelut Taalib, page 887)

THE EXCEPTIONALLY STRONG SHAAFI❖I VIEW

The deviate has alleged that the Hanafi Math-hab has adopted the ❖severest position on the cutting of hair for a woman❖. Undoubtedly, according to the Hanafi Math-hab as well in terms of the other three Math-habs, this practice is *Haraam*. The technical definitions of the terms *Makrooh* and *Haraam* are not of real significance in so far as the practical adoption of the Ruling goes. According to all Math-habs hair-cutting for women is prohibited, sinful and a punishable offence.

If consideration has to be accorded to the deviate's claim of ❖severest position', then by this time all those who have read this book with an open mind will have understood that it is either the Shaafi Math-hab or the Maaliki Math-hab which has adopted the ❖severest position.❖

Taqseer or trimming slightly the hair in order to gain release from *Ihraam*, is obligatory (*Waajib*)

for a woman according to all Math-habs. Furthermore, according to all Math-habs, the Sunnat requirement is for women to cut the length of one *anmulah* which is about one third the size of a finger. While according to the Maaliki, Hambali and Hanafi Math-hab, a woman should cut this amount from her entire head and also from the sides of the head, according to the Shaafi'i Math-hab cutting even this small amount from the tresses is disfigurement and should be avoided. The woman is required to lift her tresses and cut this slight bit from the hair under her tresses, not from the tresses.

The rationale for this instruction is that cutting from the tresses disfigures the woman. It makes her ugly. In spite of the fact that cutting one or two centimetres from the bottom of the tresses is not noticeable and despite the fact that to cut this amount is Sunnat, the Shaafi'is are averse to allowing women to cut from their tresses.

Not a single Shaafi'i authority, to the best of our knowledge, has disputed the rationale for this severity of the prohibition of cutting from the tresses. The reason for this prohibition cited by the Shaafi'i Fuqaha is 'disfigurement'. People nowadays will fail to understand how cutting one or two centimetres from the bottom of the tresses can constitute disfigurement and cause ugliness. Be that as it may. The fact is that those whose spiritual vision is Islamically healthy understand the ugliness of the act. Even if anyone cannot understand this concept, it should at least be conceded that the 'severest position' is the position of the Shaafi'i Math-hab, or perhaps of the Maaliki Math-hab as will be seen later.

In view of this rigid stand taken by the Shaafi'i Fuqaha, what logical reason is there for the claim that the Hanafi Math-hab has adopted 'the severest position'? There is absolutely no conflict with the Shariah in the severe position adopted by the Shaafi'i Fuqaha. We have no objection to this stand nor do we regard it as being severe. In fact, the immorality of women cutting their hair has constrained this 'severe position'.

It has always been the gimmick of the modernists, liberals and those averse to the 'orthodox' practices of the Sunnah to mislead people by telling them that the rigid practices of Islam, e.g. keeping a beard, hijab, prohibition of music, the female's voice being *satr*, etc., etc., are according to the Hanafi Math-hab. Bereft of any Shar'i *dalaail* in terms of the Math-habs with which they have a very loose bond, to support their claims, they perpetrate the deception of their gimmick. The deviate too has adopted this gimmick on the hair-cutting issue.

Lacking in entirety in Shar'i *dalaail*, he tries to secure his view by peddling the baseless idea of the 'severest position' being the propagation of the Hanafi Math-hab so that those who are not followers of the Hanafi Math-hab and those who do not follow any Math-hab can soothe their conscience by fooling themselves to believe that they are not committing any sin with their indulgence in the *Haram* act. But the veneer of such fallacies is extremely thin.

(Tasbeeh of the Malaaikeh in the Heavens)

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❖ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses .❖

A FALSE ANALOGY AND BEAUTY IN ISLAM

In his desperation to find some basis for legalizing the *Haraam* act of hair-cutting for women, the deviate has descended to an extremely base and ignorant level. In his initial article of *baatil* , he claimed:

❖ *The fact that Allah adorned men with beards did not preclude Ibn Omar and other Sahabah from trimming their beards to the length of a fist. By the same token, the adornment of women with flowing tresses does not have to mean that the shortening thereof is unlawful.*❖

Why does it not have to mean this?

This analogy is conspicuously false. The cutting of the beard to a fist-length is *Mansoos Alayh* , i.e. there exists Ahaadith which allow this. It was the practice of Rasulullah (sallallahu alayhi wasallam) and his Sahaabah to keep a beard which differs in style from the beards of non-Muslims. The Ahnaaf Fuqaha state the permissibility of cutting the beard after it has exceeded the length of a fist. Whereas the Shariah allows this beard-cutting in order to maintain a differentiation between Muslims and non-Muslims, the Fuqaha expressly prohibit any form and any amount of hair-cutting for females. The *anmulah* rule is sufficient daleel for this.

There is *Ijma'* of at least the Hanafi Fuqaha on the validity and permissibility of such cutting (i.e. beyond one fist-length), inspite of their alleged ❖ *severest position* ❖ on the prohibition of hair-cutting for women.

In direct contrast, all the Fuqaha forbid hair-cutting for women. Even the one *anmulah* has to be cut from a concealed spot under the tresses according to Shaafi'i Fuqaha. Hair-cutting was never allowed during the time of Rasulullah (sallallahu alayhi wasallam) as was limited beard-cutting allowed. Although the deviate concedes this irrefutable fact, he attributes it to his crooked understanding of the Shar'i concept of *Urf* . This *Urf* has endured in the Ummah for the past fourteen centuries. Never did women cut their hair.

For cutting the beard to the mandatory length of one-fist, there is *Nass* , and this is therefore prescribed by the Shariah whereas there is no prescription nor any provision in the Shariah for shortening the hair of females. In fact, the rigid adherence to the *anmulah* extent when cutting becomes incumbent during Hajj is clear evidence for the prohibition of cutting even a little hair when there is no incumbent need such as *tahallul* (to be released from ihraam).

If hair cutting even a little was tolerable, the restriction of one *anmulah* would not have been prescribed by the Shariah on the occasion of Hajj. The very fact that for the purpose of *tahallul* males are exhorted to remove all their hair, and greater *thawaab* has been promised for complete removal of hair, while women have been given permission to remove from their heads such a small amount, the cutting of which is indiscernible, and can hardly be described as cutting of hair, is sufficient evidence for the prohibition. This restriction placed on women testifies to the abhorrence of hair-cutting for them and that the argument that 'by the same token' of men being allowed to cut their beards, women too are allowed to cut their hair, is utterly baseless and stupid.

Can the deviate produce just one Authority who countenances the false analogy he has conjectured?

Narrating his dream, Muhaddith Dehlawi Shah Waliyullah (rahmatullah alayh) said:

❖ *Rasulullah (sallallahu alayhi wasallam) apprized me that most certainly, there is a wonderful Path in the the Hanafi Math-hab which is the most conforming Path with the Sunnah which was gathered and compiled during the age of Bukhaari and his Ashaab.* ❖
(*Fuyoodhul Karamain*, page 48)

BEAUTY IN ISLAM

It is reported in the Hadith that Allah Ta'ala loves beauty. But beauty is not everything people regard as beautiful. Beauty has its limits and description in Islam. Most things which are beautiful to kuffaar are ugly in terms of Islam. Nudity, immorality, kuffaar dress-styles, kuffaar hair-styles, wandering in the public bare-headed for both men and women, etc., while beautiful for non-Muslims, are ugly and *haraam* for Muslims.

Acts of so-called beauty which cause change in the natural physical appearance are termed in the Qur'aan Shareef and the Hadith *taghyeer li khaliqillaah*. Such change is described in the Qur'aan as an act of shaitaan. Rasulullah (sallallahu alayhi wasallam) invoking the *la'nat* of Allah Ta'ala on women who tattoo, file their teeth, pluck hair from their faces and eyebrows, artificially lengthen their hair, etc. described these acts as wroughting changes in the creation of Allah

Ta'ala.

In the *Tafseer* of Aayat 118 and 119 of Sura Nisaa' , Al-Qurtubi explains:

❖ *Abu Ja'far Tabari said: ❖ In the Hadith of Ibn Mas'ood (radhiyallahu anhu) is daleel that it is not permissible for (a woman) to change anything in her natural form in which Allah has created her, whether (the change effected) is by increasing or decreasing (anything in her natural form) for the sake of gaining beauty for her husband or for anyone else. ❖ (Al-Jaami' Li Ahkaamil Qur'aan)*

The rigid position adopted by some authorities in this regard, is stated by Al-Qurtubi in the *tafseer* of the same verses:

❖ *Regardless of whether such change is by her making gaps between the teeth or she has an extra tooth and extracts it, or she has long teeth and has the ends cut. Similarly, it is not permissible if a beard or moustache or hair grows on her face, for her to shave it off because such an act will be taghyeer khalqillaah (changing what Allah has created). Qaadhi Iyaadh said: ❖❖ If an extra finger or limb has grown, it is not permissible to cut it off or to remove it because that will be taghyeer khalqillaahi ta'ala, except if these deformities cause pain, then there is nothing wrong in removing them according to Abu Ja'afar and others.'*

In the same category is the statement of Rasulullah (sallallahu alayhi wasallam): ❖ Allah curses the waasilah and the mustausilah. Muslim has narrated it. Thus Rasulullah (sallallahu alayhi wasallam) has forbidden that a woman joins hair to her hair (i.e. artificially lengthening it). Waasilah is the woman who effects this act (i.e. the ❖ beautician'). Mustausilah is the woman who has this act done to her. Asma Bint Abi Bakr said: ❖ A woman came to Nabi (sallallahu alayhi wasallam) and said: ❖ O Rasulullah! I have a daughter who has just got married. Small-pox (or measles) afflicted her and her hair fell out. Can I artificially lengthen it?' Rasulullah (sallallahu alayhi wasallam) said: ❖ Allah has cursed the waasilah and the mustausilah.'

All these (the verses and the ahaadith) are Nass (categoric statements) making haraam joining of hair. Imaam Maalik and a Jama'at of Ulama have said this❖.

(Al-Jaami' Li Ahkaamil Qur'aan)

There are differences of opinion among the Fuqaha on issues such as removal of deformities, etc. But from what has been explained it should be abundantly clear that *taghyeer li khalqillaah* is a *haraam* and an accursed deed which the Qur'aan Majeed attributes to shaitaan.

Long hair for woman is the accepted and encouraged form of beauty in Islam. But when a physical change is effected to gain even desired and lawful beauty, then it becomes unlawful and falls within the scope of the satanic act. Joining artificial hair brings about a change which is

deceptive, hence Rasulullah (sallallahu alayhi wasallam) refused permission for this deceptive change even when the hair of a woman had fallen out on account of an ailment. So severe is the prohibition for *taghyeer li khalqillaah* that the *la'nat* of Allah Ta'ala afflicts such a person. Acquisition of beauty is therefore not a valid reason for effecting change in *khalqillaah*.

Now when artificially the hair is lengthened, no *muthlah* (disfigurement) and no ugliness occur. Nevertheless, the prohibition is severe enough to invite Divine Curse. What then is the judgement when the natural and beautiful *ni'mat* of divinely bestowed long hair is cut off? In this case, several factors of prohibition aggravate the position and Divine Curse will be the consequence to a greater degree. *Taghyeer li khalqillaah*; disfigurement, ugliness, emulating kuffaar women, emulating men, violating the Islamic *Urf* and expressing ingratitude for the bounty of Allah Ta'ala are among the evils concomitant to women cutting their hair.

Removing deformities such as long protruding teeth or cutting off the ends is described as *taghyeer li khalqillaah*. Long protruding teeth are decidedly ugly, especially for a female. But she has to adopt *sabr* while in this transitory abode of the world and not shorten the teeth as the *tafseer* presented by the Maaliki Fuqaha has clarified.

When she is not allowed to remove an eleventh deformed finger nor long protruding teeth which make her ugly, then what is the intelligent Mu'min's judgement regarding cutting off beauty awarded by Allah Ta'ala and commanded by the Shariah to uphold? When she is not allowed to remove ugliness on account of it forming a natural constituent of her body, how can the Shariah permit her to remove the beautiful tresses which Allah Ta'ala has gifted to her? How can a Mu'minah cut off those tresses by which the Mala'ikah of Allah recite His Tasbeeh?

