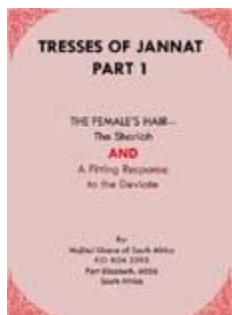


# THE TRESSES OF JANNAT PART 1

## CREATING A BAATIL DISPUTE



It is our misfortune that we had it imposed on us to read a spiritually nauseous essay captioned: *WHAT IS THE SHAR`I RULING ON WOMEN CUTTING THEIR HAIR?* This essay of baatil (falsehood) is the writing of a maulana turned shaykh, Taha Karaan of Cape Town, who deemed it proper to set himself up as a ❖mujtahid'. He thus cast off all vestiges of respect and shame. He achieved this ignoble feat in his miserable and abortive attempt to refute the fourteen century Shar`i prohibition on women cutting their hair. He subtly labours in the hash he has written to set himself up on a superior plane than that occupied by the Aimmah-e-Mujtahideen, Fuqaha and Muhadditheen of the *Khairul Quroon* era (the first three generations after Rasulullah - sallallahu alayhi wasallam). With his shallow intelligence, defective knowledge and oblique vision he deceives himself into believing that he possesses the qualities and the qualifications to refute the sacred rulings which the Aimmah-e-Mujtahideen and the other illustrious authorities of the Shariah have structured on the immutable basis of the Qur`aan and Sunnah❖rulings which have been reliably, authentically and authoritatively transmitted down the long corridor of Islam's fourteen century history.

## DROWNED

Drowned in his dreams of self-deception, this plastic ❖mujtahid' constituted of recycled cheap plastic, has presented his utterly baseless, misleading and deceptive essay to deceive modernists, the unwary and the ignorant. He has stupidly made assertions and assumptions which are entirely bereft of Shar`i substance. His mental gymnastics are so palpably incoherent and untenable that every Muslim, including laymen, who have some understanding of Islam can discern the deviation in which this plastic ❖mujtahid' of this belated era has become entrapped. He has now embarked on the activity of shaitaan to entrap unwary and modernist Muslims into his ideas of baatil and *dhalaal*.

About such ❖scholars and imaams❖ Rasulullah (sallallahu alayhi wasallam) said:

❖*I fear for my Ummah such imaams who will mislead (them).*❖

## BLINDED

When a supposed Aalim who has been schooled initially, i.e. prior to his recyclement in Egypt, in an august Institution of the Sunnah such as Daarul Uloom Deoband, has failed to understand that no man, regardless of what heights he may achieve in the academic and spiritual realms, right until the Day of Qiyaamah, can ever attain the lofty pedestals of Ilm, Taqwa and Ijtihad which Allah Ta`ala has bestowed to that illustrious Band of Fuqaha, the Aimmah-e-Mujtahideen of the *Khairul Quroon* era❖those Men of Islam who were specially created by Allah Ta`ala for the stupendous and glorious task of codifying and systemizing the Shariah, then this should be ample and loud testimony for his spiritual blindness and deviation❖far, very far from Seeratul Mustaqeem and the Path of the Sunnah.

## PUNY

Taha Karaan, the recycled plastic 'mujtahid' on account of his total failure to see how puny he is, has with audacity sought in his essay to refute, reinterpret and modernize the Shariah by summarily rejecting the rulings of thousands of authorities of the Shariah Rulings which have come down from the Sahaabah (radhiyallahu anhum) and in which there has been no dispute for the past fourteen hundred years.

The dispute on the issue of women cutting their hair, has been licked by the maulana-shaykh from the writings and influences of suit and tie wearing modernist shaykhs of the recycling plant in Cairo . He therefore suffers no pangs of conscience when he presents as Shar`i proof the views of modernist so-called muftis who hold no rank whatsoever in the firmament of Shar`i Uloom.

## THE NEED

If it was not for the danger of unwary Muslims going astray by the concoctions presented by a man who has sought to project his image by advertising that he is an Aalim from Dar al-Uloom Deoband an Institution with which we are inextricably associated by virtue of it being the Bastion of whatever Deeni treasures we possess, we would have dismissed his essay as just one more stupid attempt in emulation of modernist *juhhaal* (ignoramus) who appear every now and again with the slogan of reinterpretation of the Shariah. But in view of the fact that he is operating from behind the Daarul Uloom Deoband screen, it has devolved on us as part of our obligation of Amr Bil Ma'roof Nahy Anil Munkar, to respond to his stupid arguments which lack any Shar'i basis. Insha'Allah, we shall show in this treatise how he has floundered; how he is confused; how he attempts to confuse; how he has rejected Islam's Ijma' (Consensus); how he has cast overboard all the principles of the Shariah in his insane attempt to promote the modernist, kuffaar idea of the permissibility of women cutting their hair.

## HIS FAILURE

The plastic or recycled plastic 'mujtahid' has miserably failed to understand how the principles of Fiqh and Hadith operate. While he makes a smattering of a reference to some Hadith principles, it is abundantly clear that he has no proper understanding of the Usool (principles) of Hadith nor of Usool of Fiqh. This is the precise reason for his blundering and audacious trumpeting of stupid conclusions based on incorrect and fallacious premises.

His failure to understand his own academic limitations and the boundless parameters of the vast Knowledge Allah Ta'ala had bestowed to the Aimmah-e-Mujtahideen, has impelled him to present a downright stupid critical analysis of the fourteen century *Ijma'* (Consensus) of the Ummah an *Ijma'* which emanated from the era of the Sahaabah the *Ijma'* on the prohibition of women cutting their hair.

An Aalim of the Deen should at least have that degree of *baseerat* (spiritual perception) and academic

understanding that it borders on the confines of kufr to ❖critically❖ analyse with a view for refutation, teachings and practices which have been in force in Islam and adhered to by the Ummah from the time of Rasulullah (sallallahu alayhi wasallam). When a supposed Aalim fails in this respect, then his *dhalaal* (deviation) and his status as a *mudhil* (one who leads astray others) are conspicuous. About such deviates, Rasulullah (sallallahu alayhi wasallam) said:

❖ *Verily, I fear for my Ummah such aimmah (leaders/imaams who are mudhilleen (those who lead astray the servants of Allah)).* ❖

## THE WAAJIB IQTIDA' AND ITTIBA' OF THE SALF-E-SAALIHEEN

Hadhrat Abdullah Ibn Mas'ood (radhiyallahu anhu), one of the highest ranking Sahaabah, said:

❖ *He who desires to walk along the Straight Path, should incumbently trod the Path of those who have already died (i.e. the Sahaabah). There is no sure safety from fitnah for those who are living. Those (who have already died and are to be followed) are the Companions of Muhammad (sallallahu alayhi wasallam).*

*They were the noblest of this Ummah. In piety they were the most pious. In knowledge they were the most profound. They were the least in observance of formality (show, ostentation, flattery. They were devoid of pretence). Allah chose them for the Companionship of His Nabi (sallallahu alayhi wasallam), and for establishing His Deen. Therefore recognize them (and accept) their nobility (and supremacy), and follow closely in their footsteps.*

*Adhere firmly to the best of your ability to their moral character and lifestyle, for most assuredly, they were on the Straight Path of Guidance.* ❖

*Dhalaal* (deviation) ❖to stray from Seeraatul Mustaqeem and blunder into the snares of shaitaan❖ is the direct consequence of abandoning the *iqtida'* and *ittiba'* of the Salf-e-Saaliheen. When a man decides to set himself up as an independent authority, i.e. abandoning the rulings, advices, interpretations and instructions of the illustrious Salf-e-Saaliheen, he loses the Path which leads to Allah Ta'ala. He wanders off into the wilderness of moral and spiritual ruin.

Safety from *dhalaal* and the attainment of *Najaat* (Salvation) in the Aakhirah are inextricably interwoven with *iqtida'* and *ittiba'* of the Salf-e-Saaliheen ❖ our illustrious and pious Predecessors. The first Links in the Chain of the Salf-e-Saaliheen were the Sahaabah of Rasulullah (sallallahu alayhi wasallam). Their knowledge, piety and authority cannot be questioned. They are the Final Word in the Shariah. Whoever attempts to remove from his neck this glorious, golden and celestial Chain which binds us to Rasulullah (sallallahu alayhi wasallam), and through his medium to Allah Ta'ala, must necessarily fall into error manifest and into the abyss of destruction.

These Celestial Beings, the Sahaabah, passed on the Noor of Ilm from their breasts and hearts to the Fuqahaa of the Taabieen age. This was the second Link in this *nooraani* Chain. These noble Fuqaha and Aimmah-e-Mujtahideen of the Taabieen era in turn passed on the self-same Ilm to their subordinates, the *Tab-e-Taabieen* . In this way, the Links in this golden Chain multiplied with each successive generation until it has finally reached us in this age and from us it will lengthen further to bind the next generation, and so on until Allah Ta'ala wills this sacred Ilm of the Deen to disappear from this earthly stratum.

Whoever attempts to look beyond the confines of the Knowledge of the Salf-e-Saaliheen is doomed to fall by the wayside of deviation leading to kufr and everlasting disaster and ruin in the Aakhirah. There is the danger of *Soo-e-Khaatimah* (an evil end of kufr) for those who become so brazen as to set themselves up as adversaries of the Salf-e-Saaliheen. May Allah Ta'ala save us all from such a disaster which is the worst of all calamities that can befall a Muslim.

The Men of Haqq, when they are in need of a Shar'i ruling, understand their limitations. They only have to search for the verdicts of the Fuqaha and they will be on the strongest and the highest ground where no one, no deviate, no lost soul can assault them. The Ultimate Bastion of Haqq and the Refuge of the Followers of the Sunnah are the Aimmah-e-Mujtahideen and their Muttabieen - the Salf-e-Saaliheen. There never was a Band of Haqq such as them, and never again will the world see the likes of such noble Souls who were the envy of even the Malaaiakah.

May Allah Ta'ala fill our hearts with love for them and establish us firmly in the Taqleed of these Celestial Souls.

### (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 .* ❖

PROHIBITION OF TASHABBUH

(RESEMBLANCE) WITH MEN

Ibn Abbaas (radhiyallahu anhu) said:

**❖ *Rasulullah (sallallahu alayhi wasallam) cursed women who emulate men and (he cursed) men who emulate women.* ❖** (Bukhaari, Abu Dawood, Tirmizi)

Ibn Abbaas (radhiyallahu anhu) said:

**❖ *Rasulullah (sallallahu alayhi wasallam) cursed the waasilah and the mustawsilah, and (he cursed) women who imitate men.* ❖**

(Bukhaari, Muslim)

(Waasilah is a woman who artificially lengthens the hair of women by adding false hair.

*Mustawsilah* is the woman who engages the *waasilah* to lengthen her hair artificially.)

When someone informed Hadhrat Aishah (radhiyallahu anha) of a woman who was wearing shoes which resembled male shoes Aishah (radhiyallahu anha) said:

**❖ *Rasulullah (sallallahu alayhi wasallam) cursed the woman who imitates men.* ❖**

(Abu Dawood)

Hadhrat A b u Hurairah (radhiyallahu anhu) said:

**❖ *Rasulullah (sallallahu alayhi wasallam) cursed the man who wears female garments and the woman who wears male garments* ❖.**

(Abu Dawood)

**( *Tasbeeh of the Malaaikeh as reported by Rasulallah -sallallahu alayhi wasallam- and authenticitated by the greatest and noblest Muhadditheen, the Fuqaha of Islam* )**

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

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

# THE PERSONAL OPINION OF SHAYKH TAHA KARAAN

The Shaykh (previously Maulana) alleges in his essay:

❖ *Opinions have differed around the issue of a woman's (woman) shortening her hair. Some scholars have adopted the position that it is completely prohibited (haraam); others hold the diametrically opposite view that it is permissible (ja'iz, mubah)....* ❖

This is a sweeping statement without basis. It devolves on the shaykh to produce his evidence for this claim. At which stage in the fourteen century history of Islam did this alleged difference of opinion develop on the issue of women's hair? What is the proof for the claim that there have been differences of opinion on the question of women shortening or cutting their hair? Who are the Shar'i authorities who hold the view that it is permissible for women to cut and shorten their hair? In which authentic and authoritative Kitaabs of the Shariah is this difference and this evil alleged permissibility stated? What are the names of the illustrious Fuqaha, Mufasssireen and Muhadditheen who have averred that it is permissible for women to cut and shorten their hair?

It is imperative that the shaykh answers these questions satisfactorily. He has simply postulated an opinion without providing the name of a SINGLE Shar'i authority to substantiate his claim. He has merely presented his personal conjecturing and a statement of a solitary Taabeee ❖ an ambiguous statement ❖ a statement which has been the subject of a variety of meanings and interpretations. Insha'Allah, this ambiguous narration of the Taabeee will be examined and discussed in detail further on in this treatise.

## AUTHORITIES

It is necessary that the shaykh presents the names of some authorities of the Shariah for his claim of difference of opinion on this question. By authorities we refer to the *Salf-e-Saaliheen* , to the illustrious Aimmah-e-Mujtahideen, the Fuqaha and Ulama of the Khairul Quroon era, and even to the Fuqaha-e-Mutakah-khireen (the later Fuqaha from the third century of Islam). The opinions and views of present-day suit and tie shaykhs with clean-shaven faces or with goatee beards, of such shaykhs who are the victims of western liberalism, are of absolutely no significance. They are not enumerated among the Galaxy of Shar'i authorities.

## THE SHARIAH

It should be well understood that the Shariah is not the product of the opinions of the shaykhs,

maulanas and muftis of this belated age. Islam with its Shariah was completed and perfected by Allah Ta'ala during the very sacred lifetime of Rasulullah (sallallahu alayhi wasallam). The Fuqaha of the Khairul Quroon epoch merely systematized and codified the Shariah for the benefit of posterity. They merely elucidated Islam on the basis of the Qur'aanic and Sunnah principles which Rasulullah (sallallahu alayhi wasallam) had left and had instructed the Sahaabah to deliver to the great Fuqaha of the Taabieen era. He thus designated the three initial eras of Islam as the Noblest Ages (Khairul Quroon). Any opinion which is in conflict with the Rulings of the Authorities of the Shariah is *mardood* (accursed and rejected). It has no weight in the Shariah. It is in entirety devoid of Shar'i substance. In simple terms it is drivel and trash as is the opinion of Taha Karaan on the question of women shortening their hair.

### PERCULIAR

It is indeed peculiar that while the shaykh claims that there is difference of opinion among the ❖scholars❖ on the question of women shortening their hair, he has utterly failed to produce the name of a single Scholar of Shar'i authority to back up his opinion. His achievement, or more correctly, his disaster, was to only present his own interpretation of some narrations of dubious meaning, and to clutch at floating straws like a drowning man. Thus he cites ❖urf❖ (popular custom) as a basis for refuting and abrogating a sacred Ruling of the Shariah which enjoys the 14 century Ijma' of the Ummah ❖ a Consensus from the age of the Sahaabah to this very day. The difference of opinion offered by recycled plastic ❖mujtahids❖ and liberal shaikhs, maulanas and muftis of the present age is devoid of Shar'i basis and must necessarily be dismissed as baatil and stupid.

It is the height of absurdity to suppose that an opinion evolved in this age can ever enjoy Shar'i status when it is in conflict with the teachings and practices of the Ummah since the earliest time of Islam.

### IN ERROR

Acceptance of a postulate which is contrary to the fourteen century Ijma' of the Ummah presupposes that the Ummah had dwelled in error and deviation for the past fourteen hundred years, and that this error was discovered only by some non-entity in this age.

The very first hurdle which the shaykh has to overcome is to present the rulings of the Fuqaha in substantiation of his personal idea. If he fails to do so - and most assuredly he will fail miserably as he has failed in his essay - then his baatil should be manifest to even himself. He should then understand that the opinion he has presented is the figment of his imagination. He has no Shar'i support for his opinion.

The Shariah is not the product of the opinion of the non-entities and the plastic ❖mujtahids❖ of this age. The shaykh's personal interpretation of the solitary ambiguous narration which he has tendered as his ❖proof❖, and his understanding of *urf* ❖ cannot abrogate the Ijma' of the Ummah

nor the interpretations which the illustrious authorities of the Shariah have given of the narration which the modernist 'mujtahid' has made his prime basis for his corrupt and baatil view.

### THE 'DIAMETRICALLY OPPOSITE VIEW'

The shaykh needs to mention who are the 'scholars' who hold the 'diametrically opposite view that it is permissible' for women in Islam to cut and shorten their hair. Since he has failed to cite a single Shar'i authority in substantiation of this 'diametrically opposite view', we have to assume that he has sucked it from his thumbs. In short, there is not a single Shar'i authority who hold the alleged 'diametrically opposite view'. The contrary is rather the position of all authorities of the Shariah. The authorities have presented their respective interpretations of the ambiguous and solitary narration to reconcile it with the view of the Ummah, namely, that it is not permissible for women to cut their hair. Insha'Allah, we shall discuss these interpretations later and present the evidence to confirm that there is no contrary view in Islam on the question of women cutting their hair.

### SHAR'I ARGUMENTS?

The shaykh says in his essay:

*'In the ensuing paragraphs the Shar'i arguments supporting the various positions come under discussion.'*

The trash which the shaykh has regurgitated in his essay cannot be considered as 'Shar'i arguments' since he has presented nothing but his personal opinion in conflict with the Shar'i arguments of the Fuqaha.

Furthermore, he has fallen far short in correctly stating the position of those, namely, of the Shariah's authorities, who have ruled that it is not permissible for women to cut their hair. He has either deliberately overlooked the actual basis for the prohibition stated by the authorities or he is entirely ignorant thereof. The latter appears to be the more feasible possibility in view of the stark ignorance he displays of the operation of the Shariah's principles in the formulation, acceptance and rejection of an opinion. This will become more evident as we progress with this discussion, Insha'Allah.

### 'CRITICAL ANALYSIS'

The shaykh has deemed himself qualified to make a 'critical analysis' of the Ruling of the Fuqaha of the Ummah of the Salf-e-Saaliheen of the Khairul Quroon. It should be understood that he has not subjected the rulings of the present-day Ulama for his critical analysis. He has committed this injustice and stupidity in relation to the Rulings of the illustrious authorities of the Shariah of former times of the times when the greatest Stars of Shar'i Uloom flourished. The Ulama of this age are merely narrators of the Haqq which they have received via authentic and authoritative Chains of Transmission.



A man who believes that he has the ability and qualification to make a critical analysis of a question implies that he is greater in knowledge or at least on par with those whose view he has submitted to his critical analysis. The wayward 'mujtahid' implies that he has greater knowledge and greater understanding of the principles of the Shariah than the Aimmah-e-Mujtahideen, Fuqaha, Mufasssireen and Muhadditheen the Salf-e-Saaliheen the Ulama-e-Mutaqaddimeen and Muta`akh-khireen.

Yet it is as plain as daylight that the Toms, Dicks and Harries of these times have no rank in Deeni Knowledge in relation to the Fuqaha of former times. Defective - extremely defective in Imaan and comparatively speaking bereft of Ilm-e-Deen, the puny one-eyed 'mujtahids' dupe themselves to believe that they have the qualification and ability to submit the Rulings of the illustrious Fuqaha to a critical analysis. Lest it be forgotten, we reiterate that the ruling of the prohibition of women cutting their hair is not an opinion which has been formulated by the Ulama of this day. It is the Ruling of the Shariah the Ijma' of the Ummah which we are merely narrating for the benefit of Muslims. While this shaykh may submit our opinions to his process of 'critical analysis', he has absolutely no right whatsoever to even dream that he has the ability and qualification to make a critical analysis of the Rulings of the Fuqaha of Islam.

### AUTHENTICITY?

In his concoction which he describes as a 'critical analysis', the shaykh avers:

*'As an initial point of departure it might be mentioned here that a basic requirement in textual evidence is authenticity. The preceding section contains seven textual arguments, four of which fail to satisfy the requirements of authenticity.'*

In this averment the poor shaykh implies that the great Fuqaha who had cited these 'textual arguments' in substantiation of their ruling of Prohibition had failed to understand that these narrations are unauthentic that they do not 'satisfy the requirements of authenticity'.

Let this shaykh understand that the Fuqaha of former times were not dependent on Bukhaari, Muslim and the many other Hadith Kitaabs for ascertaining the authenticity of the Hadith narrations on which they had based their rulings. The Aimmah-e-Mujtahideen had appeared long before the era of the Muhadditheen such as Imaam Bukhaari (rahmatullah alayh) and Imaam Muslim (rahmatullah alayh).

The Aimmah-e-Mujtahideen had no need to refer to books for guidelines and for seeking principles in the light of which the authenticity of narrations could be ascertained. These illustrious authorities of the Shariah had in fact formulated the principles based on the Qur'aan and Sunnah. Their Ustaadhs were the noble Sahaabah and the Taabieen whose Asaatizah were the Sahaabah.

The inception of Islam was not with Imaam Bukhaari (rahmatullah alayh). The Rulings and practices of Islam were initiated by Rasulullah (sallallahu alayhi wasallam). The rulings issued by the Aimmah two centuries prior to the advent of the great Imaam of Hadith (Imaam Bukhaari), cannot and may not be contested and refuted in the light of Hadith principles evolved

by the Muhadditheen. Imaam Bukhaari or Imaam Muslim may have classified a Hadith as **◆Dhaeef** (**◆Weak**) in terms of their criteria while the same supposedly **◆Dhaeef** Hadith constituted a basis in the process of the formulation of Shar'i Rulings by the illustrious Fuqaha who had preceded Imaam Bukhaari (rahmatullah alayh).

### THE DETERMINANT

The determinant for authenticity of Ahaadith on the basis of which the Fuqahaa had formulated rulings is therefore, not the views of the Muhadditheen, but is the Rulings of the Fuqaha whose opinions have greater backing of the Shariah than the specific classification of Hadith by Imaam Bukhaari and the other Muhadditheen. There also exists considerable differences among the Muhadditheen regarding the authenticity or otherwise of narrations. While one Muhaddith may label a Hadith as **◆Weak** or even **◆Fabricated**, other authorities may find valid grounds for authenticating the narration.

However, if a Mujtahid cites a Hadith as the basis for the mas'alah he has formulated or for his opinion, it goes without saying that the Hadith is authentic. A Mujtahid himself is a Muhaddith of high rank. The Aimmah-e-Mujtahideen **◆the Fuqaha of Islam** - never issued rulings on the basis of fabricated and weak narrations.

If the plastic self-appointed **◆mujtahids**' of this fourteenth century can understand that an unauthentic narration cannot be a basis for a Shar'i *hukm*, did the illustrious Fuqaha of the Khairul Quroon not understand this principle and fact?

Furthermore, the Aimmah-e-Mujtahideen lived in an age in close proximity to the age of Rasulullah (sallallahu alayhi wasallam) and the Sahaabah. They did not appear centuries later as is the case with the Muhadditheen. The Aimmah-e-Mujtahideen - the Students of the Sahaabah - were not dependent on Saheeh Bukhaari, Saheeh Muslim, Nasaai', etc., etc. for executing their sacred task of codifying and systematizing the Shariah. For the process of collating the relevant Shar'i facts and for issuing verdicts regarding Shar'i masaa-il, the Mujtahideen of the early era of Islam resorted to the Qur'aan and the authentic Ahadith which reached them from the Sahaabah or from a small number of intermediaries. The *Sanad* or Chain of Narration linking them with the Sahaabah was extremely short in relation to the lengthy *Asaaneed* (plural of sanad) on which the Muhadditheen had to rely centuries later. The authenticity of the Ahadith cited by the Fuqaha as basis for their masaa-il, is therefore, unblemished.

Regardless of the category to which Muhadditheen had assigned such Ahaadith centuries later, the masaa-il formulated on the basis of the Narrations presented by the Fuqaha remain impeccable in authenticity, and so do the Narrations notwithstanding the later classification which may detract from their authenticity. So if the Fuqaha had accepted a Hadith as the basis for a mas'alah or view, then such acceptance by itself is the *daleel* (proof) for the authenticity of the Hadith. If the classification of a Muhaddith decades or centuries later clashes with the Hadith cited by the Fuqaha, then this later classification will be set aside. It will not be cited in refutation and in negation of the mas'alah which has come down in the Ummah from the Khairul Quroon or accepted and reported by the Fuqaha of Islam. A man who formulates Shar'i ahkaam on the basis of unauthentic narrations can never be a Faqeeh and a Mujtahid. It is therefore highly

irresponsible and ignorant for people in this age to attempt to dislodge the Shar'i ahkaam which the Fuqaha of the Salf-e-Saaliheen era had formulated on the basis of Ahaadith which they had accepted to be Authentic.