◆ ***Subhaan The One who has beautified men with beards and women with tresses.*** ◆

Neither is knowledge required nor is there a need for great wisdom to understand this prohibition. Only thinking which is unadulterated with western influences and concepts is sufficient to understand the natural prohibition and the unnatural act of disfigurement of cutting hair for a woman.

In the aforementioned Hadith narrated by Asma Bint Abi Bakr (radhiyallahu anhumaa) which has been mentioned in brief in the *tafseer* of Imaam Qurtubi, the bride's mother was prompted to seek permission from Rasulullah (sallallahu alayhi wasallam) to lengthen her daughter's hair for the sake of pleasing her husband who was very upset to behold the ugliness which had developed in his young bride on account of her hair having fallen out. Rasulullah (sallallahu alayhi wasallam) did not consider the fancy of the husband in this matter. Nabi-e-Kareem (sallallahu alayhi wasallam) responded with the invocation of *la'nat* for those who commit such acts of *taghyeer li khalqillaah*.

On the basis of such Ahaadith, have the Fuqaha ruled that even if the husband desires a form of beauty which is repulsive to Islam, he may not be obeyed. Obedience in the first instance is to

Allah Ta'ala. It is indeed a self-evident fact that hair-cutting for women comes fully within the glare and scope of the Qur'aanic aayat forbidding *taghyeer li khalqillaah* and the Hadith of *la'nat*. For any unbiased Muslim who is conscious of the Deen there is no need to write a book of *dalaail* to convince him and to prove to him such a simple, straightforward *mas'alah* which has been known to the entire Ummah since time immemorial, from the time of Hawwaa (alayhas salaam) ♦ the simple *mas'alah* that long hair and tresses are *Wajib* and cutting hair for women is *Haraam*. And, Allah guides whomever He wishes and misleads whomever He wishes.

(Tasbeeh of the Malaaikeh in the Heavens)

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♦ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses .♦

THE QUESTION OF TASHABBUH AND THE OBSESSION WITH URF

Tashabbuh (to resemble, to imitate, to emulate) is of two kinds:

- *Tashabbuh bir rijaal* or emulating males
- *Tashabbuh bil kaafiraat* or emulating non-Muslim women.

Both these acts or acts motivated by these designs or acts resembling these deeds even without a conscious niyyat, are *Haraam* . These misdeeds are among the great sins, hence those who perpetrate these evils become deserving of the *la'nat* of Allah Ta'ala.

When a Muslim woman cuts her hair without valid Shar'i reason, she is guilty of committing both

the abovementioned *haraam* acts regardless of her intention. While almost every case of female hair-cutting is accompanied by or motivated by one or both of these evils, there may be the odd one who has no such intention. But the intention does not matter in this case. A *haraam* deed is not rendered lawful by intention. The intention does not cancel the abovementioned two acts which accompany hair-cutting by women.

Since hair-cutting is primarily and only an act of males, it will be said in terms of the Shariah that a woman who cuts her hair is guilty of *tashabbuh bir rijaal* irrespective of her intention. Similarly, it will be said that she is also guilty of *tashabbuh bil kaafiraat* .

Allah Ta'ala says in the Qur'aan Majeed:

❖ In fact, insaan (the human being) has full awareness of his nafs, even if he puts forth excuses. ❖ (Surah Al-Qiyaamah)

A person may temporarily succeed in deceiving others. But neither can one dupe Allah Ta'ala nor oneself. What lurks within the recesses of the heart is well-known to that person. In this age of corruption, immodesty, abandonment of *hijaab*, wandering in the streets, market-places, and other public places adorned in attractive garb and finery, out to lure and to be the agents of shaitaan, when a woman desires to cut her hair, it will, besides being an expensive exercise to the beauty parlour of the kuffaar, be the adoption of a kaafir style which conforms to the western concept of beauty. No woman will desire to cut her hair in any way other than a style which appears ❖ beautiful', and which will attract gazes.

A man who desires his wife to look ❖ beautiful' with a hair-cut also suffers from a diseased mental palate. His Muslim tastes have become corrupted and diseased. He too will desire the type of beauty which western female hair-styles have to offer. There is, therefore, no doubt whatsoever that the desire underlying the exercise of legalizing *haraam* hair-cutting for women is a plot to accommodate the western concept of beauty, and to open the door to greater *Fitnah*.

Just as wearing male garments is emulation of men regardless of the intention which had motivated the adoption of this act, so too is hair-cutting emulation of males with the aggravating factor of emulation of non-Muslim women. Such emulation is a *Kabeerah* sin, hence the *la'nat*.

❖ ***Glory unto Allah Who has beautified men***

with beards and women with tresses. ❖

THE CLASSIFICATION OF HADITH

In its *Fatwa* , Daarul Iftaa of Jaamiatul Uloomil Islam, Binnuri Town Karachi, Pakistan, states:
 ♦When a Muhaddith says about a Hadith: ♦*I have not found it.*♦, it does not follow therefrom that the Hadith is baseless and is devoid of *sanad* . Every Commentator speaks within the confines of his knowledge. It does not mean that there is no existence for this Hadith. It also does not follow that when a Muhaddith labels a Hadith *Dhaeef* , that it will necessarily be *Dhaeef* by others.♦

THE OBSESSION WITH URF

Urf refers to customary practice ♦ a practice or a custom which has become widely accepted in the community. In the Shariah there is this principle of *Urf* on the basis of which an act can become permissible. From this concise definition, every intelligent Muslim whose mental outlook has not been poisoned and corrupted by alien and atheistic influences, will readily understand that this principle is not an abrogator of the Shariah. It does not transform *haraam* into *halaal* merely on account of the *haraam* practice having attained acceptability in the community. Thus, mere ♦*norm of society*♦ does not become an Islamic *Urf* simply because of it having become an entrenched custom in society. This should not be difficult to understand.

If ♦*norm of society*♦ was an unrestricted principle in the Shariah, then today shaving the beard, roaming around bare-headed, immodest dress, no hijab, abandonment of Salaat, intermingling of sexes, etc., etc., would all have to be considered lawful in the Shariah in terms of the misconceived principle of *Urf*.

Urf cannot abrogate or cancel any teaching or principle of the Shariah. In our time, for example, most Muslim men throughout the world shave their beards. While this has become the norm of society it remains *haraam* . It cannot be argued that in principle beard cutting is permissible because Nabi (sallallahu alayhi wasallam) and the Sahaabah did cut their beards, and that the fist-length was the *Urf* of that age. However now that the ♦*urf*♦ in our time has become the shaving of the beard, hence this act is permissible. All right thinking Muslims can understand the fallacy of this reasoning and the stupid application of *Urf* in this manner.

If all or most Muslim men begin wearing shorts which expose their thighs and this becomes an accepted and a customary practice in the entire community or in the whole world, it will not become lawful on the basis of *Urf*. In some places it has become the ♦*norm of society*♦ for women to drive vehicles. Although this has become an accepted practice in society, *Urf* cannot legalize it. It remains a *haraam* practice for women.

It has become *Urf* for women to wear tops and tightfitting pants. But this accursed *Urf* is not acceptable on the basis of Shar'i *Urf*. These few example should suffice for understanding. The vital fact to remember is that the customary practice does not override any law of the Shariah.

The deviate, bereft of any proper Shar'i argument or *daleel* for his *baatil* opinion of the permissibility of hair-cutting for women, is desperately clinging to the principle of *Urf* which offers him neither succour nor subterfuge for his deviation. Just as *Urf* lacks the force to legalize shaving of the beard for men, so too in exactly the same manner is it helpless to render *halaal* the *haraam* practice of hair-cutting for women.

Readers will remember that all the Fuqaha have said that hair-cutting for women is like beard-cutting for men. The Authorities of the Shariah never prohibited hair-cutting for women on the basis of it not being the *Urf* of the Ummah. They have presented other arguments for the Prohibition. These were already discussed in this book and in our earlier book. Not a single Faqeeh or Authority of the Shariah ever argued the Prohibition on the basis of any *Urf* prevalent during the age of Nubuwwat or in the centuries thereafter.

The deviate claims that hair-cutting for women is *in principle lawful*. If something is permissible in principle it will remain lawful unless there is a strong factor to negate it. Perhaps the permissible (*Mubah*) act leads to evil and mischief. On account of such an external factor, a permissible practice can be declared unlawful in terms of the principles of the Shariah. But a permissible act cannot be declared *haraam* on account of *Urf*. Take for example, the red scarf which has been accepted by Muslim males. It has been adopted from the Arabs. Muslims all over the world are wearing this type of scarf around their necks and as an Islamic headgear. While this type of scarf was not the *Urf* during the time of the Sahaabah, its use is permissible because it does not conflict with any teaching or principle of the Shariah. But this never means that this new *Urf* renders unlawful wearing of the *Masnoon Amaamah* or any other type of Islamic headgear. If the entire Ummah abandons wearing the turban and substitutes in its place only the red scarf which has become the accepted *norm of society* , the *Amaamah* will remain permissible and *Sunnat*.

In this country and in all western countries, riding in cars is the *Urf*. Riding a camel is not the *Urf* here. Notwithstanding this fact, riding a camel remains permissible anywhere in the world even where there are no camels. From this explanation it will be understood that what is permissible according to the Shariah does not become *haraam* on the basis of *Urf*.

Now if hair-cutting was lawful or permissible *in principle* as the deviate claims, then it would have remained permissible in every age. *Urf* lacks the force to transform the permissible act into a *haraam* deed. Hence, if long hair was on account of the then *Urf*, hair-cutting would have remained permissible if it was *in principle lawful*.

Lengthening hair artificially, inspite of having been the *norm of society* during the time of Rasulullah (sallallahu alayhi wasallam) became unlawful and an accursed practice, and so it has remained to this day, and so will it remain until the Day of Qiyaamah, regardless of this practice being the norm of society in some countries where Muslim women have fully adopted it. The same argument applies to the other accursed acts described as *taghyeer li khalqillaah*. No *Urf* can ever legalize such practices. Hair-cutting falls in the same category and cannot be excluded from its original law of Prohibition on account of some kuffaar *Urf* '.

The arrival of Qur'aanic *Nass* and the interpretation and instruction of Rasulullah (sallallahu alayhi wasallam) *Urfi* ' (customary) practices which were in conflict with any teaching or principle of the Divine Law. Since there exists *Nass-e-Qur'aani* and the *Nass of the Ahaadith* which prohibit hair-cutting for women, the Prohibition remains in force and will ever remain in force regardless of the proliferation of any *norm of society* becoming entrenched in the Muslim community.

Urf is ineffective in Mansoos Alayh (laws).

(Al-Hamawi, Vol.1, page 270)

Ta-aamul (general and customary practice) in

conflict with Nass is not valid.

(Al-Hamawi, Vol.1, page 270)

This is the plain and simple principle of *Urf*. It is the weakest of principles. It will be struck down when it comes into conflict with the *Mansoos* teachings and principles of the Shariah.

A practice or norm which is repugnant to Islamic intelligence and attitude can never become lawful on the basis of *Urf* regardless of its prevalency and acceptance by the entire world. Hence it was the *Urf* during the era of Rasulullah (sallallahu alayhi wasallam) for the people of *Jahiliyyah* to make tawaaf of Baitullah in the state of nudity. Making tawaaf was *Urf* and making tawaaf naked was also the *Urf*. The Shariah struck down the one and upheld the other. In *Dars-e-Sharh Uqood Rasmi* Mufti, Hadhrat Mufti Muhammad Rafi' Uthmaani Sahib says:

Urf is such a norm which becomes grounded in the heart by virtue of intelligence, and it is acceptable to healthy (i.e. uncorrupted) natural attitude.

Only an Urf which has been in operation since the era of Risaalat (i.e. from the time of Nabi sallallahu alayhi wa sallam) can restrict Hadith. Urf will be valid in only those issues which are based on Urf. Urf has no validity in those masaa-il which are not based on Urf.