### ISLAM'S INCEPTION

Sight should not be lost of the irrefutable fact that the inception of Islam was with Rasulallah (sallallahu alayhi wasallam), not with Imaam Bukhaari (rahmatullah alayh) more than two centuries after Nabi-e-Kareem (sallallahu alayhi wasallam). If the ahkaam of the Shariah adopted prior to Imaam Bukhaari's advent are faulted and assaulted on the basis of the Hadith classification of the later Muhadditheen, the logical conclusion will be that Islam was imperfect and plagued with erroneous masaa-il based on unauthentic Hadith narrations for its entire initial history from the age of the Sahaabah until the time when Imaam Bukhaari compiled his Saheeh. This conclusion is kufr in that it implies rejection of the Qur'aan which testifies to the completion and perfection of Islam during the very time of Rasulallah (sallallahu alayhi wasallam).

### INCONCEIVABLE

It is unacceptable and inconceivable that the authentic Ahaadith of Rasulallah (sallallahu alayhi wasallam) were lost to the Ummah immediately on the demise of our Nabi (sallallahu alayhi wasallam). Shiahs entertain such a belief of kufr. And, then only two and half centuries later the truth was established by the Muhadditheen who had formulated their criteria for the authenticity of Ahaadith. This position and conclusion stemming from the lop-sided reasoning of the plastic 'mujtahideen' of this age has to be necessarily dismissed with contempt.

### OUR CRITERION

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 that Hadith even if centuries later the narration was labelled 'Maudhoo' (fabricated). In this regard, the following appears in Imdaadul Fataawa, Vol.1, Page `47:

*◆ Is the consensus of the Jamhoor Fuqaha not a sign (proof) for the Hadith having strong basis inspite of the 'dhu'f' (weakness) of the circumstance of the sanad (chain of narration)? ◆*

In otherwords: Despite the classification of 'Dhaeef' (Weak) by the Muhadditheen, the Hadith being the basis for the formulation of a mas'alah by the Fuqaha cannot be challenged. The Hadith remains authentic. Its sure proof of authenticity is its acceptance by the Fuqaha and their utilizing it as a basis for ahkaam of the Shariah.

The following appears in Raddul Mukhtaar, page 38, Vol.4:

◆ *When the Mujtahid (i.e. not recycled plastic ◆ mujtahid of this age) makes istidlaal (logically deducts) on the basis of a Hadith, then such deduction (by the Mujtahid), is authentication of the Hadith. ◆*

### ACCEPTANCE BY THE FUQAHA

Ahkaam have been formulated in the matter of *Diyaat* (Penalties for inflicting wounds such as cutting off someone's hand) by the Fuqaha long before the age of the Muhadditheen and Hadith classification. A certain famous Hadith which the Muhadditheen could not locate, forms the basis for the laws of *Diyaat*.

Rasulullah (sallallahu alayhi wasallam) had ordered that a document pertaining to *Diyaat* and *Zakaat* be written to Amr Bin Hazam (radhiyallahu anhu). In spite of important laws (ahkaam) of the Shariah being based on this document, the Muhadditheen were unable to locate it. There is no consensus of the Muhadditheen on the authenticity of this Hadith which explains very important issues, and which has constituted the basis for the ahkaam which the Fuqaha have formulated. The following appears in Vol.4, page 604 of *Ainul Hidaayah*:

◆ *The Aimmah-e-Fuqaha have accepted this Hadith. Ibn Hibbaan and others have authenticated it. In his Risaalah, Imaam Shaafi (rahmatullah alayh) wrote: ◆ The Taabi-een Ulama have accepted it because according to them it (this Hadith) is an authentic Hadith of Rasulullah (sallallahu alayhi wasallam). ◆*

◆ *Ibn Abdul Barr said: ◆ This Hadith is famous to the Ulama of history, and well-known to the Aimmah-e-Fuqaha. Hence, in view of it resembling Ahaadith-e-Mutawaatarah, there is no need whatsoever for its Isnad (Chain of Narration).'*

*Furthermore, this gracious document (of Rasulullah -sallallahu alayhi wasallam) is an all-embracing basis for different laws according to the Fuqaha. A part of it has already been dealt with in Kitaabuz Zakaat. ◆*

The following appears in the *Muqaddamah* (Introduction) of *I'laaus Sunan*, page 38:

◆ *Abul Hasan Bin Hasaar wrote in Taqreebul Madaarik alaa Muatta Imaam Maalik: ◆ When there is no liar in the sanad of a Hadith, the Faqeeh recognizes its authenticity by reconciling the Hadith with some Qur'aanic aayat or some principle of the Shariah. On this basis he accepts it (as being authentic) and he acts on its basis. ◆*

A Hadith which is ostensibly ◆ *Dhaeef*' (Weak) and classified as such, attains authenticity by virtue of several factors:

(1) When a Mujtahid accepts the Hadith as a basis for *istidlaal*

(formulating ahkaam). The fact that the Mujtahid presents this ostensibly *◆Dhaeef* Hadith as his basis and daleel, is evidence of its authenticity. In spite of the Mujtahid having refrained from clarifying the sanad of the Hadith, its authenticity is vindicated by the fact that the Mujtahid has used it as his basis. It is inconceivable that a true Mujtahid would cite as his daleel a Weak hadith. It is a forgone conclusion that the Mujtahid has first satisfied himself regarding the authenticity of the Hadith. Ibn Humaam states:

*◆When a Mujtahid makes istidlaal with a Hadith, he thereby certifies the authenticity of the Hadith.◆*

(2) Acceptance by the Ulama. The acceptance by the Ulama in general, in fact, elevates the Hadith to the category of Mutawaatir. Mutawaatir is the highest classification of Hadith.

Regarding a particular Hadith which the Muhadditheen in general classify as weak or unauthentic, Imaam Tirmizi said:

*◆According to me it is Saheeh because the Ulama have accepted it.◆ (Stated by Allaamah Ibn Abdul Barr)*

(I'laaus Sunan, Vol.1, page 29)

(3) When a Dhaeef Hadith is supported by several different Chains of narration, it is classified as Hasan. It is an authentic Hadith which constitutes Daleel (Proof). It can be used to constitute a basis for the formulation of ahkaam.

(4) Differences among the Muhadditheen regarding the classification of the Hadith elevates it to the category of Hasan. It thus constitutes a basis and a proof. Some say that the Hadith is Dhaeef and some say that it is Saheeh. Such a narration is authentic.

(5) Narrations by the Four Imaams who themselves were great Muhadditheen as well and who were not dependent on the compilations of anyone, are authentic irrespective of the classification by the later Muhadditheen such as Imaam Bukhaari.

### **A UTHENTIC AHADITH**

It is important to understand that Saheeh Bukhaari and Saheeh Muslim are not the sole repositories of authentic Ahaadith. There are hundreds of thousands of authentic Ahaadith contained in numerous Saheeh books of Hadith. Neither Imaam Bukhaari nor Imaam Muslim nor any Muhaddith had ever claimed that his compilation is the only Kitaab of Saheeh Ahaadith.

Imaam Bukhaari (rahmatullah alayh), himself said that he had memorized a hundred thousand Saheeh Ahaadith. However, he has recorded in his Kitaab (Bukhaari Shareef) just over 9000

Ahaadith. What then has happened to the vast remainder of the Ahaadith? Alhamdulillah, these Ahaadith are not lost to the Ummah. Numerous Muhadditheen have compiled these narrations in their respective Kitaabs

The large number of Ahaadith mentioned by Imaam Bukhaari (rahmatullah alayh) is on account of the particular style of enumeration adopted by the Muhadditheen. If the same Hadith is narrated by way of ten different chains of narrators, then the Muhaddith enumerates this one Hadith as ten Ahaadith. The enumeration of Ahaadith by the Muhadditheen is not according to content-matter, but is in terms of number of Chains of Narration.

In addition to the statements of Rasulullah (sallallahu alayhi wasallam) are the statements of thousands of Sahaabah. This combined treasure is called Hadith. This vast compilation of Ahaadith is not confined to a couple of books.

Commenting on Saheeh Ahaadith in other books, Imaam Muslim (rahmatullah alayh) said:

❖ *I have compiled in this kitaab (Saheeh Muslim) Ahaadith which are authentic. I have not claimed that any Hadith which does not appear in this kitaab is Dhaeef (Weak).* ❖

He further commented:

❖ *It is not that I have compiled in this kitaab every Hadith which I believe to be authentic.* ❖

(Fathul Mulhim)

In otherwords, there were many authentic Ahaadith which Imaam Bukhaari and Imaam Muslim had not compiled in their two famous Hadith kitaabs.

From the foregoing discussion, the following will be clear to unbiased persons of proper discernment:

- \* Some Ahaadith classified as Dhaeef are elevated to a higher category and authenticitated on the basis of some factors.
- \* It does not follow that a Hadith which is not in Bukhaari or Muslim is necessarily unauthentic.
- \* The classifications of the Muhadditheen cannot be cited in refutation and negation of the Rulings of the Aimmah-e-Mujtahideen and Fuqaha.
- \* When the Fuqaha cite a Hadith as their basis and daleel, it follows that the narration is authentic irrespective of the category the Muhadditheen have classified it into.

Since the determining factor in authenticity and correctness of the narrations and the Ahkaam is

the verdict of the Fuqaha, there is really no need to present further argument in refutation of the erroneous view on women cutting their hair. The Fuqaha have ruled that this is not permissible and there exists Consensus of the Ummah on this prohibition from the earliest times. Since the shaykh who has peddled this baatil view, is not a Mujtahid, there is no need to go beyond the Fuqaha for ascertaining the correctness of the laws of the Shariah. Their rulings suffice. Nevertheless, we shall proceed with our discussion and refutation so that this issue is properly understood and so that the error of the shaykh becomes conspicuous. This is necessary for the sake of saving people from becoming entrapped in the meshes of those who peddle baatil in the guise of Islam and under the cloak of being scholars.

## THE ALLEGED SPURIOUSNESS

### OF THE AHADITH

In his essay the shaykh alleges that the ahaadith which the Ulama have presented in substantiation of the Shar'i prohibition of females cutting their hair, are spurious and unauthentic. This sweeping claim is indicative of the ignorance of the shaykh. If he was cognizant of the principles of Hadith and the terminology of the Muhadditheen he would not been so audacious in betraying his jahaalat. He has branded as spurious and unauthentic Ahaadith which great authorities of the Shariah have accepted and cited in substantiation of their views on this question.

## THE HADITH REGARDING THE TASBEEH OF THE MALAAIKAH

This Hadith cited and accepted by different authorities of the Shariah states that there is a group of Malaaiakah who recite the following Tasbeeh:

❖ *Pure is He Who has beautified men with  
beards and women with tresses.* ❖

The shaykh brands this Hadith as spurious and unauthentic, and for his claim he advances only the fact that it does not appear in al-Hakim's Mustadrak. The shaykh in rejecting the authenticity of this Hadith says:

❖ *The hadith about the tasbih of the Mala'ikah is ascribed in al-Ajluni's Kashf al-Khafa (no.1447) to al-Hakim, as well as to Ibn Hajar's takhrij of ad-Daylami's Musnad al-Fairdaus. It does not appear in al-Hakim's Mustadrak, so assuming that al-Ajluni's ascription is correct, it would have to be in another work by al-Hakim such as his Tarikh Naysabur. However, that may be, none of this provides grounds for regarding the hadith as authentic. Authenticity is determined through the application of rigorous criteria to a hadith in its full form, mere ascriptions to obscure sources do not suffice.* ❖

In this averment, the plastic ❖ mujtahid' has evolved his own criterion for the authenticity of

Ahaadith. If a Hadith is not to be found in Mustadrak of Al-Haakim, then the Hadith is not authentic. Since when does absence from the Mustadrak of Al-Haakim render a Hadith spurious and unauthentic? Imaam Bukhaari himself mentioned that he had memorised three hundred thousand Ahaadith, of which two hundred thousand are Saheeh. But of these, one hundred and ninety thousand do not appear in Saheeh Bukhaari.

The shaykh could at least have taken some aid from the *muta`annit* and *mutashaddid* (extremist and fanatical) examiners of Ahaadith ♦ those who have labelled this Hadith as ♦ 'baseless', etc. Perhaps he is unaware of this epithet which some extremist examiners have ascribed to this particular Hadith, hence the shaykh had to evolve his own ridiculous principle, namely, that the Hadith is spurious since it does not appear in Al-Haakim's Mustadrak. His case would have been marginally stronger if he had rather said that according to Ibn Jauzi, for example, the Hadith is Dhaeef. Instead of this the shaykh had to resort to his own fabricated and spurious ♦ principle ♦.

He concedes that the Hadith appears in Kashful Khifa. He does concede that the Hadith has been reported by Al-Haakim and also by Ibn Hajar. The only ground he could find for rejecting this Hadith is its absence from Mustadrak of Al-Haakim. But a Hadith cannot be labelled unauthentic or spurious simply because it does not appear in a specific kitaab.

He speaks of ♦ 'rigorous criteria' without specifying the criteria which the Hadith in question does not satisfy. Then he speaks about the need for these criteria to rigourously apply to the ♦ *hadith in its full form* ♦. This specific statement of the plastic ♦ 'mujtahid' will be dealt with later when his main ♦ 'proof', the Hadith of Saheeh Muslim is discussed, Insha'Allah.

He further claims that the sources from which the Ulama cite the Hadith which he has rejected, are ♦ 'obscure', but he has not explained his criteria for confirming ♦ 'obscurity'. Furthermore, on what principle of the Shariah is an ♦ 'obscure' source, if it is *Thikah* (Authentic and Reliable), unacceptable for authenticating a Hadith? What renders a source ♦ 'obscure'? It is necessary for this fourteenth century recycled plastic ♦ 'mujtahid' to expound on his new-fangled criteria and principles of Hadith which he has sucked out from his thumb.

Did the shaykh use the term ♦ 'obscure' in a technical or literal sense? If he has used it in a technical sense, he should define it and apply it to the Hadith in question to prove his contention. If he has used the term in a literal sense, then on what basis has he done so? The sources from which this Hadith has been cited are not obscure. These kutub are well-known to the Ulama. If these books of Hadith, 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.

### UTTERLY BASELESS

The writer of the baatil article then avers:

♦ *Even if it had to be assumed for argument's sake that this hadith is in fact authentic, it would*



*still be a long way from proving that it indicates the unlawfulness of cutting the hair. The fact that Allah adorned men with beards did not preclude Ibn Umar and other Sahaabah 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. ❖*

The reasoning of the shaykh is unsound and stupid. He has miserably failed to understand the reason for the Sahabah trimming their beard to a fist length. The beard is trimmed to a fist length by the instruction and example of Rasulullah (sallallahu alayhi wasallam). Males have to keep beards, but at the same time it is not permissible to keep beards in the style of kuffaar or the followers of other baatil religions. A man may not cut his beard if it has not reached a fist length. It is haraam to cut it and if it is longer than a fist-length, then it is haraam to cut it shorter than this prescribed length. The Shariah has prescribed this limit. But if we assume that the shaykh's argument is correct, then what is the prescribed length of a woman's hair? If she is permitted to cut her long hair as men are permitted to cut their long beards, then what is the prescribed length for her hair?

It is illogical and untenable in the light of the Shariah that there be a prescribed length for the beard of the man, but not for the hair of the woman when both are the basis on which the Malaikah praise Allah Ta'ala, and both are mentioned in the same Hadith in the same tenor and tone. Remember that the shaykh has mentioned ❖the same token❖ in the argument to justify women cutting their hair. So, he has to apply ❖the same token❖ to evolve a prescribed length for women's hair if they choose to cut it. But there is no prescribed length ordained in the Shariah for a woman's hair for the simple reason that they are just not allowed to cut their hair. The hair has to grow to its natural length. But for the beard of men, there is a Shar'i limit.

If he claims that the prescribed length is ❖wafrah' (shoulder length), then this will be rejected as his arbitrary and personal opinion which cannot be substantiated by the slightest vestige of Shar'i evidence. Firstly, the Hadith from which he has understood the permissibility of women cutting their hair, mentions ❖kal-wafrah' (like wafrah or resembling wafrah). It is not definitive. Secondly, there is a variety of meanings for the word ❖wafrah' . It has different meanings. There is not the slightest shred of Shar'i evidence to prefer any particular meaning for the term ❖wafrah' and ❖ kal-wafrah' , and then to qualify the cutting of the hair with it. Such personal opinion cannot be forced into the fabric of the Shariah and expect it to be given divine status.

Since the cutting of the beard to a fist-length is by command of the Shariah and by the practical example of Rasulullah (sallallahu alayhi wasallam), it is permissible and necessary. But there is no such command for women to cut their hair, hence the ❖token' is wrongly imagined by the shaykh.

On the assumption of authenticity which the shaykh has made ❖for argument's sake❖, it should be manifestly clear that it is not permissible for women to cut their hair because:

(1) According to this Hadith, Allah Ta'ala has beautified women with long hair. In other words, he has created long hair for them and decreed it to be their beauty which is a *ni'mat* of Allah

Ta'ala. When a *ni'mat* is rebuffed and discarded, it is ingratitude which is kufr in the literal sense and a major sin. It is thus clear that the Divine Pleasure is in women retaining their long tresses, not ruining it by cutting their hair as kuffaar and lewd women do.

(2) If women are truly allowed to cut their hair short, the Tasbeeh of the Malaaikeh would be futile. While they are glorifying Allah Ta'ala through the medium of the long tresses of women, the latter are cutting their hair and ruining this *ni'mat* and natural feature of beauty which Allah Ta'ala has bestowed to them. This particular group of Malaaikeh is perpetually engaged in reciting this Tasbeeh. It is therefore expected that women will and should perpetually retain their long tresses.

(3) Even if there were no other Shar'i evidence for the prohibition of women cutting their hair besides this Hadith, then too, we can claim without the slightest fear of contradiction from any reliable Shar'i authority that it would have been an adequate basis for this prohibition.

### THE PROOF FOR THE AUTHENTICITY OF THIS HADITH

(1) The soundest proof for the authenticity of this Hadith 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. We have already explained this principle earlier.

\* The highly authoritative Fiqh Kitaab, Badaai'us Sanaa'i states:

❖ *Shaving the beard is of the acts of disfigurement because Allah Ta'ala has beautified men with beards and women with tresses. This is according to what has been narrated in the Hadith, namely, that there are Malaaikeh of Allah whose Tasbeeh is: ❖ Glory unto Allah Who has adorned men with beards and women with tresses. ❖*

(Volume 1, page 141)

Imaam Alaa-uddin Abu Bakr Bin Mas'ud Kaasaani (rahmatullah alayh), famous by his title, Malikul Ulama (the King of the Ulama), who is the author of Badaai'us Sanaa'i substantiates the prohibition for a man shaving his beard and a woman shaving her hair in a unique manner. In spite of there being many Saheeh Ahaadith which explicitly command men to lengthen their beards, he does not cite any of these as proof for his statement that shaving the beard is an act of disfigurement. Rather, he presents the Hadith of the Tasbeeh of the Malaaikeh as evidence for this prohibition. In so doing, he presented not only a basis for the prohibition, but also the reason for the prohibition. The effect of this manner of proving his claim is that shaving the beard is disfigurement since it is the opposite of a long beard which is the *ni'mat* of beauty which Allah Ta'ala has bestowed to males. To display ingratitude for this *ni'mat* by mutilating it with shaving is not permissible, hence shaving the beard is not permissible.

Imaam Kaasaani (rahmatullah alayh) has presented the very same Hadith in substantiation of the prohibition of shaving the head for a woman when she has to release herself from Ihraam during Hajj or Umrah. Thus he states in *Badaa'is Sanaa'* :

❖ *There is no halq (shaving of the head) for women.....because halq for women is disfigurement, hence none of the females of Rasulullah (sallallahu alayhi wasallam) did it. But they trimmed their hair to the extent of an ❖anmulah'( i.e.one division of the finger, which is about two and half centimetres or 25 mil l imetres.)❖*

The Fuqaha and all authorities of the Shariah have understood halq (shaving the head) to be an act of disfigurement for women, and so do they consider shortening the hair. Insha'Allah, we shall cite textual references to substantiate this claim later. And, they have ruled that disfigurement, whether it be for a man or woman is haraam since this comes within the scope of prohibited *Taghyeer li Khalqillaah* (Changing the natural creation of Allah). This argument will, Insha'Allah, be pursued later in this treatise.

(2). The same argument of disfigurement and prohibition is advanced in Tafseer Ruhul Bayaan, Vol.1, page 222:

❖ *Shaving the beard is evil. In fact it is disfigurement and haraam. In the same way that shaving the hair of the head for a woman is disfigurement and prohibited and tashabbuh (emulation) of men, and the elimination of (natural) beauty, so too is it disfigurement and tashabbuh bin nisaa' (or to emulate females) for men to shave their beards. It is prohibited and the elimination of (natural) beauty. The Fuqaha have said: The beard in its time (i.e. when it grows) is beauty while its shaving is the complete destruction of beauty. And the Tasbeeh of the Malaaikeh is:*

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

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

It appears in *Nisaabul Ihtisaab* that among the acts for which a reckoning will be demanded from the perpetrators are the shaving of the beard by men and shaving of the head by women in imitation of men. There is nothing wrong with cutting the beard which is longer than a fist-length because Rasulullah (sallallahu alayhi wasallam) used to cut from his beard lengthwise and breadthwise when it was more than a fist length.

The reason for the Sahaabah cutting their beards to the prescribed length is now clear. This was in emulation of Rasulullah (sallallahu alayhi wasallam). It cannot be extended to women cutting their hair.

If the cutting of the beard to a fist-length was a valid basis for arguing the permissibility of hair-cutting by women, then the Fuqaha, the Aimmah-e-Mujtahideen and all the Ulama would have accepted this averment. But the fact is that ALL the Fuqaha and authorities of the Shariah from the earliest times have maintained that it is prohibited for women to cut their hair. It is only in this belated fourteenth century that modernist shaykhs and plastic ❖mujtahids' have ventured the suggestion of permissibility. But the views of these ❖scholars' are devoid of Shar'i substance and have to be summarily dismissed as baatil and in conflict with the Ijma' of the Ummah.

Ibn Munthir, the Hambali Faqeeh, states in his Al-Mughni, Vol.3, page 464:

❖ *Regarding women, halq (shaving the head) is disfigurement.* ❖

Mullah Ali Qaari, states in Mirqaat, Sharah Mishkaat:

❖ *Verily, thawaaib (tresses) for women are like beards for men in appearance and beauty.* ❖

Ruining the beard by either shaving it or cutting it to less than the prescribed Shar'i length is to disfigure his natural appearance and beauty, which is haraam. In the same way, it is haraam for a woman to cut her tresses since it is regarded by the Shariah as disfigurement of her natural appearance and beauty.

Al-Jauharatun Niyarah states on page 200:

❖ *Verily, halq for women is disfigurement just as shaving the beard for men is disfigurement.* ❖

Regarding the slight cutting of the hair (one *anmulah* ) when a woman has to be released from Ihraam, Al-Maawardi, the Shaafi authority said:

❖ *She should not cut (even this anmulah length) from her tresses (thawaaib), because such cutting makes her ugly. But she should lift her tresses and cut (the anmulah size) from the hair under her thawaaib.* ❖

(Kitaabul Majmoo', Sharhul Muhath-thab, Vol.8, page 177)

In *Kashful Khifaa'*, Vol.1, page 444, the Hadith is narrated as follows:

❖ *Glory to Allah Who has adorned men with beards and women with tresses.* ❖ *Haakim has narrated it from Aishah (radhiyallahu anha). He has mentioned it in Takhreej-e-Ahaadith of Musnad Firdaus Ad-Dailami by Hafiz Ibn Hajar. The author comments: He has linked the (Chain of narration of) it to Aishah (radhiyallahu anha).* ❖

### BASELESS, FABRICATED?

Some examiners of Ahadith have labelled the Hadith of the Tasbeeh of the Malaaiikah as ❖ *Maudhoo'* and ❖ *Munkar'*. Literally these terms mean ❖ *fabricated'* and ❖ *rejected'* respectively. Leave alone laymen, even the Maulanas and the Shaikhs have failed to understand the terms which the Muhadditheen employ. These as well as numerous other terms used by the Muhadditheen, do not convey their literal meanings. These are technical terminology of the Muhadditheen. In most quarters, these terms have been misunderstood or not at all understood as is clear with the example of the plastic ❖ *mujtahideen'* of this era.