(Pages 62, 63)

In this age in which we dwell, the kilogram is the standard of weight. It is the *Urf* which is acceptable and permissible. It will thus operate and be valid in issues pertaining to this standard of weight. It will not render unlawful the use of the *Saa'* which was the standard and the *Urf* in the early days. Even today it remains permissible.

On the contrary, the *Urf* of the Shariah or any of its laws or principles will strike down and cancel any *Urf* subsequent to the era of *Risaalat*. On the basis of this principle, the long-hair *Urf* since the time of Rasulullah (sallallahu alayhi wasallam) negates any new *Urf* which develops in conflict with this *Urf* of Islam. Furthermore, as already pointed out and conclusively substantiated, long hair for women in Islam is not the product of the wildly fluctuating vagaries of man's *Urf* prompted by the inordinate craving of the *nafs*.

Consider the practices of tattooing, artificial hair joining, filing teeth, plucking hair from the eyebrows and keeping long tresses. During the time of Rasulullah (sallallahu alayhi wasallam), all these practices were part of the then *Urf*. In spite of the acceptability of these customary practices, and notwithstanding the fact that these acts were *the norms of society*, Rasulullah (sallallahu alayhi wasallam) vehemently banned them and retained only the practice of tresses for women.

❖ *Subhaanallaah (Glory unto Him) Who has beautified men with beards and women with tresses.* ❖

(The *Malaaiakah* in the Heavens)

Imaam Nawawi (rahmatullah alayh) in the course of presenting his interpretation of the ambiguous portion of Abu Salamah's Hadith explains clearly that it was the *Urf* of the Arab women to keep long hair and tresses. It was not a new practice which developed after the advent of Islam. In spite of it having been the *Urf* of women since the time of *Jaahiliyyah*, this practice was retained since it was a practice inherited from Hawwaa (alayhas salaam) while all the other prohibited acts were part of the heritage of shaitaan.

By ambiguity in this context is meant ambiguity in the meaning of the narration, not necessarily in the authenticity of the Hadith recorded by Imaam Muslim. By the consensus of our senior Ulama, the narration has in it several possibilities, hence the different interpretations accorded to it.

For males to shave their heads is permissible, and so is it permissible to keep hair shoulder length. If the *norm of society* becomes only bald heads, and every male in the community has abandoned keeping long shoulder-length hair, then the *Urf* of baldness does not render

unlawful keeping long hair shoulder length. The prevalent custom does not abrogate the permissibility of shoulder-length hair for males.

These examples should suffice to convince the unbiased reader that if the prohibition was a temporary measure occasioned by *Urf*, while in principle hair-cutting for women was permissible, then this practice would have remained permissible in all ages regardless of *norm of society*. But since this was never the case, the Fuqaha upheld the Prohibition. Thus hair-cutting remains **Haraam** for women, and will always remain so. Remember that the Shariah says:

◆ *Tresses for women are like beards for men. Cutting the tresses is like men cutting their beards.* ◆

And, why should it not be so, when the perpetual *Tasbeeh* of a myriad of Malaaikeh is:

◆ **Subhaanallaah** ◆ *The One Who has beautified men with beards and women with tresses.* ◆

(*Tasbeeh of the Malaaikeh in the Heavens*)

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◆ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses . ◆

THE URF OF THE UMMAH◆S WOMEN IS THE URF OF THE DAMSELS OF JANNAT

Jannat is the end of this worldly sojourn. It is *insaan's* original homeland where Hadhrat Aadam and Hadhrat Hawwaa (alayhimas salaam) were created and where they lived. Our original Parents were sent to this earth for a short stay. The Qur'aan Majeed and the Ahaadith of Rasulullah (sallallahu alayhi wasallam) explain that the wonders, beauties, pleasures and comforts of *Jannat* are indescribable. *Jannat* and its pleasures have never been seen by the eye, nor heard of by the ear nor did it cross the mind of man.

The *beauty* of *Jannat* is the most perfect beauty. In relation to man, there is nothing more beautiful than the beauties of *Jannat*. The objects of comfort and pleasure and the customs and practices of *Jannat* are unique. The *Urf* of *Jannat* is the purest, the holiest and the most beautiful of all urfs. An urf which is in conflict with the *Urf* of *Jannat* is an evil urf. A custom or a culture which displaces the *Urf* of *Jannat* which has been ordained for Muslims, is a vile and an impure urf and culture.

Since this book deals with just one aspect of beauty, viz. tresses which Allah Ta'ala has bestowed to females, we shall confine ourselves to this aspect of *Jannat's Urf*. Concepts of beauty and methods of gaining beauty have constantly changed and fluctuated wildly in this world among the various cultures of non-Muslims. As far as Muslims are concerned, the concept of worldly beauty has remained largely constant from the time of Hadhrat Aadam (alayhis salaam) until recently, about a century or so ago.

The dress-style of the Mu'mineen since Aadam (alayhis salaam), according to the Ahaadith was basically the same, consisting of two sheets of cloth for males and long enshrouding cloaks for women. The massive upheaval and revolution wrought in concepts of beauty and the resultant consequences of immodesty and immorality are all the ugly fruits of kuffaar civilization. The norms of the society of kufr are in conflict with not only the *Urf* of *Jannat*, but with the *Urf* of Islam on earth which originated with the appearance of our Original Parents on earth.

Imaam Abu Hanifah (rahmatullah alayh) narrating from Ismaaeel, narrating from Abu Saalih, narrating from Umm-e-Haani (radhiyallahu anha) said:

❖ *Rasulullah (sallallahu alayhi wasallam) said: ❖ In Jannat Allah has created a city of Ath-khar musk. Its water is Salsabeel. Its trees have been created out of Noor. In this City are damsels of exceptional beauty. Each one of them has seventy thawaaib (tresses). If just one of these tresses should hang into earth, it will brighten up the world from east to west, and fill the earth with the sweetness of its fragrance. Rasulullah (sallallahu alayhi wasallam) was asked: ❖ O Rasulullah! For whom will be (these damsels)?' He said: ❖ The one who is tender (kind-hearted) when he seeks payment (from debtors). ❖ (Musnad-e-Abi Hanifah)*

In a similar narration, Imaam Abu Hanifah (rahmatullah alayh) states in his Musnad that Rasulullah (sallallahu alayhi wasallam) said:

❖ *Allah has created a City from Ath-far musk. This City is suspended below the Arsh (Allah's Throne). The trees of this City are of Noor and its water is Salsabeel. The damsels of this City were created from the grass of Jannat. On each one of the damsels are seventy tresses. If one of these tresses should hang out in the east, it will brighten all the people of the west. ❖*

Insaan has been created from decomposing clay soil. No one can imagine what the grass of *Jannat* is which grows in the sand of *Jannat* which is saffron. It is from such wonderful celestial grass that the damsels of that abode have been created. In another narration of Hadhrat Anas

(radhiyallahu anhu) which is a *Hadith Marfoo'*, damsels of *Jannat* have also been created from saffron. No one knows what the saffron of *Jannat* is. In another Hadith narrated by Hadhrat Aishah (radhiyallahu anha), the damsels of *Jannat* have also been created from a *Tasbeeh of the Malaaikeh*.

From a variety of exceptionally fine and celestial fibre have the damsels of *Jannat* been created. To enhance their indescribable and unimaginable beauty, Allah Ta'ala has adorned them with **seventy tresses**. They do not resemble males with hair cut.

The Mother of *Insaan*, Hadhrat Hawwaa (alayhas salaam) was created with tresses and appeared on earth with her tresses. She and her daughters never cut the treasure of their tresses. Throughout history, since time immemorial, women, both Muslims and non-Muslims, retained their tresses. Minds had not become so demented and concepts had as yet not become so corrupted and immoral to reject the natural beauty of tresses which Allah Ta'ala had bestowed to females.

Allah Ta'ala had subjected Hadhrat Nabi Ayyub (alayhis salaam) to great trials. He was afflicted with severe diseases. The community dumped him in the outskirts of the city for fear of his disease spreading. Everyone but his wife, abandoned him. He languished in this trial for a number of years. His *sabr* is proverbial. His contentment with his lot and with the decree of Allah Ta'ala did not permit him to even make Dua for cure. His faithful wife would set out daily to earn. With her day's wage she would buy food for Nabi Ayyub (alayhis salaam) and herself. One day, she was unable to find any work. In desperation she cut off and sold one of her beautiful long tresses to a wealthy lady who had insisted on buying it from her in exchange for food. The *Urf of* the age was to artificially lengthen hair to enhance beauty. She obtained a substantial sum of money and bought more than the usual amount of food for Nabi Ayyub (alayhis salaam). She did not inform Hadhrat Ayyub (alayhis salaam) of her deed which remained concealed due to her *hijaab-cloak*.

The next day, again she was unable to find work. She then sold the remaining tress to the lady. When she returned with the abundant and delicious food, Nabi Ayyub (alayhis salaam) demanded to know how she had managed to obtain the food. He took an oath that he will not eat the food until she had informed him. She then removed her head-covering. When he saw her tresses gone, his grief was indescribable. His years of affliction did not cause him the pain which the disappearance of his wife's tresses caused him. With a broken heart, he lamented:

❖ *Verily, affliction has overwhelmed me. You (O Allah!) are the Most Merciful of the merciful ones.* ❖

(*Qur'aan, Surah Ambiyaa, aayat 73*)

But today deviates and all those with concepts and tastes corrupted by the libertine cult of westernism perceive ❖ *beauty* in the ugliness of the short-hair styles of women.

It should be clear to the Mu'mineen that long hair for women is the *Urf* ordained for them by Allah Ta'ala. It is the *Urf* of Hawwaa (*alayhis salaam*). It was the *Urf* of all Muslims, as well as non-Muslims, down the long corridor of thousands of years of mankind's history. It was the *Urf* of the Sahaabah and of the Ummah from the time of the Sahaabah to the present day. There has never been a change in this divinely ordained *Urf*.

With the revolution of corruption and libertinism which swept the western world about a century or less ago, concepts of beauty changed. Ugliness became beauty and beauty became ugliness. This disease has overwhelmed the world to such a degree that even molvis and sheikhs ❖ deviates and fakes ❖ have become the victims of the immodest and immoral cult of the western world. The outstanding feature of this cult is to parade the semi-nude body of the female to satisfy the inordinate cravings of a depraved *nafs*.

It is only a deranged mind which sees beauty in ugliness. The *Urf of Jannat* and of Islam is tresses ❖ long hair for females. Short hair, kuffaar hairstyles are the *urf* of the immoral masculinized defeminized women of the west. It is indeed a great disaster when Muslims, especially those who had undergone Qur'aanic and Hadith studies, advocate the adoption of the *urf* of lesbians and other immoral specimens of humanity thereby subtly propagating the abandonment of the *Urf of Islam* ❖ the *Urf of Jannat*.

While modernist and lewd women are struggling to get the *Urf of Islam* changed with the aid of ❖ mujtahids' and deviates who look with oblique vision at the Shariah due to great defect in their vision, the *Urf* of Islam has not changed. It is precisely for this reason that people are seeking ❖ fatwas' of permissibility for hair-cutting from deviates. About these deviates masquerading as ❖ mujtahids', ❖ mujtahideen' and ❖ muhadditheen', Rasulullah (sallallahu alayhi wasallam) said:

❖ ***Verily, I fear for my Ummah the Aimmah-e-Mudhilleen.*** ❖

They are the self-appointed leaders who mislead the community and take Muslims along the path to Jahannum.

The deviate did not present a single Aalim in his support. He could not cite a single Faqeeh to substantiate his corrupt view. Even the two Aalims ❖ one still alive and one deceased ❖ whom he had projected as his supporters, have not substantiated him. Hadhrat Mufti Taqi Uthmaani Sahib, has distanced himself from the ❖ fatwa' of permissibility and has confirmed the prohibition. Maulana Abdul Hayy Sahib had issued a very strong *Fatwa* on the Prohibition of women cutting their hair.

All Four Math-habs have rigid views on the Prohibition. There is no support whatsoever for the

deviate in any Math-hab. The severity of the positions of the Math-habs are incremental ♦ the one has a sterner position than the other. But there are no lenient positions of any Math-hab on the Prohibition.

Shaikh Bin Baaz's contemporary, Shaikh Ibn Uthaimin has issued strong *fatwas* in affirmation of the Prohibition. Innumerable contemporary Ulama have condemned the view of permissibility and have endorsed the *Fatwa of Prohibition*. All the Ulama-e-Haqq of South Africa and of other Lands are unanimous in confirming the Prohibition. The Daarul Uloom where the deviate had pursued his knowledge of the Deen have issued its *Fatwa of Prohibition*. And, of much significance, the deviate's Ustaadh, Hadhrat Maulana Saeed Ahmad Palanpuri, a senior Ustaadh at Daarul Uloom Deoband, has criticized the evil stand which his student, the deviate, has adopted. Hadhrat Saeed Ahmad's full statement appears further on in this book.

The deviate stands out on a limb, hanging over the brink of spiritual disaster in his intransigence. It is so simple to understand, that it is not possible for the whole world of Fuqaha from the earliest time to have erred and all the Ulama of recent and contemporary times being in error and only this non-entity has managed to stumble on the path of rectitude. Surely he is not so dense in the head to understand his *baatil*. But when *the nafs* and shaitaan grip a man, then there is no remedy.

Our advice for the deviate is that he should take the opportunity to debate and discuss this issue with his venerable Asaatizah in Daarul Uloom Deoband. It will do him good, and protect his Imaan, to seek guidance from the seniors who will remain his masters forever. Rasulullah (sallallahu alayhi wasallam) said that the Ustaadh who has taught you one word, has become your master. You are his slave. It does not behove the slave to labour under the impression that he is independent and can function independently. Such is the *waswasah* of shaitaan.

SOME BASIC FACTS

The deviate only needs to reflect on some basic facts of reality, and we are sure that he will divest himself of his error.

- All the contemporary Ulama reject the view of permissibility, even the liberal minded Ulama.
- Hadhrat Mufti Taqi Uthmaani whom the deviate had perceived to be a proponent of permissibility, is in fact the advocate of Prohibition
- Maulana Abdul Hayy (rahmatullah alayh) who appears to be the Imaam the deviate is following has unequivocally proclaimed the Prohibition of women cutting their hair.
- Both Maulana Abdul Hayy and Imaam Zaylai' uphold the authenticity of the Hadith regarding the Tasbeeh of the Malaaiakah.

- Qaadhi Iyaadh, on whose interpretation of Abu Salamah's Hadith the deviate has relied so much, believes that it is *haraam* for a woman to cut or shave even the beard and moustache which abnormally grows on her face despite its ugliness and the disfigurement and heartache it cause the woman. His stance of hair-cutting for women should thus be self-evident.
- Imaam Nawawi endorses the view of Al-Maawardi and other Shaafi Fuqaha who say that a woman should not cut the one *anmulah* from her tresses during Hajj. She should lift her tresses and cut the hair at the back of her neck under her tresses.
- The Fuqaha do not present *Urf* as the rationale for the Prohibition. They say that the reason is *muthlah, shain and nuqs istimtaa'*

THE DEVIATE'S PURPOSE FOR HAIR-CUTTING FOR WOMEN

The deviate, in his bid to legalize the *Haraam* practice of hair-cutting by women, has drifted extremely far off the mark in the presentation of even a semblance of argument which could be regarded as valid by shallow-minded people. He acknowledges, that this practice never existed among the women of Islam right from the age of Rasulullah (sallallahu alayhi wasallam). He concedes that it was an act which rendered women ugly throughout the ages of Islam's history. After having conceded these indisputable realities, he produces Imaam Nawawi's interpretation in which he alleges is the basis for the permissibility of women cutting their hair.

Although he grabs on to this straw which he extracts from Imaam Nawawi's interpretation, he sets aside the rationale which Imaam Nawawi, Qaadhi Iyaadh and **all** the Ulama of Islam present for the assumed cutting of hair. The rationale in this interpretation of the Ulama is *abandonment of beauty*. But the deviate's eagerness to force permissibility for the prohibited act, is the exact opposite. His rationale for permissibility is *acquisition of beauty*. Thus he says in his first essay:

◆ *In my opinion, our society does not view the cutting of a woman's hair as an act which despoils her beauty.* ◆

It is clear from his conclusion of beauty in hair-cutting that the purpose of women cutting their hair is *the acquisition of beauty*.

He employs an act which was motivated by the desire to abstain from beauty, to obtain a ruling of permissibility for an act which is motivated by the desire to acquire beauty. The conflict in his mind and the bankruptcy of his arguments should be self-evident from this incongruity. Even on the assumption that the Hadith of Abu Salamah does refer to literal hair-cutting by the Holy Wives, it should be understood that the motive for such cutting according to Qaadhi Iyaadh and Imaam Nawawi was abandonment of beauty, not to seek beauty as the ◆emancipated' women of today desire in the act of hair-cutting.

AUTHENTICITATION OF NARRATORS NOT AN ISSUE OF ABSOLUTE CERTITUDE

An exercise fraught with perils ❖ perils for the safety of Imaan ❖ is the indiscrete and grossly deficient examination of Ahaadith by unqualified people like the deviate. People of this ilk having acquired a smattering of book knowledge, consider themselves qualified to read and handle Ahaadith in a manner for which even the likes of Allaamah Suyuti (rahmatullah alayh) was not qualified inspite of the Ummah's acceptance of the greatness, expertise and glory of the Allaamah.

Grossly incompetent, and deficient in *Ilm*, deviates in this day, influenced by western libertinism and craving for emancipation from the Fetters of Sacred Taqleed, form their conclusions after making cursory glances through the Books of Hadith. When a Hadith which goes against their grain is found with a Narrator whom some authorities may have labelled *Dha-eef*, *Matrook*', etc., etc., they are swift to jump on the shaitaani bandwagon of rejection of Hadith. They reject the Hadith as spurious, a forgery and a fabrication. Neither are they interested in establishing correctly the credentials of the said Narrator nor do they possess the ability for this exercise. Even if their deficient ❖research' should make them stumble on other Authorities who have accredited the Narrator, they resort to their *baatil ta'weel and nafsaniyat* to intransigently cling to the erroneous conclusion they have formed on the Narrator. This evil attitude is motivated purely by the desire to get their opinion accepted by hook or by crook.

The deviate with whom we are dealing presently is of this category. There exists intense *ikhtilaaf* in the ranks of the Muhadditheen regarding authenticitation of narrators and the categorization of the *asaaneed* of narrations. Some authorities may have branded a narrator as being a *kath-thaab* (liar), *Dhaeef* (Weak), *unreliable and of no significance* while other muhadditheen had given opposite views and had accepted the same narrator as reliable. An example of this type of difference has already been presented in the discussion of the narrator Umar Bin Haarun. Another example follows hereunder.

One of the Narrators of Hadith is *Shahr Bin Haushab* . Regarding this Narrator Imaam Ahmad says: ❖He is *Thiqah* ❖ (Reliable, Authentic). Abu Haatim says: ❖He is not less than Abuz Zubair. *Ihtijaaj* cannot be made with him.❖ In other words, his narrations cannot be employed for deduction of *ahkaam*.

Abu Zur'ah said: ❖There is nothing wrong with him.❖ An-Nadhr Bin Shumail narrates that Ibn Aun said: ❖The people (i.e. the Muhadditheen) have rejected him.❖ Nasaai' and Ibn Adi said: ❖He is not strong.❖ (i.e. His reliability is not of a high standing).

Yahya Bin Abi Bukair Al-Kirmaani narrating from his father said: ❖*Shahr took (stole) dirhams from the Baitul Maal.*❖

As-Sa'di said that Al-Fallaas said: ❖*Ahaadith were not narrated (by Muhadditheen) from Shahr.*

However, *Abdur Rahmaan* would narrate from him. ♦ In response to a question about a Hadith by *Muaaz Bin Muaaz*, *Ibn Aun* said: ♦ *What should be done with Shahr? Verily, Shu'bah has discarded Shahr.* ♦ *Ubaad Bin Mansur* said: ♦ *I performed Hajj with Shahr, and he stole my wallet.* ♦

Ishaaq Bin Al-Munthir said: ♦ *He is Sudooq (Truthful)* ♦. *Imaam Tirmizi* said: ♦ *Muhammad (i.e. Imaam Bukhaari) said: ♦ Shahr is a narrator of Hasan Hadith (which is a category of authentic Hadith), and he (Imaam Bukhaari) strengthened his (Shahr's) position.* ♦

Ya'qoob Bin Shaibah said: ♦ *Shahr is Thiqah (reliable), however, some have criticized him (i.e. his integrity).* ♦ *Ibn Adi* said: ♦ *Shahr is among those with whom proof cannot be taken nor can reliance be reposed on his Hadith.* ♦

Summing up all this confusion on *Shahr's* reliability or unreliability, *Allaamah Zahbi* says:

♦ A group (among the *Muhadditheen*) regard him worthy of *Ihtijaaj*...*An-Nasawi* said:
♦ Although people (*Muhadditheen*) have criticized him, he is *Thiqah* (Reliable). ♦

At times the differences among the *Muhadditheen* are so intense that opinions of reliability and unreliability oscillate between *kath-thaab* (*Great Liar*) and *Thiqah* (Reliable/Authentic).

The authorities pass judgement on the integrity of Narrators in the light of their investigations. No *Muhaddith* can or has claimed that his personal investigation is all-encompassing and is the final word in the category of *Qur'aanic Wahi*, on his *fatwa* on the Narrator. Even *Muhadditheen* were thrown into bewilderment in the difficult and delicate task of establishing the category of a narrator. Those who have studied Hadith in this day cannot honestly claim to have even commenced the journey. They remain effectively outside this dark tunnel which is cluttered with dangerous impediments and thorns.

It is astonishing ignorance for a man in this age to believe that he is capable of making an independent judgement on the categories of *Ahaadith* simply by reading treatises such as *Al-Ajwabatul Faadhilah* of *Maulana Abdul Hayy Sahib*, and some books written by *Muhadditheen* and *Hadith Examiners*. The ultimate result of such deviation is subservience to personal *nafsaani* opinion which leads to ruin of *Imaan*.

It should be understood that there is absolutely no scope for examining *Ahaadith* in this belated fifteenth century, viz., the *Ahaadith* which the great *Fuqaha* of former ages have regarded as authentic for their *mustadallaat* of the *ahkaam* of the *Shariah*. The *Deen* is not up for auction. No one has the right to interpret its laws to suit whims and personal opinion. *Ahkaam* which have come down in the *Ummah* reliably and authoritatively, may not be subjected to any kind of scrutiny or criticism, for such *ahkaam* are inseparable constituents of the *Immutable Shariah* which stems from the *Qur'aan* and the *Sunnah*. All *Ahkaam* of the *Shariah* have already been resolved and finalised in the very age of the *Sahaabah* whose duty was to impart to the *Aimmah*-

e-Mujtahiddeen (the Fuqaha of the Taabieen age) the principles and the methods of systematizing and codifying the Shariah for the everlasting benefit of posterity.

The Aimmah-e-Mujtahiddeen owe their greatness, their knowledge, their wisdom, their uniqueness and their astonishing expertise in all branches of Qur'aanic *Ilm* to the illustrious Sahaabah of Rasulullah (sallallahu alayhi wasallam). If it were not for these great Personalities of Islam who were the Students of Rasulullah (salallahu alayhi wasallam), then those whom we today call the Aimmah-e-Mujtahiddeen and the Fuqaha would have been unknown entities.

The *Ahkaam* of Shariah have already been sealed in the sacred confines of the Qur'aanic and Hadith principles evolved by the Aimmah-e-Mujtahiddeen under the supervision of the Sahaabah. Hence the *Ahkaam* of the Shariah cannot be subjected to principles of Hadith classification evolved more than two centuries after the Sahaabah for an entirely different purpose.