Furthermore, some examiners of Hadith like Daar Qutni and Khateeb Baghdaadi are clearly prejudiced. They are termed to be *Muta-assib*. Some are extreme and fanatical in labelling Ahaadith. They are described as *Muta-annit* and *Mutashaddid*. In this group are examiners such as Ibn Jauzi, Moosili, Ibn Taimiyyah, Jurzaqaani, Abu Haatim, Ibn Mueen, Ibn Qitaan, Ibn Hibbaan and many others.

The views of these *Muta-assib*, *Muta-annit* and *Mutashaddid* examiners cannot be accepted nor cited in refutation of the acceptance of Hadith by the Aimmah-e-Mujtahideen and the Fuqaha-e-Kiraam. The Principle of *Talaqqi Bil Qubool* by the Ulama overrides the views of the later Hadith Examiners. As mentioned in our earlier discussion, the acceptance of a Hadith by the Fuqaha outweighs the opinions on authenticity and unauthenticity of the later Muhadditheen.

The Fuqaha had formulated the Shariah on the basis of the Qur'aan and Sunnah more than two centuries prior to the advent of Imaam Bukhaari (rahmatullah alayh). Thus, the opinions of these later Muhadditheen and still-later by centuries, of the array of Hadith Examiners, have to be necessarily set aside, interpreted or refuted to uphold the pure Shariah in the form in which it has come down to the Ummah from the Aimmah and Fuqaha on the direct authority of the Sahaabah.

No one should lose sight of the irrefutable fact that the Taabieen Fuqaha sat at the feet of the Sahaabah. They gained their knowledge of Hadith, Tafseer and Fiqh from the Students of Rasulullah (sallallahu alayhi wasallam) ❖ the Sahaabah. These illustrious Fuqaha and Aimmah-e-Mujtahideen of the Taabieen era in turn passed on the Knowledge of the Sahaabah to the Tab-e-Taabieen.

The Muhadditheen of later times were nowhere near the Stage on which sat the noble Sahaabah imparting the Knowledge of Wahi to the their illustrious Students, the Taabieen who sat at their feet.

Now when a Hadith examiner proclaims as ❖ *maudhoo* ' or ❖ *munkar* ', etc. a Hadith which satisfied the criterion of *Talaqqi Bil Qubool* of the Fuqaha, then it will have one of the following meanings:

- \* The technical meaning of the term applies to the Hadith.
- \* The Hadith had acquired a degree of ❖defect' in its *isnaad* (chain of narrators) on account of the time gap of centuries between them and the illustrious Salf-e-Saaliheen of the *Khairul Quroon* epoch.
- \* The terms have a specific technical meaning exclusive to only the particular examiner and is not accepted by other authorities.
- \* The examiner is a *Muta-assib* or a *Muta-annit* or a *Mutashaddid* .
- \* The examiner's scrutiny is defective.
- \* The examiner is talking plain drivel depending on who he is and what qualifications he possesses.

In short, the conflicting view and designation of every Muhaddith and Hadith examiner, regardless of who he may be, be he Hadhrat Imaam Bukhaari (rahmatullah alayh), will be simply struck down, and not be accorded preference over and above *Talaqqi Bil Qubool* of the gracious Fuqaha whom Allah Ta'ala had created specifically to structure the Edifice of the Shariah on the Foundations of the Qur'aan and Sunnah.

It is indeed ludicrous to expect that the verdicts and edicts which the Aimmah-e-Mujtahideen and the Fuqaha had issued during the Khairul Quroon era when none of the Books of Hadith had existed, be subjected to the examination and criteria of these later Muhadditheen, and worst of all, be negated and refuted on the basis of the scrutinization by those examiners who are non-entities in relation to the Fuqaha. Such views and opinions will be *munkar* in the literal sense, i.e.rejected.

Consider the Hadith :

❖ *The ocean - its water is tuhoor (pure and can purify).* ❖

While Imaam Bukhaari (rahmatullah alayh) has authenticitated this Hadith, other Muhadditheen

claim that the *sanad* of this Hadith is not *Saheeh* (not technically authentic). But, the great Muhaddith, Imaam Tirmizi (rahmatullah alayh) said:

❖ *But this Hadith by me is Saheeh in view of the fact that for it there is Talaqqi Bil Qubool by the Fuqaha and Ulama.* ❖

(Allaamah Ibn Abdul Barr in Istidraak ❖ Muqaddamah I'laaus Sunan)

Imaam Tirmizi (Rahmatullah alayh) who was one of the greatest authorities of Hadith among the Muhadditheen, accepted the authenticity of the aforementioned Hadith, not on the basis of the criteria evolved by the Muhadditheen, but on the basis of *Talaqqi Bil Qubool* of the Fuqaha.

The terms of the Muhadditheen which imply defect in a Hadith are used very loosely by ❖ scholars' with shallow knowledge. They have abused these technical terms of the Muhadditheen to such a degree that even complete ignoramus whose only qualification is the ability to read English books, issue verdicts on the classification of Ahaadith. Every Hadith labelled as ❖ *Dhaeef*' for example, is summarily dismissed and understood to be unauthentic, unreliable and unfit for constituting a basis for Shar'i facts. But this is a great misunderstanding and deception which developed out of ignorance

Imaam Nasaa'i (rahmatullah alayh) said:

❖ *I do not discard a man (i.e. a narrator) as long as there is no consensus (of the Muhadditheen) on his discardence.* ❖

(Muqaddamah I'laaus Sunan, Vol.19, page 37)

This was, in fact the math-hab of Abu Daawood (rahmatullah alayh) who was the Shaikh of Imaam Nasaa'i. When Abu Daawood could not locate a narration of a higher category, he would authenticitate a narration which other Muhadditheen had labelled ❖ *Dhaeef*'.

The following appears in I'laaus Sunan, Vol.19, page 49:

❖ *It is possible that a narrator is Dhaeef (Weak) to one (Muhaddith) and Thiqah (Reliable) according to another (Muhaddith). Similarly, a Hadith can be Dhaeef to some Muhadditheen while Saheeh to others.* ❖

The assignment of a narrator of Hadith to the category of *Dhaeef* is by way of the *Ijtihad* of the Muhaddith. Since such *ijtihad* is not absolute in certitude it is not a proof against another Muhaddith who holds a conflicting view in regard to the Sanad of the Hadith. It is for this reason that there exists considerable difference among the Muhadditheen regarding Hadith classification.

Tirmizi and Ibn Jareer narrated a Hadith with exactly the same *Sanad* (Chain of narrators). Tirmizi's ruling on the Hadith is:

❖ *This Hadith is Ghareeb. In one manuscript he says that it is Munkar. However, Ibn Jareer says: According to us the Sanad of this Hadith is Saheeh. It is very plausible that according to the math-hab of other (Muhadditheen) this Sanad is defective and incorrect....* ❖

It is quite evident that there are differences among the Muhadditheen regarding their criteria for the authenticity of Hadith and the reliability of narrators. Such differences lead to conflicting opinions regarding the authenticity and unauthenticity of Hadith narrations. The views of a particular Muhaddith cannot therefore be summarily imposed on others simply because these appeal to whim and fancy. In view of the substantial difference in the conditions stipulated by the various Muhadditheen, a narrator may be unreliable to one Muhaddith while reliable to others.

Allaamah Zafar Ahmad Uthmaani (rahmatullah alayh) says in I'laaus Sunan , Vol.19 page 55:

❖ *It does not follow that a Hadith which is authentic according to one (Muhaddith), is necessarily authentic according to others nor is it necessary that a narrator who is unreliable to one (Muhaddith) is unreliable to others.* ❖

The following is said in Tadreebur Raawi:

❖ *When it is said that this Hadith is not Saheeh it means that its isnaad (chain) is not authentic on the basis of the stated conditions (of the particular Muhaddith). It does not mean that the Hadith is false in actual fact..* ❖

The Author, Allaamah Zafar Uthmaani, commenting on this, says:

❖ *It is permissible to formulate a basis (for a hukm) with a Dhaeef Hadith when there is an indication for its authenticity. By the same token it is permissible to refrain from acting on the basis of a Saheeh Hadith when*

*there is a factor pointing to its opposite (i.e. it is unauthentic).* ❖

Copious evidence exist in the Kutub of the Muhadditheen and other authorities of the Shariah, that Hadith narrations rejected by some Muhadditheen are accepted by others, Ahaadith labelled as ❖ *Dhaeef*' by some are used as a basis for formulation of *ahkaam* by others by virtue of these Ahaadith being of the *Saheeh* category in terms of their criteria.

This subject is vast and cannot be dealt with in this treatise. We have touched on it briefly to present a sample for comprehension to facilitate understanding of our discussion.

Furthermore, it will not really benefit the public at large. We have merely touched on this topic to show that what the plastic ❖ *mujtahid*' claims about the Ahaadith which enjoy the honour of *Talaqqi Bil Qubool* of the Fuqaha is plain nonsense and has to be dismissed with contempt in



view of the fact that he has set himself up as an adversary of those great Stars of Shar'i Uloom who had adorned the firmament of Islamic Knowledge and Piety during the Khairul Quroon.

It should now be abundantly clear that the Hadith pertaining to the Tasbeeh of the Malaaiakah is authentic and a valid basis to cite as evidence for the prohibition of women cutting their hair. It is a Hadith which has fully satisfied the overriding principle of *Talaqqi Bil Qubool*.

## THE HADITH PROHIBITING AL-JUMMAH FOR WOMEN

The Hadith in question is:

❖ *Abdullah Bin Umar (radhiyallahu anhu) narrated that Rasulullah (sallallahu alayhi wasallam) prohibited jummah for free women, and iqsah for slave women.* ❖

(Al-Mu'jamus Sagheer of Tibraani)

*Jummah* is described as hair which reaches the shoulders. *Iqsah* is hair into a bun on top of the head.

Commenting on this Hadith, the shaykh says in his essay:

❖ *The hadith prohibiting the jummah for a free woman is documented in al-Musnad as Saghir by al-Tabarani (no.363). Al-Haythami has correctly remarked in Majma'as-Zawahid (vol. 4 p.169) 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.* ❖

The shaykh is clutching at straws by casting aspersions on the authenticity of the Hadith. In spite of all the narrators being reliable, he dreams of ❖problems' in the authenticity of the Hadith. He subtly seeks to dismiss the authenticity of this Hadith by saying: ❖ *due to a problem with the continuity in its chain of narration* . ❖

He writes as if there is complete unanimity among the Muhadditheen on the ❖requirements of authenticity❖. We have already shown earlier that there exists substantial difference of opinion among the Muhadditheen on this issue. It is necessary that the shaykh defines the ❖requirements of authenticity❖ and the ❖problem❖. According to the *Ahnaaf*, the *Maraasil* (Mursal Ahaadith), i.e. in which the continuity is uninterrupted, are Saheeh and form a valid

basis for deduction and evidence. This is also according to others besides the *Ahnaaf* .

In *Sharah Musnad-e-Abu Hanifah*, Imaam Hummaam Mullah Ali Qaari states:

❖ *The Maraaseel are authentic. Verily, the Mursal Hadith is a hujjat (proof) according to us (Ahnaaf) per se. And according to others when a Mursal is supported by another Mursal in which the deleted narrator is not the same as the one deleted in the other Mursal, then it (the Mursal Hadith) constitutes hujjat (proof) .*❖

Thus the ❖continuity❖ argument tendered by the shaykh is devoid of substance. The authorities even among the later Muhadditheen accept Mursal narrations as valid grounds for the deduction of Ahkaam (Shar'i laws) with differing conditions according to different authorities.

In his *Al-Hallul Mufhim* of Saheeh Muslim, Hadhrat Maulana Rashid Ahmad Gangohi (rahmatullah alayh) commenting on the Hadith referring to the Wives of Rasulullah (sallallahu alayhi wasallam) ostensibly cutting their hair, says:

❖ *We have a need to present these i nterpretations because Rasulullah (sallallahu alayhi wasallam) prohibited free women from jummah (i.e. from this male hair-style) as it is mentioned in Jam'ul Fawaaid.* ❖

This Hadith is also narrated in *Majmauz Zawaa-id* where it is explicitly stated that all the narrators of this Hadith are reliable. The views of those Hadith examiners who aver that the Hadith is ❖Dhaeef' or it belongs to some category of Dhaeef narrations, cannot be imposed on the whole world. Even according to the shaykh, the only ❖problem' is with the ❖continuity' of the Hadith. But this is irrelevant to the *Ahnaaf* as well as to most other authorities. The Hadith has been cited as evidence and it has been accepted by the Ulama as such without the stupid aspersions which the shaykh casts on the authenticity of the narration. This Hadith satisfies the principle of *Talaqqi Bil Qubool* of the Fuqaha. Its authenticity cannot therefore be defaulted in any way.

Regarding the Hadith the prohibition of the ❖jummah ' hairstyle for women, the Author of *Faidhul Qadeer* who cites the Hadith, comments:

❖ *Tibraani narrated it in Al-Kabeer and As-Sagheer. The narrators of As-Sagheer are reliable. It is indeed surprising that the Author (Tibraani) has ignored the Saheeh Tareeq (Chain) and preferred the defective one .*❖

(Vol.2 page 312)

The difference of the Hadith examiners should also be evident from this comment. While the one

proclaims the one Chain of Narration to be Saheeh, the other one says that it is defective. Both accept the authenticity of the Hadith, but on the basis of different chains of transmission. The chain which is Saheeh to Tibraani is defective to the Author of Faidhul Qadeer and vice versa.

When some authorities have accepted the authenticity of the Hadith inspite of others labelling it as ❖ *Dha-eef* ', it is stupid for a non-entity who holds absolutely no rank in the recognition and classification, *jarah* (criticism) and *ta'deel* (authenticating) of Hadith and their narrators, to pass a verdict and claim that the Hadith is defective. His stupidity becomes particularly bizarre and absurd when the Hadith has satisfied the principle of *Talaqqi Bil Qubool* of the Fuqaha.

The Fuqaha have accepted the authenticity of this Hadith and have presented it in refutation of the baseless interpretation of the hair-cutting narration which appears in Saheeh Muslim and which forms the main argument of the plastic ❖ *mujtahid* ' who has assumed it on himself to reject the fourteen-century *Ijma* ' of the Ummah on the prohibition of women cutting their hair. Hence, Hadhrat Maulana Rashid Ahmad Gangohi (rahmatullah alayh) says in *Al-Hallul Mufhim Li-Saheehil Muslim* :

❖ *We are constrained to make these interpretations in view of the fact that Nabi (sallallahu alayhi wasallam) had prohibited free women from jummah (hair style) .* ❖

From this it is clear that the understanding of the Ulama regarding the jummah prohibition is that women are not permitted to cut their hair to shorten it to this length. The Hadith in Muslim Shareef has another meaning which does not conflict with the jummah Hadith. The meaning which the writer of the baatil essay has ascribed for the Hadith is erroneous and cannot be corroborated by any of the authorities of the Shariah from the earliest time. Only suit and tie wearing shaykhs who have deviated far from the Sunnah, will support the baatil views peddled in the essay.

## THE MEANING OF THE JUMMAH HAIRSTYLE HADITH

Al-Mu'jamus Sagheer of Tibraani defines jummah as follows:

❖ *The hair of the head which reaches the shoulders.* ❖

As-Siraajul Muneer gives the same definition.

The following definition appears in *Lisaanul Arab* of Ibn Manzoor Jamaaluddin Muhammad Bin Mukarram Ansaari:

❖ *Jummaḥ of the hair: It is more than waḥrah. Jummaḥ is hair which reaches the shoulders. In this regard is the Hadith of Aishah (radhiyallahu anha). She said: ❖ Verily there developed for me jumaimah. ' - i.e. her hair grew abundantly. Jumaimah is the diminutive of jummaḥ. In the Hadith it is narrated: ❖ Allah curses the women who adopt the jummaḥ hairstyle in emulation of males .❖*

It has been said that jummaḥ is more than *limmah* (also a hairstyle).-- Meanings differ. Ibn Duraid said that it (jummaḥ) is ❖ *abundant hair.*❖

Let us now come to the personal opinion of shaikh Taha. He says in his essay:

❖ *But even if the hadith should be assumed to be authentic, it still would not indicate the unlawfulness of cutting hair per se. The hadith does not speak of the length of the hair or the issue of shortening it, but rather of the manner of keeping it. Slave women are prohibited from keeping it clasped in a bun or braided since this manner of keeping the hair was characteristic of free women. Free women on the other hand are prohibited from letting the hair fall loosely over the shoulders since this manner of keeping the hair was specific to slave women. The underlying intention was thus to maintain a distinction in appearance ❖ an objective reflected in several instances in the Qur'an and the Sunnah. This meaning of the hadith is given by al-Munawi in Fayd al-Qadir (vol.6 p.312) ❖*

Al-Munawi in Faydh al-Qadir on page 312 of Volume 6 very explicitly says: ❖ **The narrators of As-Sagheer are Thiqaat (Reliable)** .❖ In other words, the narrators of the jummaḥ Hadith recorded in Al-Mu'jamus Sagheer of Tibraani are all Reliable, hence the Hadith is authentic. But the shaykh who refutes the Ijma' of the Ummah on this issue, inspite of the reliability of ALL the narrators of this Hadith rejects it as unauthentic on the spurious basis of ❖ 'continuity' which he has fabricated.

Inspite of Allaamah Munaawi's authenticification of the Hadith and shaykh Taha's rejection of this authenticity, he (Taha) made an abortive attempt to cite the self-same Allaamah Munaawi to rescue him from his predicament. Thus he claims that in Faydhul Qadeer (Fayd al-Qadir) , Allaamah Munaawi supports the interpretation of ❖ 'distinction in appearance'. But this claim is only partially correct. Allaamah Munaawi does not aver in Faydhul Qadeer that the reason for the prohibition of the jummaḥ hairstyle for women is ❖ 'to maintain a distinction in appearance'❖ between free and slave women.

The distinction in appearance is restricted to slave women, not to free women. The *Iqsah* hairstyle was prohibited for slave women to distinguish them from free woman. Free women were prevented from jummaḥ hairstyle, not for the sake of maintaining a distinction between them and slave women, but to maintain a distinction between them and males. Since the reason

was not to maintain a distinction in relation to slave women, Allaamah Munaawi is silent on this whereas he explicitly states the reason for the prohibition of Iqsah hairstyle for slave woman.

While shaykh Taha cites the volume and page number of Faydhul Qadeer, he does not quote the precise commentary of Allaamah Munaawi who says in his Kitaab:

❖ *He (Nabi - sallallahu alayhi wasallam) prohibited jummah for a free woman, i.e. from loosely hanging the hair on her shoulders, and he prohibited Iqsah , i.e. tied up hair (On top of the head) for a slave woman because of the resemblance with free women .❖*

Allaamah Munaawi does not tender the reason for the prohibition of jummah for free women. He restricts the maintenance of distinction to the Iqsah hairstyle. This is directed to only slave women. While Allaamah Munaawi is silent on this issue, other Shar'i authorities have explicitly stated the reason for the prohibition of the jummah hairstyle. Stating the reason for the prohibition of the jummah hairstyle for free woman, Ibn Manzoor Al-Ansaari, in his Lisaanul Arab, comments:

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

❖ *i.e.resemblance with men (or imitating them). It is Makrooh (Tahrimi), because verily she is accursed.❖*

Allaamah Azeezi states in Siraajul Muneer, Vol.4 page 361:

❖ *Jummah, i.e. hair of the head which hangs on the shoulders.*

*Iqsah, i.e. tied hair. The free woman has been prohibited from loosely hanging the hair on her shoulders because of the resemblance with men. And the slave woman has been prohibited from iqsah tied-up hair because of the resemblance (imitation) with free women .❖*

While Allaamah Azeezi says that the *isnaad* of the Hadith is *Dhaeef* , Allaamah Munaawi says that all the narrators of the Hadith are *Thiqaat* (Reliable). It has already been explained earlier that ❖ *Dhaeef*' is a technical term which has different meanings to different Muhadditheen by virtue of the different criteria which have been formulated for scrutinizing Ahaadith.

The writer of the baatil essay has thus presented his personal opinion which he has endeavoured to peddle in the guise of it being the rationale for the prohibition allegedly presented by Allaamah Munaawi. The Ulama have clearly stated that the basis of the prohibition is emulation of the hairstyle of males. The idea of the shaykh therefore is devoid of Shar'i substance.

Jummah was a hairstyle of men. They would leave their hair to grow until it hung on the shoulders. In spite of the fact that the females never ventured into the public with their hair exposed, they were forbidden from *tashabbuh bir rijaal* (emulating men) even in the privacy of their homes and even if their hair remains concealed. This stringent prohibition is due to the fact that Allah Ta'ala curses women who imitate men. This Divine Curse is stated categorically and explicitly in the Hadith. Its clarity and authenticity are such that even the modernist shaykh will not dare to deny it.

All unisex styles are accursed and haraam. Nowadays it sometimes become extremely difficult to differentiate between a male and a female on account of the satanic unisex styles in both garments and hairstyles. Islam does not permit such accursed shaitaaniyat, hence its women were prohibited from the jummah hairstyle since it was a male hairstyle.

The style of Rasulullah's prohibition is significant. It is a double prohibition. Without stating the reasons for the prohibition, the Hadith prohibits two acts which are evil and accursed for women. The one is resemblance with men, and the other is cutting her hair.

How does a woman with long tresses accomplish the feat of adopting a jummah hairstyle ♦ hair which reaches the shoulders? The only manner in which she can achieve this is by cutting her hair. She will have to cut her *thawaaib* (long tresses) which are the subject of the Malaaiqah's Tasbeeh ♦ which are her natural beauty bestowed to her as a wonderful *ni'mat* by her Rabb, Allah Azza Wa Jal. When she cuts these beautiful Allah-given *thawaaib*, she displays her ingratitude to Allah Ta'ala; she brings herself within the ambit of Allah's La'nat thereby placing herself in the camp of shaitaan. The women to whom this prohibition was directed were women with *thawaaib* (long tresses). They could not have adopted the jummah (male-style hair) without resorting to cutting and mutilating their *zeenat* (beauty). It is precisely for this reason that the Fuqaha say that cutting hair is *muthlah* (mutilation and disfigurement) for women. Insha'Allah, we shall cite the references in substantiation later in this treatise.

Then, the strongest *daleel* (proof) for the authenticity of this Hadith as well, is *Talaqqi Bil Qubool* of the Fuqaha. They entertain this Hadith and produce it as evidence for the prohibition of cutting hair by women. This *Talaqqi Bil Qubool*, as mentioned earlier in this treatise, overrides all other factors which miscreants and deviates have utilized to legalize the accursed haraam act of cutting hair by women. In the presence of this principle every other argument will be thrown out of the window.

The foregoing discussion on this Hadith has established that:

(1) Shaykh Taha's claim that the Hadith is unauthentic is fallacious and based on his stupid opinion spawned by the liberal accretions which has mutated his ilm. Such accretions were gained at institutions which have long ago abandoned the Sunnah and the Waajib Taqleed of the Aimmah-e-Mujtahideen.

(2) The rationale for the prohibition of jummah is not to maintain a distinction in appearance between free and slave women, but to maintain a distinction between females and males.

(3) The shaykh has misinterpreted Allaamah Munaawi's interpretation and presentation of the reason for the prohibition.

(4) The Hadith is authentic and a perfect *mustadal* (basis of deduction) for the prohibition of cutting hair for women.

### THE HADITH ON SHAVING THE HEAD

The Ahaadith of Rasulullah (sallallahu alayhi wasallam) prohibit women from shaving their heads. The act of shaving the head is a practice for only males. Yet, the shaykh of the baatil article writes:

❖ *The hadith prohibiting a woman from shaving the hair of her head is documented by both an-Nasa'i (no.5064) and at-Tirmidhi (no.917). The latter also points out its cause of defect on account of which it falls short from being authentic .❖*

The shaykh has indeed descended to a ridiculously low ebb of *jahaalah* by contesting the authenticity of a Hadith on which the entire world of Islam ❖all Four Math-habs ❖and all Fuqaha and Ulama from all times have formulated the ruling that it is haraam for a woman to shave her head. Did the Aimmah-e-Mujtahideen and the thousands of Fuqaha which have adorned Islam's horizon of Knowledge not possess sufficient understanding of Hadith and its classification to register their consensus on the prohibition of shaving the head for a woman, and then cite as their basis the Ahaadith which the modernist claims to be defective and unauthentic? Were all these illustrious Fuqaha of Islam stupid and only this fourteenth century modernist shaykh qualified in the Usool of Hadith? The only legless shred of support he has mustered for his contention is that Imaam Tirmizi has pointed out its cause of ❖defect'. On the basis of this straw he ridicules the Hadith of Rasulullah (sallallahu alayhi wasallam) and brands it as unauthentic. Let us now refer to the illustrious authorities of Islam to ascertain the state of the Ahaadith which prohibit a woman from shaving the hair of her head.

❖ *Hadhrat Ali (radhiyallahu anhu) narrates that Rasulullah (sallallahu alayhi wasallam) prohibited a woman from shaving her head. He said: ❖On her is only taqseer (trimming, i.e. when releasing herself from Ihraam).' Tirmizi and Nasaa'i recorded this Hadith. Its narrators are mauthooqoon (reliable) except that he (Imaam Tirmizi) differed regarding its wasl and irsaal ❖Diraayah .❖*

( *Wasl* refers to a Chain of narrators from which none has been deleted. *Irsaal* is a Chain from which one or more narrators have been deleted).

The difference in the *isnaad* of this Hadith being continuous is firstly not unanimous among the Muhadditheen. Secondly, as we have pointed out earlier, *Mursal* Ahaadith are *hujjat* (proof) according to the Fuqaha. Thirdly, this Hadith is supported by other Ahaadith on this issue. It thus gains strength in its authenticity. It being *Mursal* does not detract from its authenticity. Fifthly, all its narrators are Reliable. Hence it is absurd to brand this Hadith unauthentic.

Furthermore to dismiss this authentic Hadith which has been accepted by the Fuqaha and Muhadditheen of all Math-habs, by simply making an adverse comment without presenting a full explanation, is deceptive and an attempt to pull wool over the eyes of those who have no understanding of the principles of Hadith. It is dishonest to merely say that Imaam Tirmizi ❖ points out its cause of defect on account of which it falls short from being authentic. ❖ If this Hadith was truly unauthentic according to Imaam Tirmizi, then why did he enter it into his Compilation, *Jaami' Tirmizi*? According to the great Ulama, all the Ahaadith in kitaabs such as *Jaami Tirmizi*, *Sunan-e-Abi Dawood*, *Sunan-e-Nasaa'*, *Musnad Ahmad*, etc. are *Saheeh* and valid basis for deduction of *Ahkaam*.

In spite of these Books of Hadith containing *Saheeh*, *Hasan* and *Dhaeef* narrations, they all are worthy of being presented for evidence (*Ihtijaj*) because the *Dhaeef* narrations of these Compilations approximate the category of *Hasan*. It should be remembered, as we have already explained earlier, that these are technical terms of the Muhadditheen, hence these designations should not be understood literally to mean that a *Dhaeef* (❖Weak') Hadith is unfit, unreliable and unauthentic. Stupid people who do not possess a proper understanding of this branch of Knowledge make such silly conclusions to suite their whimsical opinions of liberalism and modernism.

We shall now quote the full text of Imaam Tirmizi's comment on this Hadith. This great Imaam who gives priority to the principle of *Talaqqi Bil Qubool* of the Fuqaha, thereby assigning his own Hadith acceptance criteria a secondary role, states in his *Jaami'* after having accepted the Hadith:

❖ *Muhammad Bin Musa Jurashi Basri narrated that Abu Dawood T ayaalasi narrated that Hammaam narrated that Qataadah narrated that Khilaas narrated that Hadhrat Ali (radhiyallahu anhu) said: ❖Rasulullah (sallallahu alayhi wasallam) forbade that a woman shaves her head.'* ❖

Then Imaam Tirmizi brings in support the same Hadith but with a variation in its *isnaad* (chain). Thus he states:

❖ *Muhammad Bin Bishaar narrated to us that Abu Dawood narrated that Hammaam narrated that Khilaas narrated similarly (i.e. as the previous Hadith). And he did not mention ❖narrated from Ali❖. Says Abu Eesaa (i.e.Imaam Tirmizi): There is idhtiraab in the Hadith of Ali (i.e.in the*



*Chain which terminates on Hadhrat Ali - radhiyallahu anhu). ❖*

Then, Imaam Tirmizi producing another Hadith in substantiation of this Hadith, says:

*❖ This Hadith has been narrated by Hamaad Bin Salamah who narrates from Qataadah who narrates from Aishah (radhiyallahu anha) who said: ❖ Verily, Nabi (alayhis salaam) prohibited that a woman shaves her hair.. ❖ Commenting further, Imaam Tirmizi says: ❖ The amal (practice) today by the People of Ilm is on this (prohibition). They do not opine shaving for a woman (i.e. for releasing her from ihraam). They opine that, assuredly, taqseer (trimming the hair the extent of one anmulah) is on her (i.e. obligatory on her). ❖*

(Jaami Tirmizi, Page 111)

This commentary of Imaam Tirmizi is indeed very far from the erroneous conclusion the shaykh is trying to peddle.

*Idhtiraab* is a technical term. A Hadith in which there is the quality of *idhtiraab* is a narration in which there is such difference, the reconciliation of which is difficult. Here the *idhtiraab* is in the isnaad, not in the content matter ( *matan* ) of the Hadith. However, in view of the variety of narrations on this subject and prohibition, the *idhtiraab* is overlooked and the Hadith is regarded as authentic, hence Imaam Tirmizi accepted it.

Imaam Nasaa'i has also recorded this very same Hadith with the very same isnaad in his Sunan. But he has not cast any aspersions on the Hadith thereby indicating his acceptance of the authenticity of the Hadith. (Page 275)

Abu Dawood records the Hadith in his Sunan with different chains of narrators. He states:

*❖ Muhammad Bin Bakr informed us that Ibn Juraij said that it has reached me from Safiyyah Bint Shaibah Bin Uthmaan -she said: Umm-e-Uthmaan informed me that, verily, Ibn Abbaas (radhiyallahu anhu) said that Rasulullah (sallallahu alayhi wasallam) said: ❖ There is no halq (shaving of the head) for a woman. There is only taqseer (trimming) for them. ❖*

Recording the same Hadith with another *isnaad* , Abu Daawood states:

*❖ Abu Ya'qoob Baghdaadi who is thiqah (reliable) narrated to us that Hishaam Bin Yusuf narrated that Ibn Juraij narrated that Abdul Hameed Bin Jubair Bin Shaibah narrated that Safiyyah Bint Shaibah said: Umm-e-Uthmaan Bint Sufyaan informed me that Ibn Abbaas (radhiyallahu anhu) said that Rasulullah (sallallahu alayhi wasallam) said: There is no shaving of the head for women. Verily for them is only trimming the hair (i.e. on the occasion of being*

*released from Ihraam) .*

(Sunan Abu Dawood, page 288)

After recording these Ahaadith, Abu Daawood makes no adverse comment nor casts any aspersion on the authenticity of these narrations. He has thus accepted the authenticity of these narrations which have been reported and inter-supported by different Chains of narration.

This Hadith is also recorded in Sunan Daarmi in exactly the same form, but with a slight variation in the *isnaad* .

The Ahaadith of Tirmizi, Abu Dawood and Daarmi are recorded in Mishkaatul Masaabih as well, in their exact forms. Mullah Ali Qaari in Mirqaat, the Sharah of Mishkaat comments on these Ahaadith as follows:

*Ali and Aishah (radhiyallahu anhumaa) said: Rasulullah (sallallahu alayhi wasallam) forbade that a woman shaves her head. , i.e.for tahallul (release from ihraam) or in general except when necessary. Verily, her shaving (her head) is disfigurement just as is shaving the beard for men. Tirmizi has narrated it, and so has Nasaa'i. Ibn Abbaas (radhiyallahu anhu) said that Rasulullah (sallallahu alayhi wasallam) said: There is no halq for women. Verily, for them is only taqseer (trimming to the extent of about 25 millimetres). ' (Mirqaat Vol.5 Page 362)*

A more detailed exposition of these Ahaadith and their Chains of narrations appear in Bazlul Majhood, Vol. 4 (Pages 303 and 304).

(Bazlul Majhood is the Sharah (Commentary) of Abu Dawood.)

*In all the manuscripts it appears in this form.....(Al-Atki - one of the narrators in this chain says): At-Tasneemi Abu Abdullah Basri.....Ibn Huzaimah says that he is a (resident of) Kufa, and reliable. Ibn Hibbaan has enumerated him among the Thiqaat (Reliable narrators),.....*

The narration in Abu Dawood is further authenticitated in several ways by different authorities. The following appears in *Aunul Ma'bood* , the Sharah (Commentary) of Abu Dawood:

*Tirmizi has recorded the Hadith from Hadhrat Ali (radhiyallahu anhu) that Rasulullah (sallallahu alayhi wasallam) forbade that a woman shaves her head. Al-Munthiri has maintained silence on the Hadith narrated by Ibn Abbaas (radhiyallahu anhu). Daaru Qutni and Tibraani have recorded it. Verily, in At-Taareekh, Imaam Bukhaari has strengthened its isnaad. and so has Abu Haatim in Al-Ilal. And Haafiz has elevated it to (the category of) Hasan. Ibn Qitaan has cast aspersion on it. And,Ibnul Muwaafiq has criticized him, and has acted correctly. Ash-Shaukaani averred this.*

Discussion on these narrations pertaining to the prohibition of women shaving their heads, is as

follows:

◆ *It is narrated that Nabi (alayhis salaam) forbade women from halq (shaving the head) and he ordered them with taqseer (trimming to the extent of one anmulah). The narration in this form is Ghareeb. It appears that the Hadith is a combination (of two separate narrations). With regard to the prohibition of halq for women, there are several Ahaadith. Among these is the Hadith narrated by Tirmizi in Kitaabul Hajj, and by Nasaa'i in Kitaabuz Zeenat. They both said: (the Chain of Narrators is mentioned and the comments of Imaam Tirmizi as we have mentioned above). Then Tirmizi narrates from Muhammad Bin Bishaar (another Chain of Narration) mursalan (i.e.the Hadith according to this Chain is of the Mursal class).* ◆

Abdul Haq says in his Ahkaam:

◆ *This Hadith is narrated by Hammaam Bin Yahya from Qataadah from Khillaas Bin Amr from Ali (radhiyallahu anhu). Hishaam Dustawaani and Hamaad Bin Salamah differ with it (the narrative chain) and both narrate it from Qataadah, from Nabi (alayhis salaam) mursalan.* ◆

(Nasbur Raayah, Vol.3, page 96)

These narrations are also recorded by Al-Bazaar and Ibn Adi. While Abu Haatim labels the Hadith linked to Hadhrat Aishah (radhiyallahu anha) as *Dhaeef*, he has given strength to the narration linked to Ibn Abbaas (radhiyallahu anhu).

Regarding the Hadith attributed to Hadhrat Aishah (radhiyallahu anha), Ibn Hibbaan says in Kitaabudh Dhu'faa': ◆ *The Hadith is narrated from Abdul Hameed Bin Ja'far. It is not permissible to deduct (masaa-il) on its basis only* ◆ *when it is alone.* ◆ In other words, it should not be used as evidence alone without corroboration by other Chains of Narration. But there are many Chains of Narration of this and similar Ahaadith which all collectively constitute a valid basis for Hujjat, hence the Fuqaha have freely used these narrations as daleel for the prohibition of women shaving their heads. The Books of Fiqh and Tafseer bear abundant testimony for this fact. Furthermore, the comment of Ibn Hibbaan and of others are of no consequence in so far as the authority of the Fuqaha is concerned. The Fuqaha have accepted these narrations, not on the basis of the classifications and comments of the later Muhadditheen and examiners of Hadith. They accepted these narrations in their own right as Mujtahideen, Muhadditheen, Fuqaha and the highest class of Warathatul Ambiya (Heirs of the Ambiya). The drivel gorged out by the writer of the baatil essay has to be discarded and dismissed as utterly baseless and in conflict with the Shariah.

Let us now see what the illustrious Fuqaha have to say on this issue:

Hidaayah states in Vol.1 page 235:

◆ *She should not shave her head, but trim (her hair one anmulah when releasing herself from*

*ihraam) because, verily, Nabi (alayhis salaam) forbade women from halq and ordered them with taqseer (trimming), and because shaving the hair for her is disfigurement just as shaving the beard is disfigurement for men* ❖

Hidaayah basis this prohibition on the several Ahaadith which have already been discussed earlier, and which the writer of the baatil essay abortively attempts to dismiss as unauthentic. The very same Ahaadith in Tirmizi, Nasaa'i and Abu Dawood constitute the basis for the ruling in Hidaayah.

In Irshaadus Saari of Mullah Ali Qaari, the following appears:

❖ *Halq is Makrooh (abominable and prohibited) for women while taqseer is permissible (for release from ihraam). Taqseer for them is waajib because of the prohibition of halq for them which is Makrooh Tahrimi (prohibited, akin to haraam) .* ❖

Commenting on the prohibition stated in Al-Qudoori, Al- Jauharatun Niyarah states: ❖ *Women should not shave (their heads) but trim (their hair for gaining release from ihraam) because of the Hadith of Rasulullah (sallallahu alayhi wasallam): ❖ There is no halq for women. For women there is only taqseer. And, because halq for women is disfigurement just as shaving the beard is disfigurement for men.'* ❖

Al-Ashbaah Wan Nazaair states :

❖ *A woman is prohibited from shaving her head.* ❖

Commenting on this statement, Al-Hamawi, the Sharah of *Al-Ashbaah*, states:

❖ *Without valid reason it is not permissible for a woman to shave her head.....The meaning of not being permissible is Makrooh Tahrimi .* ❖ (Page 73)

In Badaaius Sanaa'i it appears as follows:

❖ *There is no halq for a woman because of the narration of Ibn Abbaas (radhiyallahu anhu) which he narrates from Nabi (alayhis salaam) who said: ❖ There is no halq for women. Verily, on women is only taqseer. And, Aishah (radhiyallahu anha) has narrated that Nabi (alayhis salaam) forbade that a woman shaves her head.. And because halq for women is disfigurement. It is for this reason that none of the wives of Rasulullah (sallallahu alayhi wasallam) did so. But a woman should trim her hair and cut from the edges the extent of one annulah (about 25 millimteres) .* ❖ (Vol.2 page 141)

The Shaafi Kitaab, Al-Majmoo' Sharah Al-Muhazzab states:

❖ *There is consensus of the Ulama that a woman shall not be ordered to shave (her head). Her obligation is taqseer (trimming) of the hair of her head. Shaikh Abu Haamid, Daarmi, Maawardi and other (Fuqaha) besides them say that halq for her is Makrooh (i.e. Makrooh Tahrimi). Qaadhi Abut Teeb and Qaadhi Husain say in their Ta'leeq: ❖Halq is not permissible for her.' Verily, the prohibition has been based on the Hadith of Ali (radhiyallahu anhu) that Rasulullah (sallallahu alayhi wasallam) forbade that a woman shaves her head .❖*

Imaam Shaafi and (his) Companions (the Shaafi Fuqaha) said:

❖ *It is Mustahab for a woman to trim the extent of an anmulah from all sides of her hair (when releasing herself from ihraam). Al-Maawardi said: ❖She should not cut from her tresses because that makes her ugly. But she should lift her tresses and trim from the place there under .❖ (Vol.8 page 177)*

Although some Shaafi Ulama say that the narration on which the Ulama have based their ruling of prohibition is Dhaeef, they do not differ with it. They accept the ruling and present another Hadith on the basis of which they are in consensus with all the Fuqaha on the issue of the prohibition of halq for women. This is not the occasion to elaborate on the other Hadith which constitutes the *mustadal* (basis of deduction) of those Ulama of the Shaafi Math-hab who say that the Hadith pertaining to halq is *Dhaeef*.

The view of the Hambali Fuqaha is presented in Al-Mughni, Vol.3 page 122 as follows:

❖ *A woman should trim from her hair the extent of an anmulah. Anmulah is the head of a finger from the uppermost joint. The Shar'i command for a woman is taqseer not halq. There is no difference of opinion in this (consensus). Ibnul Munthir said: ❖The Ahlul Ilm (the Ulama) have enacted ijma' on this (mas'alah), because halq for women is disfigurement. Verily, Ibn Abbaas (radhiyallahu anhu) narrated that Rasulullah (sallallahu alayhi wasallam) said: ❖On women there is no halq. Verily, on women is only taqseer.' Abu Daawood recorded it. Ali (radhiyallahu anhu) narrates that Rasulullah (sallallahu alayhi wasallam) forbade that a woman shaves her head.' Tirmizi narrated it.❖*

The following appears in Al-Fiqhul Islaamiyyah, Vol.3 page 207:

❖ *There is no halq on a woman by consensus (Ittifaq of all the Fuqaha of all Four Math-habs). Verily, the obligation on them is only taqseer. That is the Sunnah for women on the basis of the Hadith of Rasulullah (sallallahu alayhi wasallam): ❖There is no halq on women. On women is only taqseer .'❖*

*Ad-Daaru Qutni and Abu Daawood narrated this Hadith from Ibn Abbaas (radhiyallahu anhu).❖Nailul Autaar, Vol.5 page 70).Tirmizi records from Ali (radhiyallahu anhu) the Hadith: ❖Nabi (alayhis salaam) forbade that a woman shaves her head.' And Aishah narrated similarly.❖*

The ruling of the Maaliki Math-hab is exactly the same. The following appears in Haashiyatul Khurashi ala Mukhtasaril Khaleel:

❖ *Taqseer is specified for women, even for a girl of nine or ten years.....Verily, it is haraam for her to shave her head because it (shaving the head) is disfigurement for women.*

.....*It is said in Al-Mudawwanah: ❖On women there is only taqseer (not halq).'* ❖

There is complete unanimity of all the Fuqaha of all Math-habs that halq is haraam for women. Almost all the Fuqaha cite as their *mustadal* (basis of deduction for their ruling) the Ahaadith which the writer of the baatil essay has dismissed and branded unauthentic. Surely, the illustrious Fuqaha had more understanding of Hadith than the modernist shaykh. Surely, the entire World of Islam for the past fourteen centuries could not have been wallowing in error while the modernist deviate and non-entity has stumbled on the ❖truth' in this belated age. Surely all Four Math-habs cannot be in error with regard to their Ijma'. Surely, they had valid grounds for accepting these Ahaadith narrations as being authentic and worthy of being their *mustadal* .

Therefore *Talaqqi Bil Qubool* of the Fuqaha is confirmed and it overshadows all other considerations and opinions.

Of great significance is the fact that the Fuqaha from whose works we have cited the law and its *mustadal*, did not formulate the mas'alah of prohibition by referring to kitaabs. They merely narrated and stated what had reached them from their seniors ❖the Fuqaha of the previous generation who in turn narrated what they had acquired from the generation of Fuqaha above them who were their Ustaadhs. In this way, the ruling along with its *mustadal* (the so-called unauthentic Ahaadith) reached all the Fuqaha of subsequent ages by way of reliable transmission from the Aimmah-e-Mujtahideen who were either the Students of the Sahaabah or the Students of the illustrious Taabe-een Fuqaha who had gained their knowledge of the Deen directly from the Sahaabah.

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

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

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

## ELEVATION OF DHAEEF AHAADITH

We have already explained elsewhere in this treatise that the word, ❖ *Dhaeef*' is not to be understood to mean ❖weak' in the literal sence. ❖ *Dhaeef*' as well as the numerous other terms used by the Muhadditheen to describe Ahaadith, are of technical import. These terms should not be understood in their literal meaning. Many people, including scholars, have applied literal meanings to the technical terms. As a result of this error, they brand *Dhaeef* Ahaadith as being unauthentic. Yet this is not the case. Furthermore, some *Dhaeef* Ahaadith are corroborated and strengthened by some factors and other narrations. When this happens, the *Dhaeef* Hadith is elevated to the category of *Hasan* which is authentic and worthy of being the *mustadal* for *ahkaam* .

When the Fuqaha base a law on a Hadith, then the narration is never *Dhaeef* nor unauthentic. According to them the Hadith is Saheeh (highly authentic), capable of being a *mustadal*. The

Fuqaha who had strode the horizon of Islamic Knowledge long before the classification and criteria of the later Muhadditheen, had their own criteria for ascertaining the authenticity of Ahaadith. Whatever they had accepted as worthy for being a *mustadal* was unquestionably authentic. Such Ahaadith authenticated by the Fuqaha long before the Muhadditheen had surfaced, and accepted as their *mustadal*, are beyond reproach and need not be examined on the basis of the criteria of the Muhadditheen.

The *Dhaeef* appellation given to Ahaadith which constitute the *mustadal* of the Aimmah-e-Mujtahideen remain authentic in the highest degree.

The need for elevation from *Dhaeef* to *Hasan* and from *Hasan* to *Saheeh* is merely of academic significance. It is simply theory and does not have any effect whatsoever on the Ahkaam which the Aimmah-e-Mujtahideen had formulated during the early ages of Islam. The Muhadditheen had the need to reconcile such Ahaadith and elevate the *Dhaeef* ones to avoid a clash with the Fuqaha and to ensure that the *Ahkaam* (Laws) of the Shariah are not refuted.

Discussing the process of elevation of *Dhaeef* Ahaadith, Allaamah Shabbeer Ahmad Uthmaani says in *Fathul Mulhim*:

❖ *Al-Jazaairi (rahmatullah alayh) said that sometimes some Ahaadith are elevated by virtue of certain factors which give support to them. The Ahaadith are then elevated from their (lower) category to the category of Hasan, and sometimes the Hasan (class of Hadith) is elevated from its category to the category of Saheeh. This rule is not confined to Dhaeef and Hasan. It also includes Saheeh with regard to the different classification of its category. ....* ❖

It is possible to eliminate the *dhu'f* (weakness/defect) of a *Dhaeef* narration, and sometimes it is not possible. If the *dhu'f* is the result of the weakness of memory of some narrators who are truthful and uprighteous, then it is possible to eliminate the *dhu'f* of the Hadith.

Thus, if the Hadith is narrated in another manner (i.e. with a change in the narrational chain), then we recognize from this that the narrator or narrators of the *Dhaeef* Hadith have memorized it correctly and they had not erred. Therefore, this Hadith is elevated from the category of *Dhaeef* to the category of *Hasan*.

An example of this is the *dhu'f* as the consequence of *Irsaal* (deletion in the chain of a narrator or narrators) ❖ such as a *Mursal* Hadith by an *Imaam* and *Haafiz* (of Hadith). The *dhu'f* of the Hadith is eliminated when he narrates it in another way (i.e. with another or a changed chain of narrators). Hence, by virtue of this, the Hadith is elevated from the category of *Dhaeef* to the category of *Hasan*.

❖ *An example of Irsaal is Tadlees or the Jahaalat of some of the narrators ....* ❖

This brief explanation was necessitated by the gross misunderstanding which exists in the ranks of both the deviates and sincere Ulama who are not well-versed in the principles of Hadith. Also, the need is to dispel the confusion which has been caused by attributing literal meanings to the

special or technical terms of the Muhadditheen.

A similar explanation applies to *Maudhoo'* narrations. Literally, *maudhoo'* means something which has been made up or fabricated ❖ something which has been presented by fraud and lies. This is not the case with all *Maudhoo'* narrations.