The only recourse a Muslim has for establishing the authenticity of a law or rule is to refer to the Fuqaha who had acquired the laws from the Sahaabah via their highly authentic and golden *asaaneed* of *Asaatizah*. While there is considerable scope for debate and discussion in the *asaaneed* of Narrations presented by the Muhadditheen, there is absolutely no room for doubt and criticism of *asaaneed* of the Fuqahaa ♦ their Chains through which they acquired their *Ilm*. They were the very first group created by Allah Ta'ala to systematize, codify and defend this Deen of Islam. It is therefore tantamount to kufr ♦ it is kufr of the *ilhaad* category ♦ to review and reinterpret any of the *Mansoos alayh Ahkaam* of the Shariah.

(Tasbeeh of the Malaaikeh in the Heavens)

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♦ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses . ♦

THE IMPERATIVE NEED TO REFER TO ONLY THE FUQAHAA

♦ *One Faqeeh is sterner on shaitaan than a*

a thousand Aabid. ♦ (Hadith)

(*Aabid is a man of adequate knowledge who devotes the greater part of his life to only ibaadat. However, he lacks in the divinely bestowed attribute of fiqaahat ♦ a Noor of Understanding*

which Allah Ta'ala infuses into the heart of the Mu'min.)

The Chain of the Fuqaha commences with the Sahaabah who were the Students of Rasulullah (sallallahu alayhi wasallam). While all the Sahaabah were not Fuqahaa, a great many were Fuqahaa (Jurists of Islam) of the highest class. These Fuqaha among the Sahaabah spread out into the distant lands of the Islamic Empire after the demise of Rasulullah (sallallahu alayhi wasallam). They imparted and disseminated the *Ilm* of the Qur'aan to the those who became the Aimmah-e-Mujtahideen and Fuqaha of the first and highest class in the era of the Taabieen.

The Taabieen duplicated the function and the activities of their Sahaabah-Ustaadhs. In this way, from one generation to the next, came into existence great and illustrious Fuqaha who raised the Edifice of the Divine Immutable Shariah on the Foundations of the Qur'aan and Sunnah.

This was that Jamaat of Men whom Allah Ta'ala had chosen to guard and defend the Deen of Islam. There is no comparison with them. They were unique in every aspect. They were Fuqaha, Muhadditheen, Mufasssireen, etc. of the highest category. None of the later Muhadditheen such as Imaam Bukhaari (rahmatullah alayh) attained the rank of *Ilm* which was occupied by the *Aimmah-e-Mujtahideen*.

No one, neither Muhaddith nor Mufasssir of any age, was independent of the Fuqahaa. Every authority in Islam on any subject had to incumbently refer to and bow their heads in subservience to the Fuqaha. For the safety of Imaan the need to accept without scrutinization and with complete submission the rulings of the Fuqaha, is imperative. Whoever has attempted to set himself up as an adversary to the Fuqaha has miserably failed and ended up in the dregs of deception and deviation ♦ far, very far from *Siraatul Mustaqeem*. The imperative nature of submission to the Fuqaha is explained by Hakimul Ummat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) in the following answer to a question posed to him.

QUESTION

Whenever the Ahnaaf Ulama issue a fatwa on any mas'alah, they always refer to Durr-e-Mukhtaar, Raddul Muhtaar, Shaami, Aalamghiri, etc. They do not say: ♦Allah said so or Rasulullah (sallallahu alayhi wsallam) said so♦' Why have they adopted this practice when Qur'aanic and Hadith references are more convincing to a Mu'min?

ANSWER by Hakimul Ummat

♦In fact, you have not even seen the kutub of the Ahnaaf Ulama. You will find for example Hidaaya replete with Aayaat and Ahaadith references. The same will be found in Badaai' and Mabsoot. The same applies for Durr-e-Mukhtaar and Raddul Muhtaar. Why do present-day

Muftis refrain from citing the Qur'aan and Hadith? Its answer is that today all Ulama are Muqallideen. They do not possess the ability to deduct ahkaam directly from the Qur'aan and Hadith. It is for this reason they cite the reference of such Ulama-e-Mujtahideen who had made use of ijtihaad and had compiled the kutub.

If they do not do so, and of their own accord deduct masaa'il from the Qur'aan and Hadith, even the questioner will have no confidence. Furthermore such a Mufti is the victim of thousands of errors. When he is not on the pedestal of Ijtihaad, how can he employ ijtihaad to formulate masaa'il from the Qur'aan and Hadith? Besides reading the superficial translation and deceiving people, he does nothing else. In the present age there is a group of people who are trapped in the disease of self-deception imagining themselves to be among the Mujtahideen.

If their 'ijtihaad' is examined, the state of their error will be understood.

In view of the condition of today's claimants of ijtihaad, it is the Ruling of the Ulama that taqleed of the illustrious Predecessors (the Salf) is Waajib. Hence, they issue Fataawa by reference to these kutub in which are compiled the Ahkaam which have been formulated on the basis of the Qur'aan and Hadith (by the Aimmah-e-Mujtahiddeen)❖

(Imdaadul Ahkaam, Vol.1, page 228)

IJTIHAAD AND ITS CLAIMANTS

In this age of liberalism, the disease of pride has impelled many half-baked students of Deeni knowledge to lay claims to Ijtihaad and to imagine that they are Mujtahiddeen, Muhadditheen and Mufasssireen. They consider themselves competent to deduct Shar'i *ahkaam* directly from the Qur'aan and Sunnah, and feel themselves independent of the Fuqaha. In this regard, Shaikh Yoosuf Bin Ismaaeel An-Nibhaani writes in his treatise, *Hujjatullaahi Alal Aalameen*:

❖ Today it is only a man who is mentally deranged and whose Deen is corrupt, who will lay claim to Ijtihaad. This has been said by Shaikhul Akbar Muhayyuddin. Imaam Al-Munaawi said in his *Sharhul Kabir alal Jaami'is Saghir* that Allaamah Shihaab Ibn Hajar Al-Haitami said :

❖ When Al-Jalaal As-Suyuti claimed Ijtihaad (for himself), his contemporaries (among the Ulama) stood up and unanimously criticized him. They forwarded to him a questionnaire consisting of a number of questions (each one having) two views. They said that if he possessed the ability of the lowest category of Ijtihaad, namely, Ijtihaadul Fatwa, then he should comment on the Raajih (Preferred view) from the views presented, and he should expound the daleel for each view in terms of the principles of the Mujtahideen. Allaama Suyuti returned the questionnaire without answering the questions and presented the excuse of the volume of work which prevents him from studying the questions.❖

Ibn Hajar then adds: Now ponder the colossal difficulty of this category, namely Ijtihaadul Fatwa, which is the lowest category of Ijtihaad. It will then become manifest to you that the one who lays claim to even this lowest category of ijtihaad, leave alone Ijtihaad-e-Mutlaq, is trapped in bewildering confusion in his affairs and he languishes in mental corruption. He is among those who wander aimlessly in blindness❖

Imaam Nawawi says in *Ar-Raudhah*: **❖***Istimbaat (Deducting masaail) directly from the Kitaab (Qur'aan) and Sunnah is not permissible except for one who has attained the pedestal of Ijtihad. This has been explicitly said (by the Fuqaha).***❖**

There is no need to comment further on those who have embarked on deviation on the basis of their misconceived ability of **❖**ijtihaad'.

THE PROOF FOR THE PROHIBITION OF HAIR-CUTTING FOR WOMEN

Much has been written on a variety of topics which the deviate has unnecessarily introduced for total lack of Shar'i evidence for his contention of permissibility of hair-cutting for women. His exercise was one of pure diversion. He has attempted to conceal the law of prohibition in a mire of technicalities by introducing such arguments which are unrelated to the Prohibition. We have been constrained to respond to his futility and fallacy to avoid the impression that he has Shar'i facts for his *baatil* opinion.

He has attempted desperately and vainly to divert all attention to issues such as the Hadith of the Tasbeeh of the Malaaiikah. He tried to show that this is a fabricated and a forged Hadith. He laboured under the misconception that if he could succeed in **❖**proving' that this is a fabricated Hadith, the case of Prohibition will break down. He has not succeeded to prove his *baatil*.

It is essential to understand that we did not pivot the authenticity of the Hadith on *Musnadul Firdaus* nor on *Khashful Khafa'*. These kutub were merely cited as added support for the Hadith which has already been substantiated in terms of *Talaqqi bil Qubool*. Even without *Musnadul Firdaus and Khashful Khafa'*, our *Daleel* remains intact. The fulcrum of the *Dalaail* we have presented on this issue is the Rulings of the Fuqaha and Ulama, not what we or anyone else understand directly from the Hadith.

Neither we nor anyone else who follow the Shariah need look anywhere beyond the Fuqaha for the ruling. All the irrefutable *Dalaail* (Arguments and Proofs) are with them. They have stated their basis and they have furnished the Ruling of the Shariah which they have acquired from the loftiest heights by means of a Golden *Sanad* linking them directly to Rasulullah (sallallahu alayhi wasallam) **❖** a Chain in which every Link is of the highest quality and degree of authenticity and reliability. It is this lofty Channel of Transmission which renders the *Ahkaam* formulated by the Fuqaha constituents of the Divine Shariah which was perfected in the time of Rasulullah (sallallahu alayhi wasallam). Attesting to this eternal Haqq, the Qur'aan Majeed declares loudly and forcefully for all and sundry, including deviates to hear:

❖*This Day have I perfected for you your Deen and have I completed for you (O Ummah of*

Muhammad!) My Ni'mat (the Divine Shariah), and have I chosen for you Islam as (your) Deen. ❖

This Perfection and Completion were not postponed by Allah Ta'ala to the age of the Muhadditheen some centuries later.

(Tasbeeh of the Malaaikah in the Heavens)

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❖ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses . ❖

THE AUTHENTICITY OF THE

MUSTADALLAAT OF THE FUQAHA

Mustadal (plural *mustadallaat*) is the basis of the formulation for a Shar'i *hukm* (law). Qur'aanic aayaat, Ahaadith, Statements and Fataawa of the Sahaabah and the Principles of Shar'i Qiyaas form the *Mustadallaat* of the Aimmah-e-Mujtahideen and the Fuqaha. Nothing outside the confines of these Qur'aanic principles is used as a *mustadal* by the Fuqaha.

Shaikh Yoosuf Bin Ismaaeel An-Nibhaani says in his *Hujjatullaahi Aalal Aalameen*:

❖Whoever says that Sunnat is only what is explicitly mentioned in the Ahaadith has in fact rejected all the Math-habs of the Mujtahideen and he has opposed Ijma'. The evil of his belief is not hidden. We seek protection from Allah (against such deviation). It is stated in Al-Yaaqoot Wal Jawaahir, and similarly is it narrated in Al-Meezaanul Khadriyyah (of Imaam Sha'raani) that Shaikhul Islam Zakariyya (among the Shaafi Fuqaha) said: ❖I have, Alhamdulillah, searched for the Proofs of the Mujtahideen (i.e. for their dalaail and mustadallaat). I have not found even a fara' (a mas'alah which is not a principle) from among the Furoo' of their Mathaahib except that it is substantiated by a daleel, either an aayat (of the Qur'aan) or a Hadith or an Athar (statement of a Sahaabi) or Saheeh Qiyaas ❖ based on Saheeh principles❖❖❖..All their statements are derived from the rays of the Noor of the Shariah which is the Foundation. It is impossible to find a fara' (of the Fuqaha) without a basis.❖

From the foregoing explanation it should be clear that when a Muhaddith of the later eras says about the *sanad* of a Hadith: ❖I do not recognize it❖, ❖I do not know it❖, ❖There is no basis for it❖, ❖It is weak❖, etc., etc. , he says so within the limits of his knowledge and investigation. He never directs such comments against the *Mustadallaat* of the Fuqaha who were the *Asaatizah* of the *Asaatizah* of the Muhadditheen.

On the contrary it was the practice of the Muhadditheen to set aside their own Saheeh Ahaadith if there was a conflict with the Practice and Ruling of the Fuqaha. Thus, they would say: **◆ The amal of the Ahl-e-Ilm is on this. ◆** , and they would say this even if they had classified the Ahaadith *Dhaeef*.

Now when the Muhadditheen who had compiled all the Hadith kutub themselves would practise in accordance with the Ahaadith which they themselves had classified *Dhaeef* on the basis of such *Dhaeef Riwaayaat* being the *Mustadallaat* of the Fuqaha, who does the deviate think he is when he gorges out criticism on the illustrious Works of Saahib-e-Hidaayah and the Author of Badaaius Sanaai', Allaamah Kaasaani (rahmatullah alayhimaa)? May Allah Ta'ala save us all from such *dhalaal* , and may He guide those who have deviated.

(Tasbeeh of the Malaaikah in the Heavens)

?????? ??? ???? ??????? ??????? ? ???? ??????? ???????????

◆ Glory to Allah (i.e. He is above all defect)

Who has adorned men with beards and women with tresses . ◆

THE MEANING OF HALQ

The term *halq* brings in its scope even *qasr* (cutting). The Fuqaha and the experts of the Arabic language use *halq* even to describe hair-cutting. In the story of Nabi Ayyub (alayhis salaam) explained in *Tafseer Ibn Katheer* , as well as in most of the other *Tafaaseer* kutub it is mentioned that the wife of Nabi Ayyub (alayhis salaam) had sold her two plaits (tresses) for food. Ibn Katheer explicitly mentions that when Nabi Ayyub (alayhis salaam) saw her **◆ mahlooqur raas ◆** , he lamented and cried to Allah Ta'ala.

Mahlooq is dervied from *halq* which generally and literally means **◆ to shave'.** However, inspite of their being consensus of the Mufasssireen that she had only cut off her two tresses, this act has been described with the term, *halq*, hence *mahlooqur raas*.

Al-Hamawi, the Sharah of *Al-Ashbaah* states:

◆ *The obvious meaning of her making halq of the hair of her head is its removal whether by means of shaving, cutting, plucking and naurah (lime or any chemical substance).* ◆

(Page 73)

Hakimul Ummat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) states in his Imdaadul Fataawa, Vol. 4, Page 229:

◆ *Cutting comes within the scope of halq as well. Hence, the Hadith (on the prohibition of Halq) covers it (i.e. cutting) as well.* ◆

The Authorities of the Shariah apply the Ahaadith which prohibit *halq* to both shaving of the hair and cutting of the hair. The views and decrees of the senior Authorities of the Shariah suffice for the Ummah. No amount of skulduggery and display of expertise in Arabic by deviates and modernists can override the verdicts of the Fuqaha and the Ulama of the Shariah.

Since both acts cause *shain* (ugliness) and *muthlah* (mutilation and disfigurement), they are *Haraam*. Both acts constitute *Taghyeer li khalqillaah* or wroughting change in the natural appearances and forms created by Allah Ta'ala, hence for a woman to shave and cut her hair are *Haraam*. Just as a male's act of cutting his beard is described as *muthlah* by the Shariah, so too is the female's act of cutting her hair described as *muthlah* or mutilation by the Shariah of Allah Ta'ala.

◆ *Verily those who dispute in the Aayaat of Allah without any proof having come to them (from Allah and His Rasul), most certainly in their hearts is the (disease) of kibr (pride) which they will never attain.* ◆ [Qur'aan]

A SUMMARY TO EXTRICATE YOU FROM THE MAZE

The preponderance of *ghutha* which the deviate has presented as his basis and argument for his attempt to legalize what Allah Ta'ala has made *haraam*, and the resultant complicated confusion in the wake of a discussion which should not be for laymen due to their lack of comprehension of academic issues, has undoubtedly created a haze which must have left most ordinary readers in a maze of quandary. They may, therefore, not understand and appreciate the validity of the Shar'i arguments which require proper *Ilm* for comprehension. On the other hand, the requisite of *Ilm* is obviated for gaining comprehension of the *ghutha* of deviates. There is, therefore, a need to present a succinct synopsis of this labyrinthal exposition for the ready comprehension of the ordinary mind unacquainted with the technical intricacies of the principles of the Shariah. Just in

case the deviate pleads ignorance of the term *ghutha* ♦ it is a Qur'aanic and Hadith term meaning *pure rubbish, nonsense, drivel*.

THE SUMMARY

The skeleton of the deviate's ♦proofs' for the baseless claim of the permissibility of hair-cutting for women consists of the following decomposed bones:

- Imaam Nawai's interpretation of the Abu Salamah's Hadith, viz., in this Hadith is the proof for this permissibility.
- Qaadhi Iyaadh's interpretation of the same Hadith.
- Since men are allowed to cut their beards, women too are allowed to cut their hair.
- The prohibition of hair-cutting for women was linked to the then prevailing custom (urf) which considered this act ugly for women. However, the trend has changed. Since hairstyles are regarded as beautiful in this day, hair-cutting is permissible for them.
- The Hadith of the Tasbeeh of the Malaikah which proclaims the beauty of tresses for women is a forgery and a fabrication, and so are any other Ahaadith which ban hair-cutting for women.
- There is no consensus of the Ummah on this prohibition.

OUR RESPONSE

- Imaam Nawawi was a Muqallid of the Shaafi'i Math-hab. The Shaafi'i Fuqaha, including Imaam Nawawi, believed in the strict prohibition of hair-cutting for women to the extent of not allowing women to cut even the size of a third of a finger from their tresses when they have to emerge from Ihraam. In spite of the other three Math-habs allowing the cutting of this extent from the tresses, the Shaafi'i Fuqaha instruct that this amount should be cut from the hair at the back of the neck under the tresses which should be lifted when the cutting is effected. According to Imaam Nawawi it is not permissible for a male to cut his beard even if it has reached more than a fist-length in spite of the fact that this is permissible according to the other Math-habs. To a greater degree does Imaam Nawawi consider cutting of woman's hair to be an act of interference in the natural creation of Allah Ta'ala.
- Taking support from Qaadhi Iyaadh is absurd. According to Qaadhi Iyaadh who is a staunch follower of the Maaliki Math-hab, cutting any part of the body, even a deformity is not permissible since such cutting is an interference in the natural creation of Allah Ta'ala. According to the Maaliki Math-hab of which Qaadhi Iyaadh is a top-ranking Authority, it is not permissible for a woman to cut or shave even the deformity of a beard and moustache growing on her face. When she is not allowed to cut and remove even the ugliness of a beard and moustache on her face, how can an intelligent person accept that Qaadhi Iyaadh condones the cutting of a woman's natural hair which according to Islam is part of her inherent beauty?

- The analogy with beard-cutting is absolutely fallacious. Firstly, beard-cutting has been expressly permitted by the Hadith. Secondly, Imaam Nawawi whom the deviate purports to follow, contends that it is not permissible to cut the beard at all. Even if the beard grows wildly and reaches any length, it is not permissible to cut it. Imaam Nawawi rejects the Hadith narrations as *Dhaeef (Weak)* which according to him cannot constitute a basis for a rule to be formed. Furthermore, the deviate himself claims that one of the narrators of one of the beard-cutting Ahaadith is a *confounded liar', a forger of hadith and a fabricator'*. He thus has absolutely no basis whatsoever for presenting the beard-cutting argument to justify hair-cutting for women.
- *Urf* or custom or *norm of society'* (as the deviate says), cannot override a clear-cut law and practice of the Shariah. It is the other way around. The Shariah's law overrides customs and trends when these conflict with its teachings and principles. The trend of hair-cutting is in conflict with the fourteen century Prohibition and Custom of Islam. Example: all Muslim males shave their beards, in fact this is the trend with 90% of Muslim males today, it will not cancel the Shariah's Prohibition of cutting and shaving the beard. The Law of the Shariah is immutable, absolute and final.
- The Hadith of the Tasbeeh of the Malaaiakah is authentic. There is no defect in it. It has been accepted by **all** Authorities of Islam, including the deviate's Imaam, Hadhrat Maulana Abdul Hayy Sahib. Also Imaam Zayla'i whom the deviate seems to follow much, authenticitated the Hadith. We have already proved the authenticity of this Hadith. Besides this fact, we do not regard this Hadith alone to be the basis of the Prohibition. It has been cited merely in aid of the other Proofs for the prohibition.
- There exists *Ijma'* (Consensus) of the Ummah on the Prohibition of hair-cutting for women. There is not a single Authority of Islam who has ventured the view of permissibility. The deviate has miserably failed to cite even a single Faqeeh who had issued a fatwa of permissibility. Imaam Nawawi's interpretation is not a fatwa. It was an interpretation to clear up the ambiguity in the Hadith and to confirm the Prohibition of hair-cutting. Even the deviate's Imaam, Maulana Abdul Hayy came out strongly with his *Fatwa* of Prohibition and *La'nat* on women who cut their hair.

THE FURTHER PROOFS FOR THE PROHIBITION

- (1). Hair-cutting never was the practice of Muslim women, not even before the advent of Rasulullah (sallallahu alayhi wasallam). It has always been the practice of Muslim women right until the present day to keep long hair.
- (2). The extent which the Shariah allows for cutting is only one third the size of a finger, and this too, when a woman has to be released from the restrictions of Ihraam. This is the unanimous ruling of all Math-habs.
- (3). All the Fuqaha describe the act of hair-cutting for women to be *muthlah* (mutilation) and *shain* (ugliness). Such acts are not allowed.
- (4). All Authorities of Islam regard hair-cutting by women to be an act of *taghyeer li khalqillaah* (changing the natural creation of Allah), which the Qur'aan attributes to Shaitaan.
- (5). The Fuqaha explicitly state that Allah's *la'nat* (curse) settles on a woman who cuts her hair,

and she is not allowed to submit to this command of her husband.

(6). According to Islam tresses constitute a major part of woman's beauty. The authentic Hadith of the Tasbeeh of the Malaikah and the express statement of Ibn Qayyim Al-Jauzi and of others are emphatic on this contention.

(7). Hair-cutting for women is *Tashabbuh Bir Rijaal* (Emulation of men) which is *haraam* and a major sin.

(8). Hair-cutting for women is *Tashabbuh bil kaafiraat* (Emulation of non-Muslim women, which is also *haraam* and a major sin.

(9). All the Ulama unanimously proclaim the Prohibition of hair-cutting for women.

(10). The strongest and most authoritative Proof for the prohibition is that this prohibition is explicitly stated in the most reliable and authentic Kutub of the Fuqaha.

Let it be clearly understood that for gaining awareness of the *Ahkaam* of the Shariah, the only recourse available to the Ummah is the Office of the Fuqaha who were the highest-ranking Representatives of Rasulullah (sallallahu alayhi wasallam). This Office commenced with the Sahaabah. It is not permissible for any Muslim today, be he the most learned Allaamah, to resort directly to the Qur'aan and Hadith for ascertaining a *mas'alah* on which the Shariah has issued its explicit Ruling.

The practice of all great and senior Ulama is to refer to the Kutub of the Fuqahaa and then issue *Fatwa*. Deviates who have become bloated with a false sense of pride imagine that they have mounted the pedestal of *Ijtihaad*. They destroy themselves with such notions of *Takabbur* and mislead others. The Jamaat of Fuqaha whom Allah Ta'ala had created for *Ijtihaad* has left this world more than a thousand years ago after having accomplished their mission which was divinely assigned to them. Now whoever lays claim to *Ijtihaad* in this day is a deviate of demented intelligence, a bogus and a *mudhil*. About the *mudhilleen* (those who lead others astray into the path of deviation leading to Jahannum), Rasulullah (sallallahu alayhi wasallam) expressed his gravest concern and fear for the Ummah.

THE FUQAHA

Shaikh Ibn Taimiyyah (rahmatullah alayh), whom the revilers of Taqleed consider as one of their Imaams, said in Raf'il Malaam: ♦ Verily, the Aimmah (Mujtahideen) who flourished before the compilation of these books had greater knowledge of the Sunnah than the Muta-akh-khireen (the later Muhadditheen). Much of what had reached them (of the Ilm of the Deen) and which was

authentic according to them did not reach us except from un- known entities or with a munqata' (interrupted) isnaad or it (the Hadith) did not reach us at all.❖

THE SUMMING UP BY HADHRAT MAULANA SAEED AHMAD PALANPURI, THE USTAADH OF THE DEVIATE

It is nothing but appropriate to reproduce here the Opinion and Naseehat of Hadhrat Maulana Saeed Ahmad Palanpuri, the Senior Ustaadh at Daarul Uloom Deoband where the deviate had acquired his certificate of qualification. Hadhrat Maulana Saeed Ahmad Sahib is the Ustaadh of the deviate. The venerable Maulana writes:

❖ Maulana Taaha Karaan Sahib is a graduate of Daarul Uloom Deoband. He had studied under me. He had a good ability. In Dorah (the Final Year) he attained first position. His father, Maulana Yusuf Karaan is also a graduate of Daarul Uloom Deoband. His *isti'daad* (ability) too was very good, and he is my colleague .