Every Maudhoo Hadith cannot be summarily rejected as a fabrication. The term is of technical import. In addition there is intense differences among the Muhadditheen on the subject of Hadith classification. A Hadith which perhaps is Maudhoo to one Muhaddith could be Hasan and even Saheeh to another. Thus, the following explanation is given in I'laaus Sunan, Vol.17 page 45:

❖ *When the term maudhoo is used in an unrestricted manner, then it conveys only one meaning, namely that it is a fabrication per se. On account of this (i.e.the use of the term Maudhoo' without any restrictive condition), has Ibn Jauzi been regarded to be among the extremists because he would use the term unrestrictedly to apply to excellent Ahaadith of the Hasan class. In fact, he would apply it to even such Ahaadith which Imaam Bukhaari and Imaam Muslim had recorded, solely on account of the Hadith reaching him with a sanad (chain of narrators) in which there happened to be a liar. His practice bears this out.* ❖

Before branding the Hadith as an outright fabrication, it was imperative that he weighed it on the standards of the other senior Muhadditheen before him. It was imperative for him to have considered the views of Shaikhain (Imaam Bukhaari and Imaam Muslim) before rejecting a Hadith and giving it the epithet of ❖ Maudhoo'. But this was not his attitude, hence he is known as one of the *Mutashaddideen* (Extremists in the field of Hadith examination).

There is intense argument and numerous differences on the subject of Hadith principles. Those who are not well-versed in this branch of Ilm are simply confounded, confused and lost in the mire of these differences. But there is no need whatever for the people of the Sunnah who are firmly grounded on the Path of Truth to flounder. They have the powerful Bastion of the Taqleed of the Aimmah-e-Mujtahideen in which to seek refuge from the forces of baatil and dhalaal. They should remember just one fact which will enable them to hang on firmly to the Rope of Allah. That fact is the Principle of ***Talaqqi Bil Qubool*** of the Fuqaha. If the Fuqaha have accepted a Hadith and found it worthy to be their *Mustadal*, then confound everything else. Discard the views of all others, be it the view of Imaam Bukhaari (rahmatullah alayh).

It should be well understood that even the great Muhadditheen such as Imaam Bukhaari (rahmatullah alayh) and Imaam Muslim (rahmatullah alayh) were infants in the sphere of Islamic Knowledge in relation to the Aimmah-e-Mujtahideen of the Taabieen era. When this is so, then understand that there is absolutely no comparison between the Aimmah-e-Mujtahideen and the later Hadith examiners such as Ibn Jauzi, Ibn Hibbaan and the numerous others of this class. Their views are of absolutely no significance if it conflicts with the Aimmah-e-Mujtahideen and



their classification of Hadith. The fact that these illustrious Mujtahideen of the Taabieen age had accepted a Hadith as a Mustadal, is the final and the highest word and decree in the authenticity of the Hadith. There is no need to look further than the Fuqaha. In fact, it is not permissible to even attempt to go beyond the demarcations set out by the Aimmah-e-Mujtahideen.

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

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

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

## THE DEVIATE'S SECOND LINE OF ARGUMENT

The shaykh of the baatil essay writes:

◆ *Even if the hadith had been authentic, the extension of the prohibition on shaving to trimming remains patently questionable .◆*

If it is 'questionable', we shall, Insha'Allah, answer the questions and eliminate the imagined patent questionability of the extension of the prohibition on shaving to cutting and trimming the hair.

The very first fact which knocks out the bottom of this argument and dispels the mirage presented by the shaykh is that the Fuqaha have extended the prohibition on shaving to cutting the hair. If these illustrious experts and Bastions of Islamic Uloom had considered this authentic Hadith a valid mustadal for the extension of the prohibition, then of what significance is the imagination and averment of the deviate of the fourteenth century?

Let us now see what the Fuqaha say on this issue:

(1) ◆ *If she cuts the hair of her head, she has sinned and is accursed (Mal-oonah). Adding to this in A-Bazaaziah is: ◆ And, if her husband permits it, then (she should understand) that there is no obedience for a creature in any act which involves disobedience of the Creator. The factor giving effect (to sin and la'nat) is tashabbuh bir rijaal (emulation of males).'* ◆

(Haashiyah Ibn Aabideen, Vol.10 page 431)

(2) ❖ *A woman is prohibited from shaving her head, i.e. shaving the hair of her head.....It is obvious that the meaning of shaving the hair of the head is its removal whether it be by shaving, cutting, plucking or naurah (lime or any chemical substance). The meaning of not permissible is that it is Karaahat-e-Tahreem (Makrooh -Tahrimi).* ❖

(Al-Hamawi Sharah Al-Ashbaah Wan-Nazaair)

(3) ❖ *A woman shall be prohibited from shaving her head..... .....It has been narrated from Ali (radhiyallahu anhu) that Rasulullah (sallallahu alayhi wasallam) forbade that a woman shaves her head. Nasaa'i narrated it. Halq brings cutting within its scope as well (as it has been mentioned above in Al-Hamawi),hence the Hadith (of Halq) includes it (cutting, hence it too is prohibited). And Allah knows best .* ❖

(Imdaadul Fataawa, Vol.4 page 229)

(4) ❖ *Taqseer (trimming) is representative of halq.* ❖

(Raudhatut Taalibeen, Vol.3 page101)

While halq for men is *afdhal* (best) for gaining release from ihraam, it is prohibited for women. However, taqseer substitutes for halq for females. Since halq and taqseer are of the same act, namely, removal of hair from the head, the Shariah brings trimming/cutting of hair for women in the same category as shaving the hair. Both acts are described by the Fuqaha as disfigurement in relation to women. There is only a quantitative difference between the two, not a qualitative.

The shaykh of the baatil essay has deemed it appropriate to audaciously question every verdict of the Aimmah-e-Mujtahideen on the issue of females shaving and cutting their hair. The claim that it is not permissible for women to cut their hair is not the mere opinion of present-day Ulama. It is the ruling of the Fuqaha as is evidenced by the many references which we and others have cited.

### FALSE AND DISHONEST

The attempt has been made that this ruling is a claim of contemporary Ulama, especially those from Pakistan and India . But this is conspicuously false and dishonest. The Fuqaha and Aimmah-e-Mujtahideen and their works which have been mentioned are neither of Pakistani nor Indian origin. Furthermore, when it is an issue of the Shariah, the question of nationality is of no consequence. Dalaail of the Shariah constitute the basis for argument and fatwa. Stupid, bigotted and spiteful men who lack true Ilm and who are affected by the liberal attitudes and influences of this corrupt age produce ridiculous arguments since they are bereft of any Deeni basis for their corrupt and baatil views.

The foregoing statements of the Fuqaha are adequate for debunking the baseless claim of the modernist shaykh that the prohibition of halq cannot be extended to taqseer (cutting/trimming). It most certainly can in the opinion of the Shariah's greatest authorities of Islam ♦ the Fuqaha and Aimmah-e-Mujtahideen. The view of the modernist shaykh has therefore to be dismissed as utterly baatil.

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

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

*Who has adorned men with beards and women with tresses .♦*

## TASHABBUH BIR RIJAAL

*Tashabbuh bir rijaal* means to imitate or emulate men. Rasulullah (sallallahu alayhi wasallam) has cursed those women who emulate men in their appearance, dress, etc. and vice versa. In his attempt to refute this factor of prohibition which accompanies the act of women cutting their hair, the shaykh writes in his essay:

♦ *However, to assume that whenever a woman shortens her hair it is an act of imitating men would be unjustified. The issue of imitating men comes into effect only when there is a conscious intention to resemble a man, or when the hairstyle becomes recognisable upon first glance as an exclusively male hairstyle. Shortening the hair is thus not an inherently male act .♦*

Now it is necessary to understand that when someone makes a claim on a matter concerning the Shariah, he has to necessarily provide his proof. What is the shaykh's Shar'i proof for his claim that for *tashabbuh bir rijaal* to be valid, there has to be an accompanying intention or be recognizable at first glance as being a male style? He should not expect Muslims to simply swallow whatever he proclaims. He has merely tendered his personal opinion in the averment he has made on the issue of *tashabbuh bir rijaal*.

A Haraam act will remain haraam even if committed without conscious niyyat (intention). If a man wears a silken garment without a conscious niyyat (intention), the garment remains haraam for him. If someone consumes haraam food without intention, it remains haraam and poisonous regardless of the intention he had or did not have when he had consumed it.

When a woman cuts her hair, she does so consciously. Regardless of the motive for the cutting, the fact remains that the Shariah regards cutting of hair to be exclusively for males. The

solitary exception which has been made is when being released from ihraam. Then she has to cut an exceedingly small amount.

Hair-cutting is *per se* a male act. Since the time Allah Ta'ala created women, they had long hair and were required to keep it long. It was an accepted fact of life that long hair is natural for women. In appearance, it is their long hair which distinguishes them from their male counterparts. Women, at least Muslim women, did not cut their hair. Cutting hair was always recognized as a male practice.

The Hadith: *Actions are with intentions*, relates to *A'maal-e-Saalihah* (righteous deeds), not evil and haraam actions. Evil deeds remain evil and haraam regardless of any altruistic motive accompanying such actions. Gambling remains haraam even if the intention is pious, e.g. the intention is to use the proceeds of gambling for only the poor. Since an act which the Shariah regards to be exclusively a male act is haraam for women, imitation thereof will be *tashabbuh bir rijaal* irrespective of such an intention accompanying the hair-cutting or not.

Rasulullah (sallallahu alayhi wasallam) prohibited women from the *jummah* hairstyle because it was a male style although the modernist shaykh had made an abortive attempt to deny this irrefutable fact. In Nasaa'i appears the following Hadith:

❖ *Wail Bin Hujar (radhiyallahu anhu) says: I came to Nabi (sallallahu alayhi wasallam) while I had jummah....* ❖

(Vol.2 page 276)

Jummah is hair which reaches the shoulders.

❖ *Hishaam said: I saw Ibn Umar (radhiyallahu anhu) with jummah (hair) flowing on his shoulders.* ❖

(Musannaf Ibn Abi Shaibah, Vol.6 page 59)

❖ *Habeeb said: It is as if I am looking at Ibn Abbaas (radhiyallahu anhu) when he had jummah.* ❖

(Musannaf Ibn Abi Shaibah, Vol.6 page 59)

Since the men had adopted *jummah*, Rasulullah (sallallahu alayhi wasallam) forbade women from this style for two reasons:

(1) It entails cutting the hair.

(2) Imitating the men.

The Fuqaha present the factor of *tashabbur bir rijaal* for the prohibition of *jummah* for women. This is the accepted view regardless of the meaning which the shaykh has sought to ascribe for it. The very act of cutting hair, *per se*, is a male act, hence it remains haraam for women. The element of imitating men is present whether there is a conscious intention or not.

If shortening the hair is not **◆**inherently a male act**◆** as the shaykh argues, then how can an intention transform it into a male act? If it is not **◆**inherently a male act**◆**, then is it a female act? Or is it a unisex act like the shaitaani garments of the libertine western cult? It has to be something. The question of intention will develop only if the act is a male act. If it is not a male act, the intention will not transform it into a male act. A female style dress is inherently a female act. If a man wears it without the intention of resembling or imitating a woman, it will not defeminize the act. The act will remain *tashabbuh bin nisaa* (imitating women) and haraam. The intention is of no effect here.

How can an intention create an external resemblance when the act is not a male act? Only if it is a male act will its adoption be imitating men regardless of intention. The argument of the shaykh is therefore palpably baseless.

### (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 .◆*

## TASHABBUH BIL KUFFAAR

When a Muslim woman cuts her hair, she imitates the kuffaar women. But the shaykh says:

**◆** *The same can be said about imitating the kuffar. Shortening the hair is by no means an act characteristic of the kuffar. Thus the issue of imitating the kuffar comes into play only when the cutting of the hair is accompanied by any of these two factors, it will not be justified to invoke tashabbuh bil-kuffar (imitating the kuffar) as a reason why a female may not cut her hair. ◆*

In fact, hair-cutting for women is an act of kuffaar women. It never was an act of Muslim women. If it ever was an act of Muslim women, there would never have been the need for the Fuqaha to present a variety of interpretations for the Hadith in Muslim Shareef **◆**the Hadith which ostensibly gives the impression that the Holy Wives of Rasulullah (sallallahu alayhi wasallam) used to cut their hair. If this was the case and the common practice during the time of

Rasulullah (sallallahu alayhi wasallam), the need for interpretations to reconcile the Hadith to bring it into line with the prohibition of cutting hair would not have arisen. But the Fuqaha carefully interpreted away the ostensible meaning and maintained the prohibition of women cutting their hair.

Not a single authority of the Shariah interpreted away or refuted the *taqseer* (trimming the hair) requirement to enable women to be released from ihraam. In fact there is consensus of the Fuqaha of all Math-habs that *taqseer* on this occasion is Waajib for women in the same way as there is consensus of the Shariah's authorities on the prohibition of women cutting their hair at any time other than Hajj or Umrah and if compelled by some sickness or disease.

If hair-cutting was a practice common to Muslim women neither would Rasulullah (sallallahu alayhi wasallam) have prohibited it nor the Fuqaha, and nor would there have been Ijma' on this prohibition for the past fourteen centuries. It is only in this belated age of corruption, ❖scholars' of jahaalat and western liberalism that attempts are being made to crack and scuttle this Ijma' of the Ummah.

A practice which is in vogue cannot be denied nor is it possible to prevent if it was an acceptable act during the time of Rasulullah (sallallahu alayhi wasallam) and the Sahaabah. If it was initially permissible but later become prohibited, there would nevertheless have been copious references and evidence in the Ahaadith of the early existence of the practice. Consider for example the prohibition of women attending the Musjid for Salaat. The Fuqaha, in fact, the Sahaabah, prohibited women from the Musjid. In spite of the prohibition and in spite of the fact that for fourteen centuries women had stopped going to the Musajid, the early practice of them attending the Musjid in Rasulullah's time cannot be hidden. There are many authentic Ahaadith to evidence this. None of the Fuqaha refuted the Ahaadith. No one claims that such Ahaadith which permitted women to go to the Musjid are fabricated or unauthentic. Accepting the truth of the Ahaadith, the correct meanings and explanations are given to prove the validity of the prohibition of women going to the Musjid.

However, in relation to women cutting their hair there is absolutely no evidence in the Ahaadith nor in any of the writings of the early authorities of the Shariah. The solitary exception is the statement in Muslim Shareef - the statement which constitutes the one and only ground for the deviate scholar's claim that it is permissible for women to cut their hair in emulation of kuffaar women and men.

Besides the shaykh's unilateral and arbitrary claim that cutting hair for women is not a kuffaar practice, there is not a vestige of any Hadith or even historical evidence which he can cite to support his baatil contention. And, how can he ever substantiate baatil other than churning out figments of his opinion and imagination, and by crudely submitting the Ahaadith to his own whimsical and nafsani interpretations ❖interpretations which are at variance, in fact, in conflict with what the Authorities of Islam say?

Every practice which existed among the Muslims and even such practices and customs which were in vogue during the age of Jaahiliyyah are recorded in the Ahaadith. Initially permissible

acts, abrogated acts and actions of all kinds are referred to and rulings issued thereon in the Ahaadith. But there is no mention of the practice of females cutting their hair during the time of Rasulullah (sallallahu alayhi wasallam).

The hairstyles of men are fully covered by the Ahaadith. *limmah, jummah, wafrah, halq, taqseer, qaza', iqsah*, etc. (all hairstyles), are recorded and discussed in the Ahaadith. The long tresses of women are mentioned. The manner in which the ladies would tie their hair during ghusl is recorded. Everything pertaining to the hair of men and women is recorded and discussed and rulings issued in the Ahaadith. It is indeed queer that the supposed practice of women cutting their hair is totally absent from the vast Ahaadith literature.

Not a single Sahaabi mentions anything about women cutting their hair. Nowhere is it recorded in any Book of Islam that women used to cut their hair during the time of Rasulullah (sallallahu alayhi wasallam). Yet the modernist shaykh wants Muslims to swallow the falsehood of hair-cutting styles among the ladies of the time of Rasulullah (sallallahu alayhi wasallam).

The claim of the shaykh has to be dismissed with utter contempt.

The ladies of the time of Rasulullah (sallallahu alayhi wasallam) did not cut their hair nor was this the style or practice of the women of Islam throughout its fourteen hundred year history. Hair-cutting for women is an act of kuffaar women ♦ an act influenced by Shaitaan. Especially in this time of kuffaar libertinism and moral corruption ♦ in this unisex age in which men have become women and women have become men ♦ hair-cutting has become a favourite and a widespread practice of kuffaar women.

The element of *tashabbuh bil kaafiraat* (imitating the kuffaar women) is an indisputable fact even if unaccompanied by a conscious intention. The curse of Allah and His Malaaikeh settles on such women who cut their hair in emulation of kuffaar women and men regardless of the absence of conscious intention.

The ♦two factors' which the shaykh postulates as conditions for the prohibition of hair-cutting have no Shar'i backing. His arbitrary opinion unsubstantiated by the Shariah carries no weight in the Shariah. He simply lacks daleel for what he is claiming.

**(Tasbeeh of the Malaaikeh in the Heavens)**

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

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

*Who has adorned men with beards and women with tresses . ♦*

## THE BASELESS INTERPRETATION

Presenting his only 'daleel' (proof) for his claim of permissibility of women cutting their hair short - very short, as far as the ears in the way men cut their hair- the deviated shaykh writes:

*Abu Salmah ibn Abd ar-Rahman ibn Awf reports that the wives of Rasulullah (sallallahu alayhi wasallam) used to cut (literally, take from) their hair until it appeared like a wafrah. Wafrah, as stated earlier, is the name given to the hair when it hangs up to the earlobes.*

Firstly, the shaykh has selectively chosen an interpretation of wafrah so as to present support for his baatil theory of the permissibility of hair-cutting for women. He wants Muslim women to remove all their beautiful Allah-given tresses and imitate men and kuffaar women by keeping their hair as far as the ears, hence he selected the wafrah meaning which suited his claim the most. But an honest researcher will present all the relevant facts, then when making his preference state the basis for such preference. But this 'scholar' selects a definition and maintains silence on the existence of other meanings of wafrah. He does not even have the decency to state the basis of his preference.

Besides the meaning given by the shaykh, the other meanings of wafrah are as follows:

1. Imaam Nawawi said: *Wafrah is more and longer than limmah (hairstyle). Limmah is the hair which touches the shoulders. Al-Asma-ee said so.*
2. Imaam Nawawi said: *Others (besides Al-Asma-ee) said that wafrah is less (in length) than limmah., i.e. it does not go beyond the ears.*
3. Imaam Nawawi said: *Abu Haatim said that wafrah is the hair which covers the ears.* (Al-Hallul Mufhim Li-Saheehil Muslim)
4. Hair which reaches onto the shoulders is also defined as wafrah.

Which meaning now applies to the term, wafrah which appears in the Hadith. What is the shaykh's determinant for selecting the meaning which indicates the shortest hair? Why did he adopt this specific meaning of wafrah and not any of the others, especially the definition which means long hair, even below the shoulders? There is no real determinant for adopting any of these meanings. The meaning thus remains ambiguous. There is no way of claiming what the exact length of the hair which Abu Salmah saw was.

Then Abu Salmah did not say that Hadhrat Aishah's hair was wafrah. He said that it resembles wafrah. But still it is unclear to which meaning of wafrah Abu Salmah was referring. In all probability, the definition which says that wafrah is hair which extends below the shoulders is the most suited meaning in the context of the Hadith because the practice of women was to keep their hair long. It is therefore inconceivable that Hadhrat Aishah's hair was only at her ears, not longer. The proof for this claim that Hadhrat Aishah's hair was long, below the shoulders and that



this is the meaning of wafrah which Abu Salmah mentioned, is the following Hadith:

❖ *Saalim, the Khaadim (servant) of Rasulullah (sallallahu alayhi wasallam) said: ❖The Wives of Rasulullah (salallahu alayhi wasallam) would arrange (the hair on) their heads into four plaits. When they took ghusl they would assemble these (plaits) on the middle of their heads. ❖*

(Al-Mujma-ul Kabeer of Tibraani, Vol.7 page 62)

In this Hadith a Sahaabi who was the servant of Rasulullah (sallallahu alayhi wasallam) states with great clarity that the Wives of Nabi-e-Kareem (sallallahu alayhi wasallam) would gather their hair in four plaits and tie it into a bun on top of their heads when they made ghusl. The four plaits is ample testimony for the claim that their hair was long, not short as far as the ears. Thus, the definition of wafrah selected by the shaykh does not apply to the wafrah-like hair of Hadhrat Aishah (Radhiyallahu anha).

Since he has no Shar' i determinant ( *Murajjih* ) for favouring his particular choice of definition, his adoption of the meaning which postulates the shortest hair resembling male styles and kuffaar women styles, has no Shar'i credence. On the other hand, those who have chosen the meaning which postulates the longest hair, have a valid Shar'i *murajjih* (determinant) for their choice. Their choice is constrained by the undermentioned Shar'i need and facts:

- \* It never was the practice of the Sahaabiyyah (ladies) to cut their hair.
- \* There are Ahaadith which prohibit cutting of hair for women.
- \* All authorities of all Four Math-habs prohibit cutting of hair.
- \* In short hair are the elements of *tashabbuh bir rijaal* and *tashabbuh bil kaafiraat*.
- \* The factor of *tashabbuh bir rijaal* (imitating men) is in fact *Mansoos Alayh* (i.e. there exist explicit Ahaadith references for it).
- \* The Fuqaha and Mufasssireen have gone to great lengths to interpret wafrah and the whole statement in such a manner as to bring it in line with the prohibition of cutting hair.

In view of all these strong factors, it has become imperative to choose that meaning of wafrah which indicates the longest hair, not the definition which suggests short, male-type hair which brings such a woman within the purview of Allah's *la'nat* (curse) befitting her for the appellation of ❖ *mal-oonah* ' (accursed) as mentioned by the Fuqaha.

## THE AUTHENTICITY OF THE HADITH

In this regard the shaykh saheb 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).* ◆

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 to therefore make this comment is an exercise in redundancy. Being bereft of correct Shar'i dalaail 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 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 *dalaail* (Shar'i proofs). He has no *dalaail*, 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.

There are numerous books of Ahadith, Fiqh and Tafseer besides the *Sihah Sittah* (the Authentic Six), yet for such a grave claim around which centres the *la'nat* of Allah Ta'ala, a claim which is in violent conflict with the Ijma' of the Ummah - of all authorities - from the earliest time of Islam, the poor shaykh could do no better than to produce as his stupid ◆ *mustadal* ' the highly ambiguous statement which forms part of a Hadith in Muslim Shareef. The shaykh of *dhalaal* (deviation) has miserably failed to corroborate his arguments with any specific Ahaadith and Rulings of the Fuqaha. He has failed to cite any other Hadith Kutub which record the Hadith containing the ambiguous statement of Abu Salmah.

While Imaam Bukhaari records this Hadith in his Saheeh, he omits the entire statement which refers to the hair of the Holy Wives of Rasulullah (sallallahu alayhi wasallam). None of the other Hadith kitaabs of the ◆ Vast Array ◆ put at our disposal contains this Hadith with the relevant statement which constitutes the basis for the deduction of the shaykh. The full text of the Hadith in question as it appears in Saheeh Muslim is as follows:

◆ *Abu Salmah Bin Abdur Rahmaan said: 'I went to Aishah - I and her milk-brother. He (her milk brother) asked her regarding the ghusl-e-janaabat of Nabi (sallallahu alayhi wasallam). She then called for a utensil, the size of a saa' (of water to be brought to her). Then she took ghusl while there was a screen between us and her. She then poured water thrice on her head.'* He (Abu Salmah) said: ◆ *The Wives of Nabi (sallallahu alayhi wasallam) used to take from their heads until it appeared like wafrah.* ◆

The term, *ya'khuthna* ' is a word of different meanings. It also means 'cut', thus it has been translated: 'they used to cut' .

In his Saheeh Bukhaari, Imaam Bukhaari records the same Hadith, but without the statement concerning the assumed practice of hair-cutting by the Wives of Rasulallah (sallallahu alayhi wasallam). He chose to delete the whole statement. Now why did Imaam Bukhaari opt for this deletion? It is inconceivable that he was unaware of the statement about the hair. If it is alleged that the Chain of Narration of this Hadith which reached him, was without the hair-cutting statement, the same question of why will be directed to it.

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 Nasaa'i, but WITHOUT the alleged hair-cutting statement. Why did these Muhadditheen choose to record the Hadith without the hair-cutting portion? Surely, they must have had valid reasons for this deletion. It is inconceivable that the deletion was the consequence of intentional concealment of the Haqq by these illustrious authorities of Hadith. Not even the shaykh of baatil will venture such a suggestion. The reason can also not be defect in the chain of narration. Surely, if there was a defect in the *isnaad* of the Hadith, the Muhadditheen would have commented on it.

Secondly, the statement of Abu Salmah on hair-cutting is part of his narration. Regardless of the state of the *isnaad* , when the Muhadditheen had chosen to record the Hadith in their Compilations, there must have been valid factors for the majority decision to delete the hair-cutting portion which is part of the same narration and not a portion of another Hadith. There is no evidence to indicate that this narration is *Murakkab* (i.e. a combination of two different narrations) which could have to some extent justified the acceptance of the one part and rejection of the other portion. Yet, just why did Imaam Bukhaari and the other Muhadditheen make a distinction between the two parts of Abu Salmah's statement? This ambiguity produced by the deletion casts a strong suspicion and implies aspersions on the hair-cutting portion of Abu Salmah's statement. It is thus unworthy of citing it as a *mustadal* for the permissibility of women shortening and cutting their hair, especially when there is strong and copious dalaail to substantiate the contrary view of prohibition.

In spite of the authenticity of the Hadith, the second part mentioning the hair-cutting is ambiguous and questionable. No authority has employed it as a basis for proving hair-cutting by woman. On the contrary, they have unanimously interpreted the ambiguous and questionable portion to conform to the Ijma' of prohibition. There is therefore, no *daleel* for the deviate in this Hadith. His claim remains palpably baatil.

Further presenting his story of baatil, the shaykh writes:

❖ *However, a number of questions have been raised around the hadith. One area of concern has been the fact that Abu Salmah, being a strange non-mahram male, could not have seen the hair of the wives of Rasulallah (sallallahu alayhi wasallam). This objection loses its force when it is considered that Abu Salmah, who was born about 10 years after the death of Rasulallah (sallallahu alayhi wasallam), spent his life, and more significantly his childhood in Madinah,*

*where as a minor he had access to the houses of the wives of Rasulullah (sallallahu alayhi wasallam), most of whom lived until well after the year 50 A.H. ❖*

There were numerous Sahaabah who spent their childhood and their adult lives in Madinah. During their childhood lives they too had access to the houses of the Wives of Rasulullah (sallallahu alayhi wasallam) but none of them reported that the Holy Wives had cut their hair.

This is another specimen of the legless type of argument which the shaykh tenders in support of his baatil contention. The conclusion which is logically drawn from the claim that Abu Salmah during his childhood days had free access to run about the houses of the Holy Wives as he wished, is that he was in position to closely examine the hairstyles of the Holy Wives. This is the only conclusion which stems from the claim of the shaykh otherwise the averment about Abu Salma's childhood days will be meaningless. It will now follow that the opinion which Abu Salmah ventured during his adulthood regarding the hairstyle of the Holy Wives, was the impression he had gained during his childhood days when he had the opportunity to run in and out of the homes of the Holy Wives of Nabi-e-Kareem (sallallahu alayhi wasallam).

The next conclusion is that the ❖ *kal-wafrah* ' statement which appears in Muslim's Hadith was not based on actual observation of Abu Salmah on the occasion when Hadhrat Aishah (radhiyallahu anha) had practically demonstrated the ghusl of Rasulullah (sallallahu alayhi wasallam), but was his childhood impression of what he had seen. In all probability this ambiguity and confusion in the statement of Abu Salmah constrained the Muhadditheen to delete the hair-cutting portion from the Hadith.

Since Abu Salmah was a ghair mahram, he could not have seen the hair of Hadhrat Aishah (radhiyallahu anha). It follows that the milk-brother of Hadhrat Aishah (tadhiyallahu anha) had explained the ghusl procedure which he had seen. Then when Abu Salmah narrated the ghusl, he added the ❖ *kal-wafrah* ' portion which was what he had gained during his childhood days. Such probabilities constrained Imaam Bukhaari and the other Muhadditheen to delete this particular portion of Abu Salmah's narration.

And assuming that the *kal-wafrah* idea was not the effect of his childhood impression but was conveyed to him by the milk-brother, then the ambiguity is compounded further.

It is indeed irresponsible and ridiculous to cite as evidence the impression of a child on such an important issue as the cutting of hair for females. It is downright stupid to attempt to expect the Ijma of prohibition to be cancelled on the basis of a dubious statement made by a non-Sahaabi.

Besides this, what is the basis for claiming free access to the Wives of Rasulullah (sallallahu

alayhi wasallam) by the child, Abu Salmah? Innumerable children were born in Madinah after the demise of Rasulallah (sallallahu alayhi wasallam). If Abu Salmah had free access, then there must have been other children too who had free access, unless the specific reason for free access could be proven to be exclusive with Abu Salmah. It devolves on the shaykh to explain all the ambiguities, incongruities and absurdities which flow from his arbitrary and baatil 'dalaail' which not a single authority of the Shariah corroborates.

It should also be remembered that Abu Salmah was not a Sahaabi. Not a single one among the 124,000 Sahaabah, man or woman, narrated what Abu Salmah said. Not a single one from this vast and august body of Sahaabah reported that the Holy Wives had cut their hair. Yet, there are Sahaabiyah (ladies) who reported on the hair of Hadhrat Aishah (Radhiyallahu anha) and of some of the other Wives and Daughters of Rasulallah (sallallahu alayhi wasallam). But all these Ahaadith explaining the observation of adult ladies from among the Sahaabah do not make the slightest mention of the hair of the Holy Wives having been shortened or cut. On the contrary, they all report long hair.

The Hadith of Saalim (radhiyallahu anhu), a Sahaabi and the *khaadim* (servant) of Rasulallah (sallallahu alayhi wasallam) explicitly mentions the long hair of the Wives of Rasulallah (sallallahu alayhi wasallam). He gained his version of their hair from reliable sources other Sahaabah either of the mahram category or from their wives who had awareness of the hair of the Holy Wives. He says:

❖ *The Holy Wives of Nabi (sallallahu alayhi wasallam) used to divide their hair into four plaits. When they would make ghusl, they would gather these (four plaits) on the middle of their heads.* ❖

This Hadith in fact is an adequate tafseer of the hair of Hadhrat Aishah (radhiyallahu anha) which her milk-brother saw when she practically demonstrated the performance of ghusl. She had gathered her plaits on top of her head. This gave the ❖ *kal-wafrah* 'impression to the observer who naturally was the milk-brother for who it was permissible to look at the hair of his sister (milk-sister).

It should be quite clear that Abu Salmah being a non-mahram male either said that Hadhrat Aishah's hair on this occasion resembled ❖ *wafrah* ' because of one of the following facts:

1. He had gained this impression when he was a child
2. Hadhrat Aishah's milk-brother informed him.
3. He had formed his own conclusion regarding the hair when the milk-brother had explained that the hair was tied on top of the head as the Sahaabi, Hadhrat Saalim (radhiyallahu anhu) reported. He, therefore, said that Hadhrat Aishah's hair resembled wafrah in spite of it having been gathered on top of her head (according to Saalim's narration). This indicates abundance of long hair in view of the fact that although it was tied on top of the head, it still conveyed the impression of wafrah. On the basis of this interpretation of the wafrah

meaning the short hair as far as the ears will be acceptable. This interpretation eliminates any conflict between the statement of Abu Salmah and the permanent practice of not cutting hair.

Anyhow, none of the interpretations is a licence for claiming that the Wives of Rasulullah (sallallahu alayhi wasallam) used to cut their hair. There is no incumbency to interpret the word, ❖ *ya'khuthna* ' to mean ❖ they used to cut'. It will be a perfect reconciliation with the other Ahaadith which say that the Holy Wives used to assemble their hair ontop of their heads when they would take ghusl.

### HADITH IN FULL FORM?

The shaykh contends that ❖ *Authenticity is determined through the application of rigorous criteria to a hadith in its full form* ❖ (See page 21 of this treatise).

However besides Saheeh Muslim the other Saheeh Ahaadith kitaabs do not reproduce the Hadith in its full form. The portion pertaining to supposed hair-cutting is entirely deleted by the other Muhadditheen besides Imaam Muslim. 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.

The shaykh then writes:

❖ *It is also contended that it was on account of performing umrah very often that the hair of the wives of Rasulullah (sallallahu alayhi wasallam) appeared short. The weakness of this contention is its lack of substantiation.* ❖

Firstly, the shaykh himself is guilty throughout his essay of the crime of ❖ lack of substantiation ❖. For all his personal opinions and lop-sided interpretations which conflict with the Rulings of the Shariah and the interpretations of the authorities of the Shariah, he does not produce any Shar'i grounds for his ❖ substantiation ❖. He makes unfounded and ungrounded assumptions. He has simply latched on to an ambiguous statement of a non-Sahaabi and interpreted it, giving such meanings which conflict with the interpretations of the authorities and which lead to the rejection of the rulings issued by the Fuqaha of all Four Math-habs.

It is indeed ludicrous to expect that this puny non-entity has the ability and the qualification to give the illustrious Fuqaha, Mufasssireen and Muhadditheen a lesson in the science *Ta'weel* (interpretation).

We have to concede on this point that this specific interpretation does appear weak because women are not allowed to cut more than the size of an *anmulah* (about 25 mm) from their hair

when they release themselves from Hajj and Umrah. Hence, even if they had performed Umrah often, it would not have shortened their hair so much for all their long tresses to have disappeared, leaving them with male-type hair as far as the ears. Also, in the interval between the Umrahs, the extremely little cut from the hair must have grown again.

The significance of this far-fetched interpretation was the dire need to reconcile the ambiguous statement of Abu Salmah with the prohibition of cutting hair and with the various Ahaadith which contradict the version in the Hadith of Saheeh Muslim, i.e. the hair-cutting conclusion which has been interpreted on the basis of the ambiguous word used by Abu Salmah.

There is so much clarity on the fact that the Wives of Rasulullah (sallallahu alayhi wasallam) did not cut their hair nor was hair-cutting a practice of the ladies during that time, that it had become necessary to present even far-fetched interpretations. This was tolerable, but refutation of the Ahkaam of the Shariah was intolerable and untenable even in the absence of ambiguity. If the Aimmah-e-Mujtahideen have formulated a ruling on the basis of the Qur'aan and Hadith, no one has the right to reject such ruling by presenting a Hadith with a personal interpretation which is unacceptable to these Authorities of the Shariah.

As far as Abu Salma's statement is concerned, the many discrepancies therein compelled the Authorities to set it aside, to delete it from most narrations and to interpret it into oblivion having no effect on the Shar'i prohibition of hair-cutting by women.

The shaykh stumbling into further blunder, states:

*◆ Another contention is that the hadith does not speak of cutting the hair, but rather of tying it up onto the head in such a way that it assumes a shorter appearance. This line of argument seeks to interpret the words of the hadith away from its apparent meaning. Interpretations of this sort are resorted to only when compulsive evidence indicates that the apparent meaning was not intended. In this case there is no reason◆ in the form of external evidence◆ to believe that Abu Salmah, in saying that the wives used to cut their hair, had anything in mind but conventional cutting. ◆*

Again the deviate has made baseless assumptions on the basis of which he levels his criticism against this particular interpretation.

Let us assume that there is no so-called '◆external evidence' for this interpretation, then too, the shaykh has no right to contest its validity because it is an interpretation presented by great Fuqaha and authorities, unlike the baatil interpretations advanced by non-entities and *mudhilleen* (deviates who lead others astray). The interpretation is not a meaning proffered by the Ulama of this age. It is the interpretation of the illustrious Fuqaha. We are sure that the deviate shaykh has absolutely no qualification and no ability to teach the Fuqaha a lesson in *ta'weel* (interpretation). It is silly and presumptuous to claim that the Authorities had ventured interpretations which conflict with the principles of the Shariah or that they had failed to understand that their

interpretations had no validity. There was a definite Shar'i need for the Fuqaha to present interpretations for the ambiguous statement of Abu Salmah.

The authorities of the Shariah do not summarily dismiss a Saheeh Hadith by branding it unauthentic if it conflicts with laws which have been formulated on the basis of the Qur'aan and Hadith. A suitable interpretation is accorded to the Hadith in an endeavour to reconcile it with the Shariah's *ahkaam* . Baseless rejection of a Saheeh Hadith is an act of jaahil shaykhs and deviates, not of the Fuqaha and other authorities of the Shariah.

The first need for offering an interpretation for the statement of Abu Salmah, the non-Sahaabi, is the Hadith of the Sahaabi, Hadhrat Saalim (radhiyallahu anhu, the servant of Rasulullah (sallallahu alayhi wasallam)). The Hadith appears in Al-Mu'jamul Kabeer :

❖ *Saalim, the servant of Rasulullah (sallallahu alayhi wasallam) said: ❖The Wives of Nabi (sallallahu alayhi wasallam) used to divide their hair into four plaits. When they made ghusl, they would gather these (plaits) ontop of their heads in the middle. ❖*

This Hadith removes the ambiguity from Abu Salmah's statement. It confirms that the meaning of ❖ *ya ❖khuthna* ' is: ❖they would gather'. The seemingly conflicting Hadith of Abu Salmah is now reconciled with the Hadith of Saalim (radhiyallahu anhu).

The practice of not cutting hair, the total absence of any Ahaadith to indicate that the women used to cut their hair, the Shariah's stipulation of taqseer of only one *anmulah* -length during Hajj/Umrah, and nothing more, the prohibition of *jummah* , and the Hadith mentioning the tying of the hair ontop of the head during ghusl are all valid and strong reasons for the diversion from the ❖apparent' meaning of the term, ❖ *ya'khuthna* ' , if the apparent meaning is accepted to mean: ❖they used to cut'. It is thus baseless to claim that the word refers to ❖conventional cutting'. If he had meant this, there would at least have been some Fuqaha who would have accepted this and proclaimed it permissible for women to cut their hair.

### (Tasbeeh of the Malaaikeh in the Heavens)

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

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



# THE BASELESS ARGUMENT OF URF

Urf is customary practice. The shaykh invokes this principle. But before he could do so, he had to summarily reject all the evidences of the Shariah which substantiate the fatwa of prohibition. He thus says in his article:

*? Having critically examined the ahadith that exist on the issue of cutting hair for females, I think one can safely conclude that it falls in the second category. ?*

The 'second category' according to the shaykh applies to acts for which the Shariah has not set any limits. Placating himself with this conclusion, he further writes:

*? 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 particular society the cutting of 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. ?*

In the first instance, it is necessary to enquire from the shaykh of the source from whence he has digged out the principle of urf. He is not a mujtahid. Urf is a principle of *Fiqh* (of the Shariah). It is a principle which the illustrious Aimmah-e-Mujtahideen of the initial era of Islam had formulated in terms of the Qur'aan and Sunnah. By his 'exposition' of urf, the shaykh implies that he is acting in the capacity of a teacher to the Fuqaha of Islam. He implies that the Fuqaha were not aware of the principle of Urf or if aware, they had failed to apply it in the instance of women cutting hair. Such a hypothesis which stems from his reasoning is laughable for its ludicrousness. In spite of the fact that the Fuqaha themselves having evolved the principle of Urf, they did not apply it to the act of cutting of hair by women. Instead of Urf, they presented other *dalaail* to issue the Shar'i ruling on this issue.

The reason why Urf cannot be employed for deciding the issue of women's cutting of their hair are precisely on account of the limits prescribed by the Shariah. Hence the Fuqaha issued the ruling of prohibition based on *Nass* (specific textual proof of the Qur'aan and Hadith). Insha'Allah, these *Nusoos* (plural of Nass) will be later discussed when we present the *dalaail* of the Fuqaha on this question.

The shaykh has abortively attempted to exclude the act of hair-cutting from the limits prescribed by the Shariah. Snug in his self-deception of having succeeded in securing this exclusion, he proceeds to hammer out his baatil and haraam conclusion of the permissibility of women cutting their hair thereby bringing themselves fully under the focus of Divine *La'nat* (Curse of Allah Ta'ala).

Besides the factual position stated above, if we have to assume momentarily that the Shariah has not prescribed limits for this evil act, and on this basis, proceed to employ the principle of Urf to gain a ruling for this vile act, then too it will be declared that in terms of Urf it is not permissible for women to cut their hair. The grounds for this deduction on the basis of Urf will be:

1. It never was the practice of the women of Islam to cut their hair.
2. It is the practice of kuffaar women, and this practice has gained greater prominence with shaitaani styles in this corrupt age and society of the western world in particular.
3. All Muslims, even ignorant ones, until today besides corrupt 'scholars' (ulama-e-soo'), accept and understand that it is un-Islamic for women to cut their hair. Even women who do so, have their reservations and assaults of conscience. It is precisely for this reason that there are numerous enquiries from the Muslim public wanting to know if it is permissible for women to cut their hair.

And, this is precisely why the shaykh had to darken pages with his trash views, writing an essay to 'prove' that it is permissible for Muslim women to adopt the haraam act of cutting hair which is a speciality of immoral women of kuffaar societies.

No one seeks a Shar'i ruling for the male act of cutting hair. There is no doubt and no dispute on the act of hair-cutting in relation to men. But regarding women, a controversy has developed. Formely, westernized Muslim women went quietly about their evil act without attempting to justify it. But now, thanks to the many ulama-e-soo' which lurk in the darkness, they are acquiring 'religious' sanction and 'respectability' for their immoral deed of cutting their hair.

1. Allah Ta'ala has distinguished between man and woman. Her long hair is a vital item in her external appearance for distinguishing her from males.
2. The Tasbeeh of the Malaaikeh confirms that long hair for women is a wonderful *Ni'mat* (Bounty) of Allah Ta'ala bestowed to women. It is an act of ingratitude to destroy this wonderful bounty.
3. Women are not allowed to cut more than about 25 mm when they are to be released from ihraam.
4. There is strong resentment and disapproval in Muslim society, especially among the pious elders, for this ugly kuffaar act of mutilating the beauty of women with hair-cutting.
5. Valid Urf of a Muslim society cannot be determined by the deeds and misdeeds of ignorant people regardless of their numbers.
6. Custom or practice of a society which conflicts with Mansoos Ahkaam of the Shariah is of no consequence in establishing valid and lawful Urf.

In view of these factors and the attitude of most Muslims, it can never be accepted that hair-cutting for women can ever be permissible and tenable on the basis of the principle of Urf. The opinion of wayward 'scholars' and deviates have no bearing on the determination of the attitude of the Muslim community. Stupid 'fatwas' of permissibility of such shaykhs who have no understanding of the working of Shar'i principles are only fit for rejection and refutation, not for acceptance and practice.

Permissibility of hair-cutting for women is rejected by the *Nusoos* (categoric statements of the Qur'aan and Hadith, as well as Ijma' of the Ummah) of the Shariah as well as by the universal Attitude of the Ummah although there is no need for the attitude of society and its custom since the *Nusoos* put this question beyond the ambit of the principle of Urf. Thus the opinion of the shaykh is of no significance other than to be rejected.

The shaykh speaks of the '*preference of the husband*' as a factor which overrides the imagined permissibility on the basis of Urf. If the husband dislikes short hair for his wife, then the '*preference of the husband will take precedence over the norm of society on account of the wife's duty to obey her husband.*'

The preference of the husband is related to all *mubah* (permissible) acts, even acts of ibaadat such as Nafl Salaat and Saum. For Nafl fasting and Nafl Salaat in abundance, the wife requires the permission of her husband. On the basis of this preference, it follows that if the husband prefers that his wife cuts her hair, then it will be obligatory for her to do so. But this conclusion is manifestly baatil. It is not permissible for the wife to cut her hair even if instructed by her husband because Rasulullah (sallallahu alayhi wasallam) said: '*There is no obedience for any creature in any act which involves disobedience to the Creator.*'

Insha'Allah, the substantiaon for this claim will be presented later in this treatise.

### 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 Salmah's statement from the '*vast array of consulted sources*' indicates its (i.e.the specific portion of the Hadith relating to cutting of hair by women) spuriousness, 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.

### THE ERRONEOUS CONCLUSION

In the conclusion of his essay, the shaykh presents three imaginary facts to soothe himself of his imagined achievement of having legalized what the entire Ummah has regarded as forbidden and haraam for the past fourteen hundred years. '*In the light of*' these three imaginary facts, he concludes:

*'I can only conclude that it is in principle permissible for a woman to cut her hair.....'*

His three facts are:

1. *?The lack of authentic evidence to support prohibition.*
2. *Authentic proof that the wives of Rasulallah (sallallahu alayhi wasallam) used to cut their hair.*
3. *The fact that our society does not equate cutting a woman's hair with despoiling her beauty.?*

Alhamdulillah, all three imaginary facts have been dealt with and demolished. The discussion in this treatise amply displays the falsehood of the shayk's arguments and conclusions. We shall now, Insha'Allah, proceed to present the Dalaail of the Fuqaha who have unanimously prohibited the act of woman cutting her hair.

### THE QUR'AAN MAJEED

In aayat 119 of Surah Nisaa', the Qur'aan Majeed states:

*? I shall most assuredly mislead them, lure them with false hopes. Then they will certainly pierce the ears of animals. And, I shall most certainly instruct them. Then for a certainty will they change the creation of Allah ,?*

This Qur'aanic aayat mentions the threat and oath of Shaitaan, which he made at the time of his expulsion from the heavens. Among the things he said was: *? I shall instruct them (i.e. mankind) , and they will most certainly change the created things of Allah .?*

Changing the natural creation of Allah Ta'ala is termed *taghyeer bi khalqillah*. It will be readily understood that changes in Allah's creation allowed by the Shariah do not come within the purview of Shaitaan's oath and threat.

Changing one's natural appearance to deceive others comes within the scope of *taghyeer bi khalqillah* which is a shaitaani and a prohibited act. Thus, we find the Ahaadith categorically prohibiting the use of black dye to conceal the grey and white hairs. Such change is *taghyeer bi khalqillaah*.

The women during the time of Jaahiliyyah used to lengthen (not shorten) their hair with false hair or artificial hair. Sometimes the hair was artificial and sometimes real human hair. For enhancing their beauty they would add to their hair, not reduce their hair. This act also adds credence to the claim that cutting hair in those days was not the practice of women, not of even kuffaar women. They still had an understanding of and taste for natural beauty. They therefore, had beauticians called *waasilaat* who were experts in the art of lengthening hair.

Since the act of lengthening the natural hair was deceptive and *taghyeer bi khalqillaah* ,

Rasulullah (sallallahu alayhi wasallam) invoked the *la'nat* of Allah Ta'ala on women who had their hair lengthened as well as on those women who carried out this act. Both the perpetrators ?the *waasilah* and the *mustawsilah* ?were cursed. This act comes fully within the scope of the shaitaani act of changing Allah's natural creation referred to in the aforementioned aayat.

When even lengthening the hair is prohibited and regarded as an act of *taghyeer bi khalqillah* , hence *mal-oon* (accursed), then to a far greater degree will the act of shortening the hair come within the scope of *taghyeer bi khalqillaah* and be an accursed satanic deed. The women of those times understood that long is beautiful and natural for women, hence they would lengthen their hair to present a deceptive appearance of added beauty. But the Shariah (Qur'aan and Hadith) branded this act and all similar acts of change in Allah's creation as *mal-oon*.

Tafseer Abis-Saood explains *taghyeer bi khalqillah* as follows:

*? Changing the creation of Allah from its natural form either in appearance or in attribute .?*

Examples given are lengthening hair, tattooing, filing the teeth and removing hair from the eyebrows.

These were acts perpetrated by women in those days. Since hair-cutting was not in vogue among women in that age, it is not specifically mentioned. But it is in the scope of *taghyeer bi khalqillaah* since it does change the natural appearance of women regardless of the evil and corrupt tastes of people in today's age.

Homosexuality and wife-swopping are all fine in the ?urf' of the western kuffaar. Soon these abominations will become acceptable in the ?urf' of modernist and corrupt Muslims. Towards this end, an institution such as Channel ?Islam' has already set the ball rolling. It has opened up the avenue for giving respectability and acceptability to homosexuality by hosting homosexuals and broadcasting their views. In this way the process has been subtly introduced for the legalization of homosexuality in the minds of people.

But such acceptability and legalization of shaitaaniyat and profanity while honourable in the ?urf' of the western kuffaar, remain filth and immorality in the Urf of Islam. Soon the ulama-e-soo' will dig up ?dalaail' from the Qur'aan and Sunnah to legalize the worst acts of abomination and immorality. The process has already been initiated on the radio with homosexuals and in the essay of the shaykh who has really hit the bottom of the barrel of shaitaaniyat in his abortive attempt to legalize the haraam act of cutting hair for women.