As you have written, Maulana Taaha Karaan Saahib after having studied here (at Daarul Uloom) went to Egypt and there too he pursued studies. As you have written, having gone to Egypt he set aside the *Maslak and Mashrab* of his Ulama of Deoband. Now what is there to lament about?❖

(Our comment: By this, Hadhrat Saeed Ahmad Sahib implies that what his student has said on the issue of hair-cutting should not be attributed to the Ulama of Deoband. He acquired his views from elsewhere, not from the Ulama of Deoband.)

Hadhrat Maulana Saeed Ahmad Sahib continues:

❖ He has imported liberalism from Egypt . Furthermore, he is not a Mufti. Neither did he learn to be a Mufti here (at Daarul Uloom) nor in Egypt . He has begun to interfere with *Masaa-il* (of the Shariah) merely on the strength of his own knowledge. Thus, his writings could be called articles. It cannot be described as Fatwa.❖

There are many Usool (Principles) for (competency in) Fatwa. It is obligatory on a Mufti to take into consideration such principles (of Ifta). Awareness of such principles is the first obligation of a Mufti. For example in his writings he differentiates between Haraam and Makrooh whereas these terms are technical terminology. If the prohibition of things is substantiated on the basis of the Qur'aan, the Ulama describe it with the term, Haraam, and if the prohibition is substantiated

Similarly, he has understood the act of the Azwaaj-e-Muttahharaat (the Holy Wives of Rasulullah ﷺ), which was restricted to aged widows, to be the general hukm of the Shariat (i.e. applicable to all women). However, he (i.e. Taaha) did not reflect on this fact that the other Ladies of Islam of that age did not adopt that act (the assumed hair-cutting) as their practice. *(As a warning Hadhrat wrote the following Qur'aanic aayat after his comment):*

❖ Verily, in this is a lesson for the People of Intelligence. ❖

In addition, he (Taaha) has not correctly understood the riwaayat (Hadith narration) pertaining to tashabbuh (emulation) of males. In this age the women who have the desire for hair-cutting, entertain this fancy on account of fashion. This, in fact, is tashabbuh with aliens.

I have sent your letter to Daarul Ifta and the answer is annexed hereto. Muslims should repose reliance on only this Fatwa (of Daarul Uloom). They should not accord any reliance to the research of Shaikh Taaha Karaan. Was-salaam. ❖

Saeed Ahmad Palanpuri, Khaadim (Servant) of Daarul Uloom

3rd Rabiul Awwal 1424

(5 th May 2003)

End of Hadhrat Maulana Saeed Ahmad's Fatwa.

There is much *ibrat* for Shaikh Taha Sahib in the unambiguous Naseehat of his Ustaadh.

[illegible]

Subhaanallaah ❖ ***He Who has beautified men***
with beards and women with tresses.

[illegible]

HAIR-CUTTING IS NOT THE ONLY ISSUE

There is no need to produce *daleel* to prove that Islam originated in the era of Muhammad (sallallahu alayhi wasallam) who was the Rasool to whom Islam was revealed. It is also clearer than daylight that the Qur'aan proclaims the completion and the perfection of Islam during the very lifetime of Rasulullah (sallallahu alayhi wasallam). It is also a known and an accepted fact that Allah Ta'ala has undertaken the safeguarding of the purity of Islam.

From this it is simple for the Mu'min to understand that the Shariah of Islam is sacrosanct and immutable. It brooks no interpolation and no change. Its completion and perfection in the age of *Risaalat* firmly and convincingly rule out the possibility of review and reinterpretation of the *Ahkaam* of the Shariah. It should thus be simple Islamic logic for Muslims to understand that the Principles of the Shariah formulated by the Aimmah Mujtahideen who were the Students of the Sahaabah, cannot be employed to bring about any change to the laws of the Shariah which have existed from the time of Rasulullah (sallallahu alayhi wasallam) and his Sahaabah. Any such attempt will be viewed as a satanic plot to unravel and scuttle the Shariah.

Although the current dispute with the deviate centres around a single issue, namely, the act of hair-cutting for women, it does not end there. This is merely the beginning of the opening of an avenue for wholesale submission of the Shariah to personal review and interpretation of Allah's sacred and immutable Shariah. Shaitaan operates in extremely subtle and cunning ways. He enlists a variety of forces and elements in his conspiracy to deflect Muslims from *Siraatul Mustaqeem*. He had succeeded with Bani Israael with the Yahood and Nassaraa. His conspiracy was successful and he achieved the goal of mutilating the Islam of Bani Israaeel beyond recognition.

Shaitaan is ever diligent and perpetually lies in ambush awaiting opportunities to harness the different elements in a variety of guises to scuttle the Shariah of Islam and to transform the Sunnah into a cult of *Bid'ah Sayyiah* (Evil and dark innovation). In former years, a couple of decades ago, the deviates in the community were more exposed to public glare than the deviates of today. The deviates some years ago were the uneducated (Islamically speaking) clean-shaven modernists in their western attire. They were the products of some hybrid secular-religious institutions in which the tuition and influence of the kuffaar orientalist pervaded and predominated.

The modernist deviates did not have the subterfuge of Islamic education acquired from a Daarul Uloom, hence their *baatil* was very conspicuous and the ordinary Muslims in the community, inspite of their ignorance, did not attach any importance to their preachings of kufr. While they too were a threat to the Imaan of the unwary ordinary Muslim, the threat was not as grave and great as the threat which is presently being posed by a new brand of deviate.

THE NEW BRAND

The new brand of deviate who is a dangerous *mudhil* (one who leads others astray) is a molvi, a shaikh, a mufti ♦ one who has gained some knowledge of the Deen at a Daarul Uloom. He is fitted out with Islamic attire and has an Islamic appearance.

The community labours under the impression that he is a guide of the Deen, a *Naasih* (Provider of admonition and advice) and a Defender of Allah's Shariah, when in reality he is the very antithesis of this. In the words of Rasulullah (sallallahu alayhi wasallam) he is a wolf in sheep's skin or a shaitaan in a human body. His mission in life is to utilize the Qur'aan, the Sunnah and the Principles which the Aimmah-e-Mujtahideen had extracted from the Qur'aan and Hadith to dig at the very foundations of the Shariah. His ploy is to present the Shariah as the product of man's reasoning which everyone understands can never be immutable.

Just as the modernist deviates monotonously claim that the Shariah is man-made and is the opinions of the Fuqaha, so too is the molvi-type deviate engaging in the same pernicious plot. The difference, however, is that he seeks to accomplish his nefarious goal by remaining concealed within the Shariah ostensibly asserting his allegiance to the Qur'aan and Sunnah.

The molvi-type deviate generally requires western aid to accomplish his mission. To achieve the aims of the satanic conspiracy, the dead ♦ knowledge' acquired with a darkened heart from his Madrasah is wholly inadequate. Since he feels grossly inadequate in his Deeni attainments in view of the fact that his heart is devoid of the *Noor of Ilm*, he feels constrained to pursue some silly course of study to acquire a degree which has some value in worldly eyes. The molvi/shaikh thus gets transformed into a Mr. and a Professor as well. His make-up and the subterfuge of his Madrasah's certificate position him well for putting into action the plan of shaitaan.

Such deviates engage in the process of dismantling the Shariah, sometimes knowingly and sometimes unknowingly. The one's who have joined the camp of shaitaan without having realized their misfortune, are those who happen to be deficient in intelligence and discernment, or intoxicated with pride and vanity. Nevertheless, they all are cogs in the satanic menace of destroying the Deen of Allah Ta'ala.

Consider the position of the deviate with whom we are presently dealing. He is a molvi who qualified at the highest of our Madaaris, Daarul Uloom Deoband. The Asaatizah at whose feet he sat and from whom he acquired Deeni Ilm, are true Ulama of the Sunnah. This molvi embarks on a controversy based on a personal opinion which is in diametric opposition to the *Fatwa* of the entire Ummah of Islam from the time of Rasulullah (sallallahu alayhi wasallam). The question on which he has stupidly and dangerously voiced his opinion is not a new development. It is not an exigency which requires the invocation of the Principles of the Shariah for securing a ruling. It is not an issue on which his Asaatizah and the other Ulama all over the world have displayed ignorance. It is not a *mas'alah* in regard to which the authoritative kutub of the Deen are silent. It is a well-established and a well-known *mas'alah*.

He cannot present the excuse of being unaware of the *Fatwa* of the Ulama in general, and of his Assatizah in particular, on the issue of hair-cutting for women. But his pride impels him to ignore the fourteen century Ruling of the Shariah, to ignore consultation with contemporary Ulama and to ignore his own senior Asaatizah. Then he blunders into error manifest by setting himself up as a mujtahid. He feels himself competent to do what Imaam Bukhaari (rahmatuylah alayh) found onerous, arduous and fearful. He examines, dissects, interprets, accepts and rejects Ahaadith on which the Fuqaha and Ulama have already issued rulings many, many centuries ago.

He presents argument to detract from the loftiness and the authority of the Aimmah-e-Mujtahideen. He refers to the illustrious Fuqaha as if they are his little brothers. He heaps scorn on the sacred and marvellous Kutub of the Fuqaha which we are required to handle with Wudhu. He subtly attempts to shift the date of the Shariah's commencement to the Muhadditheen, centuries after Rasulullah (sallallahu alayhi wasallam). This dastardly exercise implies:

- That Islam was not completed and perfected during the age of Rasulullah (sallallahu alayhi wasallam).
- That the basis on which the Fuqaha whose Asaatizah were the Sahaabah and the Taabieen had structured the Edifice of the Shariah is flawed and spurious since they had employed such Ahaadith for the formulation of the *Ahkaam* which lacked in authenticity or which were defective, etc.
- That after some centuries true Islam was established when the age of the Muhadditheen dawned, and they revealed the flaws of the *mustadallaat* of the early Fuqaha.
- That on the basis of the satanic principle of 'retrospective relevance' which this puny deviate has evolved, the *Ahkaam* of the Shariah which were formulated by the early Fuqaha can be reviewed and abrogated in view of the supposedly spurious Ahaadith Narrations which had constituted the basis of the Fuqaha.

A man of Ilm is expected to tread warily and not issue opinions which are in conflict with *Fataawa* which have existed in the Shariah for centuries. The man who possesses true *Ilm* will consult on such *masaail* with his seniors. It is his obligation to present his *wasaa'is* to his seniors and gain direction from them.

THE ISSUE

The issue in front of us is not only the *mas'alah* of hair-cutting for women. It is a shaitaani plot. That plot is the concept of reinterpretation of the Shariah which every now and again some deviate propagates in a different guise. In spite of the variance in guise and method, the theme is the same. The aim is the same. The conspiracy is to dismantle the Shariah. And, this goal is attainable only if the authority of the Aimmah-e-Mujtahideen is demolished. This is the reason why deviates of a variety of persuasions always attribute the Shariah to human beings. If they can

succeed to convince Muslims that the Shariah is not the product of the Qur'aan but is the opinion of Ulama, then they feel that their goal will have been achieved.

It should be understood that there was no interval or any vacuum in Islam after the demise of Rasulullah (sallallahu alayhi wasallam), in which there was no Shariah. The efforts of the Muhadditheen centuries later to compile the Ahaadith was not to formulate the Shariah nor does it mean that the process of formulation of the *Ahkaam* was initiated by them. Imaam Bukhaari and all the later Muhadditheen performed Salaat, fasted, performed Hajj and executed the multitude of Shar'i *Ahkaam* in strict accordance with the *fiqhi masaa'il* they acquired from their Asaaizah who were Muqallideen of the Aimmah-e-Mujtahideen. These great Muhadditheen did not wait until they had gathered sufficient *Saheeh* Ahaadith before beginning to perform Salaat. They attended to their Deeni duties and obligations in accordance with the *Masaa'il* handed down by the Fuqaha who came before them.