Commenting on *taghyeer bi khalqillah* , the Author of Bazlul Majhood, the Sharah of Abu Dawood, says:

*? (They are) those women who pluck hair from their face. This act is haraam except if a beard grows or moustaches. Then it will not be haraam. Muhammad Bin Isaa and Uthmaan unanimously said that al-mutafallijaat (Mentioned in the Hadith of curses on women) are such*

women who have their front teeth filed for beautifying them. These women on whom Rasulullah (sallallahu alayhi wasallam) had invoked curse are the women who change the natural creation of Allah.....Abu Ja'far Tibri said : ? In this Hadith (which curses those who change the creation of Allah) there is proof that it is not permissible to change anything of the natural form on which Allah has created a woman whether by increasing or decreasing, for the sake of satisfying the request of her husband or of anyone else for beauty, e.g.(the removal of) an extra tooth or (abnormally) long teeth by cutting off the edges. ?

Iyaadh said that on the basis of this, it is not permissible to cut off or remove an extra finger or limb because such an act will be *taghyeer bi khalqillaah*.

While there are differences of opinion among the Fuqaha regarding the removal of deformities, the fact remains that changing natural appearances and aspects of creation is viewed in a very serious light by the Fuqaha. When there is even difference of opinion on the issue of removing a natural deformity in the body, how can we ever accept that the Shariah entertains and allows the mutilation of a woman's head and natural appearance by cutting off the Ni'mat of Allah which He bestowed to woman in the form of long tresses.

Tafseer Qurtubi, in the tafseer of this aayat states:

? Abu Ja'far Tibri said: ?In the Hadith of Ibn Mas'ood (radhiyallahu anhu) is proof that it is not permissible to change anything of the nature of a woman (be it apperance or otherwise), whether with increase or decrease for gaining beauty for the sake of her husband. ?

All Tafseer Kutub explain the aayat of *taghyeer bi qahalqillaah* similarly. It is evident from the examples given in the Ahaadith and cited in the tafseer of this aayat, that the various acts which women commit to change their natural appearance are all within the scope of the satanic act of *taghyeer bi khalqillaah* . Thus, cutting hair for women is worse than lengthening hair. The change effected by cutting the hair brings about a real change in what Allah Ta'ala has created for a woman, viz. her long hair. The act of lengthening hair with false hair is a deceptive way of bringing about a temporary change in her natural hair, hence this too has been categorized as *taghyeer bi khalqillaah* although of a lesser degree than cutting the hair.

We are sure that the shaykh must be aware of the Fiqhi principles of *Ibaaratun Nass*, *Dalaatun Nass*, *Ishaaratyn Nass*, etc. He has presented himself in the capacity of a ?mujtahid' in his baatil essay. This ?mujtahid' should consult the kutub of Usool Fiqh and apply these Fiqhi principles in relation to the general import of this Qur'aanic aayat in which *taghyeer bi khalqillaah* is labelled a shaitani act. On the basis of these principles he will not fail to understand that the act of women cutting hair comes fully within the purview of prohibition.

When lengthening the hair artificially, effecting change in the teeth for the sake of ?beauty',

tattooing, using black dye, etc., come within the scope of the shaitaani act of *taghyeer* mentioned in the aayat, then why will cutting hair (for women) not be among the accursed acts of *taghyeer bi khalqillah* ? In fact, on the basis of the Fiqhi principles mentioned above, hair-cutting for women will come within the scope of this prohibition to a far greater degree.

Those who perpetrate such satanic acts of *taghyeer* (change) are described in this Qur'aanic aayat as the 'friends of shaitaan'. That is what they truly are. Only the friends of Shaitaan can muster up the audacity to advise women to commit *taghyeer bi khalqillaah* in such a dastardly manner of cutting the the *Ni'mat* of their long tresses. Thus the aayat concludes:

*? He who takes shaitaan as a friend besides Allah, verily, he has suffered a clear loss (i.e.a disastrous calamity) .?*

(Aayat 119 Surah Nisaa')

### AHAADITH

We have already discussed several Ahaadith in the previous pages on the question of women's hair. It was seen that the Ahaadith which the Fuqaha had accepted as authentic formed the basis for the prohibition of hair-cutting for women. These Ahaadith were accepted as valid *Mustadallaat* (basis for deduction and formulation of Shar'i rulings) by the Fuqaha of Islam. Great Authorities of the Shariah have all cited and accepted as authentic these Ahaadith which the deviate shaykh has painfully and abortively attempted to dismiss as unauthentic. He cannot even dream to teach the Fuqaha a lesson in the principles of the Shariah even if he is reborn again and again.

Besides the Ahaadith already discussed and proven to be authentic, the following Hadith categorically states the Shariah's position and ruling on this issue:

(1). Rasulullah (sallallahu alayhi wasallam) said:

*? O daughter of Anees! There is no ghusl (of Jumuah) on you (women), no Jumuah (Salaat), no shaving of the head and no cutting (of the hair) except that she herself or the mahram with her trims the edges of her hair on the Day of Nahr (10th Zil Hajj) when she has performed Hajj .?*

(Al-Mu'jamul Kabeer, Vol.24 page 138)

Regardless of the Hadith being of the *Mursal* category, it is a valid basis ( *mustadal* ) for the prohibition as already explained in the earlier discussions on the previous pages. Mursal Ahaadith are authentic according to the Fuqaha and Muhadditheen. And, the views of the shaykh are baseless.

(2). When Hadhrat Abdullah Bin Umar (radhiyallahu anhu anhu) ordered women to loosen their plaits during ghusl, Hadhrat Aishah (radhiyallahu anha) reacted angrily and commented: ? *Why does he not simply order them to cut off their hair ??*

This comment of Hadhrat Aishah (radhiyallahu anha) is further evidence for the fact that women used to have long hair and during ghusl would keep these plaits tied ontop of their heads as other Ahaadith indicate. It was this method of gathering the hair ontop of the head during ghusl as evidenced by Hadith narrations, to which Abu Salmah had made reference. But on account of the ambiguity and the misunderstanding which were likely to develop on account of the word he had used, most, if not all, of the Muhadditheen besides Imaam Muslim, opted for deleting his statement in this regard.

(3). The Hadith prohibiting the *jummah* hairstyle (hair as far as the shoulders) is a clear ruling prohibiting hair-cutting for women. They can achieve the feat of *jummah* hair only if they cut their hair.

(4). Authentic Ahaadith (the authenticity of which even plastic ?muhadditheen and mujtahideen' of this age cannot and do not deny) categorically prohibit women from increasing or lengthening their hair by artificial means. Women who do so have been branded as ? *mal-oonah* ' (accursed) by Rasulullah (sallallahu alayhi wasallam). According to the Ahaadith, the *la'nat* of Allah descends on such women. It is too easy for even Muslims who are not scholars to understand that women who cut their hair will be the victims of Divine Curse to a greater degree in terms of the Ahaadith.

(5). Many Ahaadith mention, describe, permit and prescribe different methods of keeping and cutting hair for men. This is so because hair-cutting had always been an accepted practice and way of men. It is a permissible practice. However, adoption of just any method and style of hair is not permissible for even men. Hence, the Ahaadith discuss the various methods of hair-keeping and hair-cutting for men and instruct them to adopt only the permissible styles. However, in regard to women, we find no corresponding emphasis of hair-cutting and hairstyles. Are we to infer from this apparent silence that women are allowed to adopt any hairstyle they wish? Does this silence of the Hadith imply that certain hairstyles are proscribed and haraam for men while women are exempted from such prohibitions? Only ulama-e-soo' will arrive at such conclusions.

Since it NEVER was the practice of women to cut their hair, there was no need for the Hadith to comment on it. Any future shaitaniyat which will be introduced in relation to women's hair could be adequately dealt with by employing the Principles of Fiqh as formulated by the Aimmah-e-Mujtahideen in the light of the Qur'aan and Sunnah ?and the Sunnah for woman was long hair ?natural hair ?the type of hair which forms the subject of the Tasbeeh of the Malaaiikah. The hairstyles of kuffaar women are not for Muslim women of *hayaa* (shame and modesty). Such vile styles produced by hair-cutting and encouraged by deviates following in the footsteps of shaitaan, are not for the Believing Women who believe in Allah, His Rasool and the Last Day.



If hair-cutting was in vogue among the women, then most certainly, the Ahaadith would have prescribed acceptable and permissible limits and styles for them in the same way as the Shariah does for men. It is inconceivable that the Ahaadith will exclude women from such important guidance and directives.

For those who understand and have no 'zang' (crookedness of kufr influences) in their hearts, the evidence in the Qur'aan and Sunnah is formidable and overwhelming to clinch the argument in favour of prohibition. The requirement is only *ikhlaas*, some fear for Allah Ta'ala and proper understanding of the applicability and operation of Usool-e-Hadith and Usool-e-Fiqh although we must say that for Muqallideen there is absolutely no need, in fact no permissibility, for reviewing any of the rulings of the Fuqaha. It is haraam for the muqallideen to attempt to reappraise and re-interpret the Shariah's rulings by employing the very Principles which the Fuqaha themselves had formulated on the basis of the Qur'aan and Sunnah. Such an ideology is disgraceful for a Muslim and it is pure shaitaaniyat.

### THE RULINGS OF THE FUQAHA

Hadhrat Shaikh Abdullah Bin Tastari (rahmatullah alayh), the renowned Wali of Allah said:

*'The worst darkness which engulfs the heart is the darkness produced by ilm (knowledge).'*

According to the authentic Hadith of Rasulullah (sallallahu alayhi wasallam), he who pursues the Knowledge of the Deen for base motives (worldly motives) and to dispute with the Ulama, will not smell the fragrance of Jannat. Their first station in the Aakhirah will be Jahannum.

In this day?in this age in close proximity with Qiyaamah? the world abounds with a breed of 'scholars' which Rasulullah (sallallahu alayhi wasallam) labelled with the epithet: *Aimmah Mudhilleen* or such imaams and scholars who lead others astray, far from the Path of the Deen. In this regard, Nabi-e-Kareem (sallallahu alayhi wasallam) said:

*'After me I fear for my Ummah the Aimmah Mudhilleen.'*

Such aimmah and 'scholars' are churned out in abundance by the recycling plants in Muslim countries which have abandoned the Shariah. The governments and rulers of such fallen countries have taken control either directly or indirectly, of the Madrasah systems on which they have exercised their stranglehold. The so-called Islamic institutions known as Institutes of Shariah Studies, Academies and the like, are in reality working against the pure Deen of Allah Ta'ala. Under the guise of Islam and Islamic studies they produce a breed of scholars which we can classify as 'ulama-e-soo'.

These worldly institutes portrayed as Deeni Madaaris also serve another destructive role, namely, to recycle weak-minded aalims and maulanahs with shallow and inadequate ilm-e-Deen 'such

maulanas who hail from the Sunnah Madaaris of India, Pakistan, Bangladesh and some other countries. Lacking in ikhlaas and spiritual integrity, these weak maulanas seek admission to these recycling plants for the acquisition of certificates of qualification to enable them to gain worldly jobs and some degree of miserable worldly recognition. Hence they crave to be known as professors of Islamic studies and knowledge. But in reality they have been caught and trapped in the web of shaitaan. They are members of the League of Shayaateen. They have become the agents of Iblees-in-Chief.

Before we present the rulings of the Fuqaha, it is necessary to offer a brief explanation about the Fuqaha. There is the need for Muslims to first understand who the Fuqaha are and what is their rank in Islam. Modernist *juhhaal* (ignoramus) and ulama-e-soo who have set themselves up as phony 'mujtahids' go to great lengths in the attempt to diminish the great importance, lofty rank and authority of these noble Authorities of the Shariah.

Their endeavour is to convey to the Muslims at large that the Fuqaha are just ordinary scholars in the same way as are these plastic and phony 'mujtahids' of this age. In this way they assume upon themselves the shaitaani exercise of subjecting the Shar'i Rulings of the Fuqaha to their stupid processes of 'critical analysis, thereby posing as 'fuqaha' when in reality they are led by shaitaan himself.

## THE FUQAHA

There are different categories among the Fuqaha. They are the highest-ranking Ulama who were the best among the Warathatul Ambiya (Heirs of the Ambiya). Rasulullah (sallallahu alayhi wasallam) said, '*The Ulama are the Heirs of the Ambiya*.' The very first Ulama to mount this lofty Pedestal were the Fuqaha.

The highest category of Fuqaha are the Aimmah-e-Mujtahideen who had codified and systematized the Shariah. Fuqaha such as Imaam Abu Hanifah, Imaam Malik, Imaam, Shaafi and numerous others are in this category. These Fuqaha or the first and highest category -the Aimmah-e-Mujtahideen- were either the Students of the Sahaabah or the Students of those who had studied under the Sahaabah. There were innumerable such Fuqaha in the Taabieen age. The Taabieen are those Muslims who lived in the age of the Sahaabah and linked up with them.

The many Aimmah Mujtahideen who acquired their knowledge directly from the Sahaabah, in turn imparted this Treasure to their Students. Among such noble Students of the Taabieen were Aimmah-e-Mujtahideen such as Imaam Hambal, Imaam Shaafi, Imaam Abu Yusuf, Imaam Muhammad and countless others who had devoted their lives to the Knowledge of Islam and to the obligations associated with such Ilm.

In this way, from generation to generation, right down to the present time, the Knowledge of

Islam ?its Principles and Details (the Usool and the Furoo-aat)?has been authoritatively and reliably transmitted to the Ulama of the successive eras. There is no break and no missing link in the *Sanad* (Chain) of Ilm (Qur'aan, Hadith and Fiqh) which today constitutes the Capital and the Treasure of the Ulama-e-Haqq.

It is, however, essential to understand that the Ulama of this age, even the most learned and most pious, are nowhere in the bracket or on the pedestal of even the Muqallid Fuqaha of the later (Mutakh-khireen) age, i.e. from the 3rd century Hijri onwards. Even great Ulama of the rank of Imaam Ghazaali, Imaam Fakhruddin Raazi, Imaam Nawawi and others, do not occupy the pedestal of either the Aimmah-e-Mujtahideen of the first category nor of the Fuqaha of the second category ?those who had gained their knowledge from the Aimmah-e-Mujtahideen. Among the second category Fuqaha are Ulama such as Imaam Abu Yusuf, Imaam Muhammad and the Students of the Aimmah-e-Mujtahideen who had been the formulators of the Usool of Fiqh.

From this explanation it should be clear that the Ulama of this age are not Mujtahideen. They are neither in any of the lofty classes of Fuqaha of the Khairul Quroon era. They are pure Muqallideen upon whom it is Waajib to unquestionably submit and follow the Rulings of the Fuqaha of the Khairul Quroon era. It is absurd for the Muqallideen Ulama of this age to scrutinize the Rulings of the Fuqaha with a view to re-interpret or change such rulings. On the contrary, it is the duty of the Ulama of all ages from after the age of the Salf-e-Saaliheen (the Khairul Quroon epoch) to base and issue their Fataawa on the Rulings of the early Fuqaha. There is no need to look beyond them and their Rulings.

To ascertain the authenticity of a Ruling or of even a Hadith, the first resort has to be incumbently to the Fuqaha. If the Hadith/Ruling satisfies the Principle of *Talaqqi Bil Qubool* of the Fuqaha, it (Hadith/Ruling) is authentic and the final word. This principle has already been explained earlier on.

The *Mustadallaat* (Basis of Deduction to produce a Shar'i hukm) of the Fuqaha are impeccable in strength and authenticity, bearing in mind the *Isnaad* of their Ilm and their independence from the Hadith Books of the Muhadditheen who appeared after centuries,

Thus, if the Fuqaha have accepted Ahaadith as authentic and cite these narrations as their proof, any conflicting opinion of any Muhaddith of whatever calibre will not be accepted in negation and refutation of what the Fuqaha said and ruled.

Having understood this, there will be no problem in the minds of sincere Muslims to understand, absorb and accept what the Fuqaha have to say on the question of hair-cutting by women.

1. ?It is not permissible for a woman to cut her hair even with the consent of her husband and it is not lawful for her to add hair to her hair.? (Al-Ashbaah Wan Nazaair, page 178)
2. ?If she (woman) cuts her hair, she has committed a sin and is accursed. Bazaazyiah adds: ?even if her husband consents because there is no obedience to anyone in an act of disobedience to Allah.? (Shaami, Vol.10 page 431)

3. *?A woman should be prohibited from halq (shaving) the hair of her head. The apparent meaning of halq (shaving) is its removal whether by shaving, cutting, plucking or by n aurah (chemical substance).? (Al-Hamawi, page 73)*

The above rulings of the Fuqaha explicitly declare hair-cutting for women forbidden and haraam. If the husband consents, he too comes within the scope of the Divine Curse. We are certain that these precise rulings of prohibition will be found in many other kitaabs of the Fuqaha. But an opposite view will not be found among the Fuqaha.

### **THE AKAABIR ULAMA OF DEOBAND**

Let us now see what our Akaabireen (the Senior Ulama and Muftis) of Deoband have to say on this question. It is also appropriate at this juncture to mention that shaykh Taha Karaan is a product of Daarul Uloom Deoband. His Ilmi career began there in Deoband. He owes that august institution allegiance, but it appears that he has switched his allegiance after his recycling process in Cairo .

In spite of him having rejected the entire Body of Akaabireen of Deoband in his baatil essay, he still projects himself as *?a graduate and an Aalim from Dar al-Ulum Deoband?.* But he has no need for this. In view of him having severed his Ilmi ties from Deoband with his baatil, and in view of him having betrayed that Ilm which he had acquired sitting at the feet of his Asaatizah, and in view of him opposing and rejecting the unanimous Fatwa of all the Seniors of Deoband on the issue of hair-cutting by women, he should content himself with his 'shaykh' title which he had acquired from the recycling plant in Cairo.

The following are the Fataawaa of some of the Akaabir Ulama and Muftis related to Deoband either directly or indirectly via the medium of the Akaabireen who had acquired their Ilm at Daarul Uloom Deoband.

### **HAKIMUL UMMAT HADHRAT MAULANA ASHRAF ALI THAANVI**

The following *istifta* (question seeking a fatwa) was put to Hadhrat Maulana Ashraf Ali Thaanvi:

*?In the newspaper, Zamindaar, a fatwa of the Ulama of Dehli has been published. Besides other nonsense and deception which the fatwa contains, it also narrates permissibility for women to cut their hair. This permissibility is narrated from Saheeh Muslim, Vol.1 page 148 where it is mentioned that the Holy Wives used to cut their hair so that it resembled wafrah. Is it really permissible for women to cut their hair and adopt the wafrah style? What is the correct interpretation of the Hadith of Saheeh Muslim?*

**ANSWER**

*There are correct dalaail (proofs) for the prohibition of the style (wafrah) about which the question has been raised. There are several possibilities in the daleel of permissibility (which ostensibly appears from the Hadith). The istidlaal (deduction) for permissibility is faasid (corrupt and baseless).*

*Firstly, the basis of this style (i.e. cutting hair) is undoubtedly tashabbuh (emulation) of the kuffaar women. In fact, this is the real purpose why they (women) adopt this practice. Furthermore, in this practice there is also the element of tashabbuh bir rijaal (imitating men) even if this is not the intention and purpose (of the hair-cutting). By virtue of the generality of the dalaail, this tashabbuh is haraam in every condition (i.e. whether there is a conscious intention or not).*

*Besides tashabbuh (emulation) there are other dalaail as well for the prohibition as will be explained further on.*

*Secondly, the narrator (i.e. Abu Salmah) did not categorically state his own observation (i.e. he himself had seen Hadhrat Aishah's hair). Although the narrator may be Hadhrat Aishah's mahram (as some say), the words of the Hadith relating to Hadhrat Aishah are not nass (i.e. there is no claim/statement of permissibility of hair-cutting). Nor is the narrator a mahram of the other Holy Wives, which would have enabled him to see their hair. Nor does he mention the name of anyone who had personally seen the hair of the Holy Wives. Nor is the reliability or unreliability of the narrator known. It is not known if he had made his statement after investigation or on the basis of inference.*

*Sometimes women fold their hair in such a way that an observer can gain the impression that their hair has been shortened. According to Asma-ee wafrah is longer than limmah which reaches the shoulders. Thus, in terms of this definition, wafrah means hair which reaches lower than the shoulders*

*Then, the narrator did not say that her hair was wafrah. He said, 'kal-wafrah', i.e. it resembled wafrah. In this too is the possibility that her hair was longer than wafrah. In fact, by reflecting, one will conclude that this possibility has preference. In fact, it is more certain because if the hair was less than wafrah, the narrator would have described it as limmah because there is a word for this length of hair. There would not have been the need to say: 'like wafrah'. There is no word for hair longer than wafrah, hence the narrator described it to be 'like wafrah'. In view of this, it can be said that most certainly, the hair could have been tresses .?*

*(After this explanation, Hadhrat Thaanvi cites the interpretation of Imaam Nawawi 'the interpretation which shaykh Taha Karaan chose to conveniently bypass. Insha'Allah, we shall refer to this interpretation later.)*

Hadhrat Thaanvi, continuing his answer, says:

*? It appears in Ad-Durrul Mukhtaar narrating from Al-Mujtaba: ?A woman who has cut her hair has sinned and she is accursed. Bazaazyah adds: ?and, even if her husband consents because there is no obedience to anyone in an act of disobedience to the Creator. ' ?*

In concluding his Fatwa, Hadhrat Thaanvi says: *? Halq (shaving) in its general meaning includes cutting (qass).?*

(IMDAADUL FATAAWA, Vol,4 page 228)

### **HADHRAT MAULANA SAEED AHMAD PAALANPURI**

Hadhrat Maulana Saeed Paalanpuri, an Ustaadh in Daarul Deoband as well as the Ustaadh of shaykh Taha Karaan, writes in his treatise, The Beard and the Sunnats of the Ambiya:

*? It is prohibited for a woman to cut her hair, to wear male garments, to wear male-like shoes and to walk like a man.?*

*? It is haraam for a woman to shave or cut her hair. Such a woman deserves the curse of Allah. In Shaami it appears: ?A woman who cuts her hair has sinned and she has become accursed.?*

### **MUFTI YUSUF LUDHYAANWI**

In his Fataawa, Your Masaail, Mufti Ludhyaanwi writes:

*? It is not permissible for women to cut the hair of their head .? (Vol. 7 page 132)*

Besides these few Fataawa of the Senior Ulama of Deoband, there are many similar fataawa of our Seniors on prohibition. There is complete unanimity of all Akaabireen Ulama of Deoband on the prohibition of hair-cutting for women.

There is complete unanimity of all the Fuqaha of all ages, right from the inception of Islam, that it is forbidden for women to cut their hair. In the face of this Ijma' (Consensus) of the Fuqaha and Ulama of Islam, how can the deviate shaykh volunteer a contrary opinion? The falsity and absurdity of his view should be manifest for all to see and understand. He is the sole ?scholar' opposed to the Fuqaha and Ulama of Islam. This in itself should be sufficient daleel for his error and baatil.

## **IMAAM NAWAWI'S INTERPRETATION**

Shaykh Taha Karaan has utilized the Hadith which appears in Saheeh Muslim as the main basis for his claim that it is permissible for women to perpetrate the shaitaani act of cutting their hair. In his baatil and silly 'critical analysis', he cites the narration of Abu Salmah, lauds its authenticity and happily comments:

❖ *It is documented by Imam Muslim in his Sahih with an-Nawawi's commentary.* ❖

Yet the shaykh has opted to conceal Imaam Nawawi's commentary on this narration. Why did the shaykh choose to refrain from citing Imaam Nawawi's commentary? He produces the Hadith from Muslim Shareef and he makes reference to Imaam Nawawi's commentary on the Hadith, but he does not bring it to light. He cannot convince anyone to accept that he had overlooked the commentary due to an oversight. He does refer to it without revealing it. The commentary directly concerns the Hadith which forms the prime basis for the shaykh's baatil hypothesis. Indeed he has committed academic debauchery and dishonesty by this choice.