The two centuries prior to the age of the later Muhadditheen was not a period without the Shariah. Saahib-e-Hidaayah did not formulate the *Ahkaam*. The Shariah was inherited whole and intact by all the Fuqahaa who followed the Aimmah-e-Mujtahideen. The Aimmah-e-Mujtahideen too did not find themselves without a Shariah.

These great Aimmah had for their Asaatizah the noble Sahaabah from whom the Shariah was acquired. It is therefore perfidy and satanic to believe that the true Shariah came into being as a consequence of the Hadith compilation by Imaam Bukhaari, Imaam Muslim and the other Muhadditheen of the later times.

The eagerness with which the deviate seeks to propagate his ♦'retrospective relevance' theory should be seen in the light of the old plot to reinterpret the immutable Shariah. This theory is a sinister plot which originated with the orientilists some decades ago. The hybrid so-called Islamic universities were the main substrata for this satanic plot to subvert Islam by review and reinterpretation. However, the subtle manner in which the ♦'retrospective relevance' theory has been presented has been designed to mislead unwary Muslims.

The plot of this *baatil* theory which in effect is kufr in that its aim is to review and displace the *Ahkaam* of the Shariah by baseless interpretation, is not directed solely to the hair-cutting *mas'alah*. This issue was introduced as a test case ♦ as a feeler ♦ to gauge the attitude of Muslims. The satanic aim is to reinterpret one Shar'i issue after the other until a concept of kufr has been acquired in the name of the Shariah.

It is the Waajib obligation of the Ulama to be alert and diligently confront and expose the deviates who are out to tamper with and scuttle the immutable Shariah of Allah Ta'ala. This Shariah is not the product of any man's reasoning. It is the product of *Wahi*. It is therefore Immutable. In relation to the Ummah right until the Day of Qiyaamah, the Sole Repositories of

Islam and its Shariah and the Sunnah of Rasulullah (sallallahu alayhi wasallam) are the Fuqaha.

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❖ *The Ulama are the Heirs of the Ambiya* ❖

(Hadith)

CALLIGRAPHY?

Calligraphy is not among the proofs of the Shariah. ❖ Shoddiness ❖ of calligraphy does not detract from the effectiveness of the Daleel.

AN ANSWER ALSO FOR THE DEVIATE SALAFIS

The primary aim of this book was to refute the *baatil* opinion of the deviate who had undertaken the satanic obligation of attempting to legalize hair-cutting for women. In the course of this refutation we had to discuss several issues pertaining to Hadith, the Muhadditheen, the Fuqaha, the Shariah, etc.

In the explanations which we have offered in this book will also be a response to the deviate Salafi sect whose mission is the displacement of the Shariah of the Qur'aan and Sunnah in a subtle way common to all deviates of whatever persuasion their deviation may be. The common thread which runs through the variety of deviatism is the assault on the Aimmah-e-Mujtahideen. The claim of all deviates is that the Shariah is the product of the opinion of the Aimmah-e-Mujtahideen. Hence they blurt out stupid questions such as: ❖ Did the Math-habs exist during the time of the Sahaabah? ❖ ❖ Were there Hanafis, Shaafis, Maalikis and Hambalis during the age of the Sahaabah? ❖

With such stupid questions they confuse and mislead unwary and ignorant Muslims. They attempt to create the impression that the teachings of the Math-habs are in conflict with the Qur'aan and Sunnah, hence the *Taqleed* of the Math-habs should be rejected and everyone should become a 'mujtahid' by resorting to Bukhaari Shareef, Muslim Shareef, Tirmizi Shareef and Nasaai' Shareef. People are hoodwinked into believing that by making a 'research' of these few Hadith kutub, they will be able to practise Islam in accordance with the Qur'aan and Sunnah. But this is truly a shaitaani deception and a snare for the ruin of Imaan.

Firstly, we should say with emphasis: ***Yes, the Math-habs did exist during the age of the Sahaabah. In fact, the Math-habs existed even while Rasulullah (sallallahu alayhi wasallam) was alive? And, yes! The Hanafi, Maaliki, Hambali and Shaafi Math-habs did exist, not only during the age of the Sahaabah, but while Rasulullah (sallallahu alayhi wasallam) was alive.***

Anything which did not exist in the time of Nabi-e-Kareem (sallallahu alayhi wasallam) and any *Shar'i Hukm and Principle* which is not in the Qur'aan and Sunnah is not part of Islam. The concept of Islam which the deviated Salafi sect of this age is propagating is an 'Islam' which commenced more than two centuries after Rasulullah (sallallahu alayhi wasallam). By anchoring the Shariah to the Hadith kutub of the later Muhadditheen who appeared on the scene more than two centuries after Rasulullah, the implied claim is that in the interval between Rasulullah (sallallahu alayhi wasallam) and the Muhadditheen, Islam was lost. The true Islam which Rasulullah (sallallahu alayhi wasallam) had established in his 23 year mission of *Risaalat* had been transformed into an alien religion by the opinions of the Aimmah-e-Mujtahideen. This is the logical conclusion stemming from the blind insistence on rejection of the Shariah taught by the Students of the Sahaabah and substituting in its place the new 'shariah' which individuals formulate on the basis of their study of the later Hadith kutub.

Since in the understanding of the followers of Deviatism the true Islam which the Sahaabah had disseminated had disappeared or was largely contaminated with man's opinion, the need arose to restructure the Shariah on the basis of 'saheeh' Hadith, hence the need for Muhadditheen such as Imaam Bukhaari (rahmatullah alayh). Islam 'surfaced' again only after Imaam Bukhaari, Imaam Muslim and other Muhadditheen had compiled their kutub.

The contention of the Salafis and of all deviates is that the Hadith books of the later Muhadditheen should displace the Shariah as is taught by the Four Math-habs. A mere study of the Hadith books will establish one on the path of the Sunnah. In such absurd claims resulting from the teachings of the deviates, the implication is that the knowledge which the illustrious Aimmah-e-Mujtahideen had acquired from the Sahaabah is spurious and the product of opinion. The deviates will conveniently say that it is the product of the opinion of the illustrious Fuqaha while in reality it is the knowledge of *Wahi* imparted by the Sahaabah to the Taabieen from whose ranks arose the illustrious Aimmah-e-Mujtahideen.

The *Ilm of Wahi* acquired from the Sahaabah was transmitted from generation to generation in an

unbroken Golden Chain of great Fuqaha and Ulama of the highest calibre. Imaam Bukhaari and the other Muhadditheen were born into Islam and were practising Islam in exactly the same way as the masses of the Ummah knew it and practised it. The noble Mujtahideen practised Islam as they had acquired it from the Fuqaha.

The mission of Hadith compilation was not undertaken to displace the Shariah which they had inherited from their *Asaatizah* . Never did the Muhadditheen embark on any such vile mission.

When Imaam Bukhaari (rahmatullah alayh) did not rely on his Hadith compilation for his Shariah, what right do stupid deviates of this age have to hoist Bukhaari Shareef as the abrogator of the Shariah which was acquired from the Sahaabah? Shariah which they had inherited from their *Asaatizah* . Never did the Muhadditheen embark on any such vile mission.

When Imaam Bukhaari (rahmatullah alayh) did not rely on his Hadith compilation for his Shariah, what right do stupid deviates of this age have to hoist Bukhaari Shareef as the abrogator of the Shariah which was acquired from the Sahaabah?

The chapters in this book dealing with the utility of the Muhadditheen and related issues are an adequate response and refutation of the baseless 'daleel' of the Salafis and others of the same persuasions. Muslims should not become befuddled by their talk of the 'Qur'aan and Sunnah'. The 'Qur'aan and Sunnah' did not originate more than two centuries after Rasulullah (sallallahu alayhi wasallam) nor were they lost during this interval as were the previous religions. The religions of the other Ambiya were distorted and mutilated beyond recognition by their followers as soon as the Ambiya had departed from the world. But Allah Azza Wa Jal has promised in the Qur'aan that He would guard Islam. Hence, Islam remained intact after the demise of Rasulullah (sallallahu alayhi wasallam).

This Islam of Muhammadur Rasulullah (sallallahu alayhi wasallam) was transmitted to posterity to each successive generation of the Ummah by a Chain of Unbroken Narration. The continuity of the Transmission Process of Islam is unparalleled and unique. Only Shiahs, Salafis and deviates of the variety of breeds believe in the theory of interpolation and each miserable group of deviates has had its claim of 'renaissance.' Every 'renaissance' movement in the Ummah was a movement of Kufr.

It is the incumbent obligation of the Ulama-e-Haqq to be alert and diligently confront the menace of kufr which every now and again raises its head in a different guise and comes painted in a different hue of deception. The Institution which Allah Ta'ala has established on earth for the defence of Islam is the Institution of the Ulama-e-Haqq. Insha'Allah, this Institution will remain to execute its obligation until the Day of Qiyaamah. Declaring this truth, Rasulullah (sallallahu alayhi wasallam) said:

◆ *There will ever remain a Group of my Ummah who will fight on the Haqq until the arrival of the Hour. Those who oppose them or refrain from aiding them will not be able to harm them.* ◆

(Tasbeeh of the Malaaikeh in the Heavens)

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◆ *Glory to Allah (i.e. He is above all defect)*

Who has adorned men with beards and women with tresses . ◆

THE THAANVI ACADEMY

The International Thaanvi Academy of Islamic Research consists of Ulama from various regions, whose function it is to conduct research in spheres of the Shariah. The aim of the Academy is the defence of Islam which has in this day become a toy in the hands of every *mulhid* and *zindeeq*. Every second ignoramus walking the streets considers himself a mujtahid, a muhaddith, a mufassir and a mufti of high rank. This mental ailment being extremely contagious has been responsible for the ruin of the Imaan of numerous Muslims.

The Academy, in its humble and small way, will endeavour to present to Muslims the truth of the Shariah and expose the deception of the deceivers and mis-leaders. This mission requires much research and is a full-time occupation. We are therefore, not in position to entertain any correspondence nor answer questions. Questions on the *Masaail* and *Ahkaam* of the Deen should be referred to other Ulama, to the Daarul Iftas and the Madaaris

Any query anyone has on the Shar'i aspects of the Mas'alah of the Prohibition of hair-cutting for females, may be referred to any of the undermentioned Ulama Organizations:

Ifta Department Daarul Ifta

Madrasah Arabia Islamia Waterval Islamic Institute

P.O.Box 9786 P.O.Box 1

Azaadville 1750 Johannesburg 2000

South Africa South Africa

Daraul Ifta Mujlisul Ulama of S.A.

Madrasah In'aamiyyah P.O.Box 3393

P.O.Box 39 Port Elizabeth 6056

Camperdown South Africa

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South Africa

Daarul Ifta Madrasah Miftahul Uloom

Madrasah Zakariyya P.O.Box 523

P.O. Box 10786 De Deur 1884

Madrasah Zakariyya South Africa

Lenasia 1820

South Africa

Jamiah Miftahul Falaah Daarul Ifta

P.O.Box 213 Daarul Uloom

Harding 4680 Korangi

South Africa Pakistan

Darul Ifta Darul Ifta

Madrasah Taalimuddeen Daarul Uloom Deoband

P.O.Box 26393 P.O. Deoband

Isipingo Beach 4115 Dist. Saharanpur , U.P.

South Africa India

Daarul Ifta Darul Ifta

Daarul Uloom Newcastle Jaamiyyah Masihiyya Ashrafiyya

Private Bag 6637 P.O. Box 546

Newcastle 2940 De Deur 1884

South Africa South Africa

◆ *This Ilm (of the Shariah) will be borne by the pious of every successive generation. They (the Ulama-e-Haqq) will drive away from it (this Shariah) the interpolations of the deviates, the falsehood of the false-mongers and the interpretations of the ignoramuses.* ◆ (Mishkaat)