What is even more peculiar is that in the commentary of Imaam Nawawi, the shaykh had a one-legged support for his baatil contention of permissibility. He could have used one statement of Imaam Nawawi in his argument against the proponents of prohibition. But, he invoked the principle : ❖ Its disadvantage is more than its advantage. ❖ He fully understands that if he can eke out one point of support out of Imaam Nawawi's commentary, 10 points will go against him. Hence, he decided to forgo the advantage for the sake of saving himself from further weakening his stand.

A man of true Deeni Ilm does not conduct himself in this way. All arguments for and against are considered with an open mind and with sincerity. The Haqq is then taken and baatil abandoned.

Let us see how Imaam Nawawi interprets the Hadith of Saheeh Muslim. Commenting on the Hadith, Imaam Nawawi says:

❖ *Like wafrah: According to Al-Asamee, wafrah is more and longer than limmah. Limmah is that the hair reaches the shoulders. Others have said that wafrah is less than limmah, and it (limmah) is hair which does not go beyond the ears. Abu Haatim said: Wafrah is the hair which covers the ears. Qaadhi Iyaaz said: ❖ It is known that the women of Arabia used to take from their tresses and plaits.. Perhaps the Wives of Rasulallah (sallallahu alayhi wasallam) did so after the demise of Nabi (sallallahu alayhi wasallam) for abandoning beauty, and for them being in no need of lengthening hair, and also for lightening the weight on their heads. Others too have narrated what Qaadhi Iyaaz has said, namely, that the Wives did so after the demise of Rasulallah (sallallahu alayhi wasallam), not during his lifetime. This in fact is confirmed (viz. that they did not do so during the lifetime of Rasulallah (sallallahu alayhi wasallam)). It cannot be imagined that they did so during the lifetime of Rasulallah (salallahu alayhi wasallam). In this (Hadith) is a daleel for the permissibility of lightening the hair for women. And Allah knows best.* ❖

In this commentary are the following two statements which the shaykh of the baatil article could have cited in his favour:

(1) The women of Arabia used to take from the hair.

(2) In this is a *daleel* for the permissibility of lightening the hair. But the shaykh decided that it is best to keep the lid on this interpretation because of the following facts stated by Imaam Nawawi:

(a) Perhaps the Wives had done this (lightening the hair) after the demise of Rasulullah (sallallahu alayhi wasallam).

(b) It is unimaginable that they had done so during the life time of Rasulullah (sallallahu alayhi wasallam).

Since Imaam Nawawi is aware that hair-cutting for women is prohibited, he resorted to a labyrinthal way of interpreting the Hadith so that it could be reconciled with the prohibition. If this was not the case, there would have been absolutely no need to resort to this type of interpretation which does not fully satisfy the demand of *tatbeeq* (reconciliation) between opposites.

The degree of certitude which Al-Asamee and Imaam Nawawi had on the ruling of prohibition constrained them to comment:

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

What makes it unimaginable? Why should it be unimaginable if it was perfectly permissible for women to cut their hair? And, why then would they not do it during the lifetime of Rasulullah (sallallahu alayhi wasallam)? What had prevented them from cutting their hair during the lifetime of Nabi-e-Kareem (sallallahu alayhi wasallam)? If indeed they had cut their hair after the demise of Rasulullah (sallallahu alayhi wasallam), then what had prevented them from cutting their hair during the lifetime of Rasulullah (sallallahu alayhi wasallam)?

On the assumption that Abu Salma's statement does mean cutting in the literal sense, then there must have been some compelling cause for the Holy Wives to have resorted to it. Whatever that cause was had not existed in the lifetime of Rasulullah (sallallahu alayhi wasallam). There must have been a real need, if the meaning of cutting has to be taken.

But the cutting part of the Hadith remains highly ambiguous. In fact the interpretation of Al-Asamee which Imaam Nawawi presents compounds the ambiguity. In relation to the cutting, he uses the doubtful term, ❖perhaps'❖ i.e.

❖ *Perhaps they used to cut their hair after the demise of Rasulullah (sallallahu alayhi wasallam)*

. ❖



On the otherhand, in relation to the prohibition, he says:

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

He adds strength to the negation of this cutting act during the lifetime of Rasulallah (sallallahu alayhi wasallam) by saying:

◆ *This is fixed (absolute in certitude and confirmed)* .◆

It is abundantly clear from the conclusion of Imaam Nawawi and Al-Asamee that inspite of the far-fetched interpretation in a valid attempt to reconcile the Hadith with the Shar'i prohibition, they uphold the Prohibition by declaring that it is unimaginable that the Holy Wives had cut their hair during the lifetime of Rasulallah (sallallahu alayhi wasallam).

Regarding the statement:

◆ *In it is a daleel for permissibility of lightening the hair for women* ◆, the word *takhfeef* is used. Literally, *takhfeef* does not mean cutting. It means to lighten, to lessen a burden or a weight, etc. It is not used for cutting. Why did Imaam Nawawi use this word of ambiguity if he had actually referred to cutting of hair? The words to use for cutting are *qass* and *akhth* .

If he meant thereby ◆cutting', then why did Imaam Nawawi so emphatically refute the idea of the Holy Wives having cut their hair during the lifetime of Rasulallah (sallallahu alayhi wasallam)? Imaam Nawawi does not cite any other evidence to corroborate the ◆daleel' to which he has alluded. He states it weakly and ambiguously. It is a well-established fact that none of the Fuqaha had used this Hadith as a *mustadal* for permissibility of hair-cutting. Their ruling is on prohibition.

A plausible interpretation on the assumption that cutting is implied, is that it is permissible for women to cut their hair for a valid Shar'i reason, e.g. sickness. But no one contests the exceptions. All ahkaam have exceptions. Furthermore, Imaam Nawawi was a Muqallid. He is no where in the category of the Aimmah-e-Mujtahideen of the likes of the the Taabieen and their Students. Besides this, the greatest significance of his interpretation is his negation of hair-cutting during the time of Rasulallah (sallallahu alayhi wasallam), confirming his belief in the prohibition of this act.

Imaam Nawawi's conclusion in which he makes a weak reference to ◆daleel' is like a man making a doubtful statement while shrugging his shoulders to convey uncertainty. But he does not shrug his shoulders when he says with emphasis: ◆ *This is absolute (confirmed)* ◆, with regard to prohibition which is the only reason why the Wives would never have cut their hair

during the time of Rasulullah (sallallahu alayhi wasallam).

Of even greater significance is the reason for shaykh Taha opting to discard the interpretation in Imaam Nawawi's commentary despite the straws he could have clutched from it. Since he did at least understand that he would weaken his stand by adding ambiguity to ambiguity, he deemed it appropriate to cast a veil on Imaam Nawawi's interpretation in the hope that this debauchery would not be discovered.

This interpretation in no way whatsoever detracts from the force and validity of the Shariah's Ruling that it is haraam for women to cut their hair; that it is an act of Shaitaan; that it is *tashabbuh bil kaafiraat* ; that it is *tashabbuh bir rijaal* ; that the hair-cutting women are *mal-oonaat* (accursed); that they display gross ingratitude for the beautiful Ni'mat of long hair Allah Ta'ala has bestowed to them. Such women deprive themselves of the Duas of the Malaaikeh who recite the Tasbeeh of Allah Ta'ala by virtue of their long tresses. Hence, to become enmeshed in the snares of miscreants, deviates and *mudhilleen* , and in so doing to deprive oneself of wonderful spiritual blessings and treasures, is not intelligent, to say the least.

This is the Tasbeeh of the Malaaikeh:

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

◆ *Glory to Allah Who has adorned*

*men with beards and women with tresses.* ◆

### THE DALEEL OF ANMULAH

*Anmulah* is a division on the finger. It is one third the size of a finger, approximately 20 to 25 mm. When a woman is to be released from ihraam, it is mandatory that she trims her hair at the edges the size of only one anmulah. It is not permissible for her to cut more.

Lest there develops some confusion as a result of the greater significance of *halq* (shaving the head), the Shariah has prescribed the limits for taqseer in relation to a woman whereas men are allowed, in fact exhorted, to remove all their hair on 10th Zil Hajj. The great disparity in the Shariah's ruling for the hair-rites of man and woman by itself is adequate to indicate that hair-cutting for women is abominable.

The fact that when hair-cutting was considered necessary by the Shariah for women, then a limit was prescribed for this *Taqseer* (cutting). It was not left to the discretion of women to cut as they wish. The slight amount of one *anmulah* in size was ordained mandatory for the *Taqseer* of women. On the contrary *Taqseer* for men was left to their discretion they could cut any amount in excess of one *anmulah*. Therefore if hair-cutting was permissible in principle and in general for women, there would have been a clear direction from Rasulallah (sallallahu alayhi wasallam). The style and the limits would have been prescribed just as the limit has been prescribed for *Taqseer*. This is sufficient for thinking people to understand that there was no hair-cutting practice during the time of Rasulallah (sallallahu alayhi wasallam) for women.

### HALQ FOR WOMEN

There is no difference whatsoever on the issue of *halq* (shaving the head) for women. With complete unanimity all authorities accept that it is not permissible for women to shave their heads, whether it be as a style or for release from ihraam. Even all laymen understand this prohibition which no one contests.

But it will come as no surprise if tomorrow some deviate mushrooms to advocate the permissibility of *halq* for Muslim women in emulation of some new kuffaar fad. Then, as *daleel*, he will dig up from somewhere in the kitaabs an authentic Hadith to legalize *halq* in the same way as the shaykh has exhumed the Hadith from Saheeh Muslim to substantiate his baatil which is in conspicuous and violent conflict with all the Dalaail of the Shariah, and with the Ijma' of the Ummah.

Before such a deviate bobs up, it is best that we present the Hadith which may be cited as a basis for the permissibility of *halq* for women.

Ibn Hibbaan in his Saheeh records the Hadith narrated by Yazeed Inbul Asam:

❖ *Verily, Maimunah (radhiyallahu anha) had made halq of her head during Hajj.* ❖

This Hadith is also recorded in *Diraayah* and *Nasbur Raayah*.

The shaykh who advocates the permissibility of women cutting their hair should now speak up and say if he believes in the permissibility of women shaving their heads bald. The Hadith is authentic just as the supposedly hair-cutting Hadith is authentic. If hair-cutting is permissible on the basis of the Hadith which constitutes the main *daleel* of the shaikh, then by the same token *halq* for women should be permissible on the basis of the Hadith which informs that Hadhrat Maimoonah (radhiyallahu anha), one of the Wives of Rasulallah (sallallahu alayhi wasallam), had shaved all her hair during Hajj.

In the hair-cutting Hadith it was Hadhrat Aishah (radhiyallahu anha), a Wife of Rasulallah

(sallallahu alayhi wasallam), and in the halq Hadith it is Hadhrat Maimoonah (radhiyallahu anha), also a Wife of Rasulullah (sallallahu alayhi wasallam). But no one, at least for the foreseeable present and future, will venture the hypothesis of the permissibility of *halq* for women. However, there is no difference in proclaiming *halq* permissible for women in the light of the kind of stupid and baatil reasoning of shaykh Taha Karaan.

The shaykh has dismissed all the Ahaadith prohibiting *halq* as being unauthentic. In view of this and the fact that there is a *Saheeh* Hadith ostensibly permitting women to shave their heads, the shaykh should have no reservations in advocating *halq* for women in the same way as he is exhorting women to perpetrate the shaitaani act of *taghyeer bi khalqillaah* by cutting their hair.

He should have no qualms on this issue. To assist him, we provide the following three *daleels* ' for this baatil:

1. The Saheeh Hadith of Yazeed Ibnul Asam, proving that Hadhrat Maimoonah (radhiyallahu anha) had shaved her head.
2. The Hadith in which Rasulullah (sallallahu alayhi wasallam) indicated the superiority of *halq* over *qasr* by making dua twice for those who shaved their hair, and once for those who cut their hair. In this Hadith Nabi (sallallahu alayhi wasallam) did not differentiate between males and females. The double Dua which he made for those who shave their heads is general. Therefore in terms of the lopsided logic of deviates, women too, come within the scope of the generality of Nabi's (sallallahu alayhi wasallam) Dua.
3. The Qur'aanic aayat which praises first the *Muhalliqaen* (those who shave their heads), then the *Muqassireen* (those who cut their hair) is general in purport. It could be argued that women too are included within the scope of *Muhalliqaen* .

It is unintelligent and in conflict with the Shariah to simply take any authentic Hadith and formulate a rule on its basis in the light of one's personal opinion. Any authentic Hadith which is in conflict with the Fatwa of the Aimmah-e-Mujtahideen and with the Fuqaha of the Salf-e-Saaliheen in general and with the Ijma' of the Ummah has to incumbently be reconciled with the Shariah's Ruling by some acceptable interpretation without rejecting the Hadith.

This entire fitnah of baatil and *dhalaal* is the consequence of either abandoning the Taqleed of the Aimmah-e-Mujtahideen or of stepping beyond the demarcations of Taqleed. And all this in turn is the product of *takabbur* and *Ujub* . May Allah Ta'ala protect us and save us from these spiritual disasters which had ruined Shaitaan and brought the la'nat of Allah Ta'ala on him.

#### ◆ IN PRINCIPLE ◆

The shaykh has uttered a dastardly notriety by averring that ◆ in principle it is permissible for a woman to cut her hair ◆. This statement in effect means that this vile and accursed act is *mubah* (perfectly permissible) in the same way as it is permissible for men to cut their hair and for women to wear pink garments. But, as it has been proven in this treatise that the ◆ *asl* ' (original hukm) regarding hair-cutting for females is prohibition. Permissibility will apply only for a real, valid and pressing need such as medical treatment.

The claim of hair-cutting for women being permissible **in principle** is in fact a blanket permission for them to proceed with their hair-cutting in the same way as men go about freely cutting their hair provided that they do not violate the Shariah's limits related to hairstyles. But if women have to invoke this **in principle** exhortation of the shaykh, they will have free reign and unfettered scope to cut and adopt whatever style their nafs desire. This is so, because the Hadith does not prescribe any style or limits for a woman's hair. Every woman will therefore use her own nafsani discretion to cut her hair as she deems best.

The silence of the Hadith on the issue of woman's hair other than the prohibition of halq (shaving) and the incumbency of cutting 25 mm during Hajj/Umrah, is by itself a strong daleel for the prohibition of cutting hair. They simply have to leave their hair to grow naturally. Their hairstyle is the hair in its natural state.

### (Tasbeeh of the Malaaikeh in the Heavens)

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

## MISCELLANEOUS FACTS

Some miscellaneous facts will be stated here to provide further insight for those who are in search of the Truth and who may have been confused by the baatil essay of shaykh Taha Karaan.

(1) All the Fuqaha who have ruled that it is not permissible for women to cut their hair have cited the same Ahaadith as their basis ?the very same Ahaadith which the shaykh claims are unauthentic. In spite of this, they uniformly provide the same Ahaadith and all the same *dalaail* .

All the Fuqaha state that the rationale for the prohibition is muthlah (disfigurement), *tashabbuh bir rijaal* (emulating men) and *tashabbur bil kaafiraat* (emulating kuffaar women).

### Are they all wrong and only the modernist 'mujtahid' right?

(2) When a Shar'i authority of the calibre of Saahib-e-Hidaayah considered the Hadith regarding the Tasbeeh of the Malaaikeh worthy and authentic enough to present as a *mustadal* for such an important mas'alah as the payment of *Diyat* (monetary compensation and penalty for a wound inflicted on another person), then the absurdity of shaykh Taha's rejection of the authenticity of this Hadith should be evident.

The shaykh of the baatil essay will at least concede that Saahib-e-Hidaayah was not ignorant of the principles of Hadith. This illustrious expert and authority of the Shariah must surely have

known that *ahkaam* cannot be based on unauthentic Hadith narrations.

(3) The Principle of *Talaqqi bil Qubool* of the Fuqaha is a golden rule. It is the strongest *Daleel* for the Muqallideen. There is no need to look beyond the confines of this *Daleel* . Once a Hadith has been accepted and authenticitated by the Fuqaha, it is the final word and seal on the authenticity of that narration. No one's opinion can detract from the authenticity of any Hadith which has satisfied the condition of *Talaqqi bil Qubool* of the Fuqaha.

(4) Another important principle of Fiqah is: *Saddan li baabil fitnah* , i.e.To close the avenue of fitnah (evil/haraam, immorality, etc.). Blocking the avenue through which evil and sin creep is an incumbent obligation on all Muslims. All the Principles formulated by the Fuqaha are derived from the Qur'aan and Hadith. In the endeavour to prevent evil and sin, it is necessary to invoke the principle of *Saddan li baabil fitnah* .

That hair-cutting and hair-make-up are accepted and much practiced features of western kuffaar women, is undeniable. Large sums of money are spent by even struggling women on their hairstyles. Beauty parlours have mushroomed all over the world. The emulation of *kaafiraat* hairstyles is on the rise. More and more Muslim women are following these shaitaani trends, fashions and styles.

On the assumption that hair-cutting for women was permissible in principle, then too, in view of the corruption sweeping Muslim society and in view of the incremental acceptance by Muslims of kuffaar fashions and styles, it has become imperative to invoke the principle of *Saddan li baabil fitnah* . On this basis too, hair-cutting should be proscribed and declared haraam.

When people began performing Salaatudh Dhuha with prominence in the Musjid as if it was like one of the Fardh Salaats, Hadhrat Ali (radhiyallahu anhu) prevented them. In spite of the exceptionally great virtues of this Salaat, he forbade them from performing it in the Musjid. They had to perform the Salaat at home. This action of Hadhrat Ali (radhiyallahu anhu) was based on the Principle of *Saddan li baabil fitnah* . The practice of the people could have developed into a bid'ah, hence the need for prohibition. There are many examples in the Shariah of this principle.

When this principle is applied to even pure acts of Masnoon ibaadat, then what does intelligence and caution command in relation to mundane and nafsani acts which lead to immorality? The principle of *Saddan li baabil fitnah* should have been sufficient to constrain shaykh Taha Karaan from embarking on his tableegh of the shaitaani act of women cutting their hair.

(5) The Hadith regarding the Tasbeeh of the Malaaikeh whose thikr centres around the beards of men and the tresses of women, is narrated by Hadhrat Aishah (radhiyallahu anha). The Hadith is authentic. It has satisfied the principle of *Talaqqi bil Qubool* of the Fuqaha as well as of the

Muhadditheen. No doubt, Hadhrat Aishah (radhiyallahu anhu) who narrated this Hadith was well aware of the virtue, significance and incumbency of long tresses. In the light of her narration of this Hadith, it is inconceivable that she had cut off her *thawaaib* (tresses) as the interpretation of shaykh Taha Karaan posits.

Assuming that she did in fact cut her hair, there would have been a compulsive reason valid in the Shariah to constrain her to resort to this drastic step of cutting hair.

Her *Taqwa* and lofty spiritual status was such that Rasulullah (sallallahu alayhi wasallam) said that Aishah will enter Jannat centuries before many senior Sahaabah. There are therefore very strong grounds, from different angles, for presenting interpretations which will divert the Hadith from the 'apparent' meaning and reconcile it with the prohibition of the Shariah.

(6) Cutting hair is viewed in such a grave light by the authorities of the Shariah that some Fuqaha explain that the method of *taqseer* (trimming) just about 20 or 25 mm is for the woman to gather her hair in front of her from above her head. Then she has to cut the prescribed amount from the edge of the gathered hair. Other Fuqaha adopt a more concealed method. They say that she should lift her hair over her head and cut the prescribed amount from the hair under her tresses, not actually from the tresses. When such strict measures have been adopted for even the Waajib rite of *Taqseer*, then what can we say about women cutting-hair for *nafsaaniyat* and *shaitaaniyat* and in emulation of kuffaar females?

(7) When all the Fuqaha and the entire Ummah in every age have regarded hair-cutting for women to be disfigurement, ugly and immoral, the so-called '*urf*' of today's corrupt Muslim societies which follow kuffaar lifestyles like insane apes can never replace the *Urf* of the Ummah of the past fourteen centuries. An '*urf*' spawned by kuffaar immorality and libertinism can never be a valid *Urf* for the Society of Mu'mineen anywhere in the world.

(8) It is haraam for women to remove hair from their eyebrows for the sake of beautifying and adornment since this act is also a shaitaani act described as *taghyeer bi khalqillaah*. Eyebrows are not as marked and as distinguishing as long feminine hair. Cutting it will come within the purview of *taghyeer bi khalqillaah* to a greater degree.

(9) Women had complained to Rasulullah (sallallahu alayhi wasallam) of the difficulty of repeatedly taking ghusl for every Salaat on account of *istihaadhah*. The most difficult act in ghusl for women is washing their long and dense hair. After the ghusl it also remains moist and damp for a long time. Yet, permission to cut their hair was never given in order to lighten the difficulty of repeated ghusl. How can it then be accepted that there was permission to cut hair for nonsensical reasons? merely for satisfying a false concept of beauty? Their natural hair is an item of beauty in its natural state, not in a mutilated state.

(10) The Hadith of Hadhrat Saalim (radhiyallahu anhu), the servant of Rasulullah (sallallahu alayhi wasallam) should be borne in mind and be read in conjunction with the Hadith of the

non-Sahaabi, Abu Salmah whose version is not corroborated by any Sahaabi or by any other Hadith. Hadhrat Saalim (radhiyallahu anhu) narrates as follows:

*? The wives of Rasulullah (sallallahu alayhi wasallam)*  
*would divide their hair into four tresses. When they*  
*would make ghusl, they would gather these (tresses)*  
*ontop on the middle of their heads .?*

This Hadith now explains the version of Abu Salmah and eliminates the ambiguity. Their practice of gathering their hair ontop of their heads, with part of the hair still overhanging as far as the ears, conveyed the impression of wafrah, if the shorter form attributed to wafrah is to be accepted as shaykh Taha wants everyone to accept.

(11) The acts of tashabbuh bir rijaal and tashabbuh bil kaafiraat remain kabeerah sins regardless of niyyat. Such acts of emulation do not require a conscious intention for their prohibition. Wearing a cross without the intention of shirk, remains shirk and haraam. Haraam acts remain haraam regardless of absence of intention or the presence of a good intention.

(12) *Mursal* and *Dhaeef* Ahaadith are elevated to the category of Hasan and become fit for *istidlaal* (deduction of ahkaam). This process of elevation of Hadith from one category to another was unnecessary during the age of the Aimmah-e-Mujtahideen. A Hadith which was authentic in the highest category to a Taabieen Mujtahid could have been classified as *Dhaeef* and *Mursal* or to any other class of Dhaeef by virtue of the long interval of time from the age of the Sahaabah. Whereas the Ahaadith reached the Taabieen Fuqaha directly from the First Authorities of the Shariah, namely, the Sahaabah, the same Ahaadith reached the later Muhadditheen via a long Chain of Transmission in which discrepancies had become a feature.

### **(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 PRINCIPLE OF AL-IBAHAH

In Fiqah there is the principle: *Al-asl fil ash-yaa al-ibaahah* , which means: Permissibility is the original ruling in things. The purport of this principle is that a thing will be regarded as lawful and permissible until such time that there is evidence to indicate prohibition. Commenting on this principle, shaykh Taha Karaan says in his baatil essay:

❖ *The Shar'i rule that things are permissible by default until rendered unlawful by proof* ❖

Firstly, there is no such principle as ❖ *permissible by default* ❖.

He has not correctly understood the principle. There is no mention of the aspect of ❖ *default* ' in the principle we have mentioned and to which the shaykh alludes to in his essay of corruption.

Secondly, he has adopted this principle selectively to suite his view. This is not a unanimously held principle. This principle cannot be applied uniformly to all contingencies. Al-Ashbaah Wan-Nazaair explains this principle as follows:

❖ *It (this principle) is the Math-hab of Imaam Shaafi (rahmatullah alayh). (The opposite, viz.) Tahreem (Prohibition is the original rule of things until proven lawful), has been attributed by some Shaafis to Imaam Abu Hanifah (rahmatul lah alayh). In Al-Badaa`I it appears: The preferred view is that there is no hukm (Shar'i ruling) for actions prior to the Shariah (issuing its ruling).....It appears in Sharhul Manaar that the principle of Al-Asl fil ash-yaa al-ibaahah is according to some Hanafis. Among them is Al-Karkhi. Some among the Companions of Hadith (the Muhadditheen) say that the original rule is prohibition. Our Ashaab (the Ahnaaf) say that the original rule is Tawuqquf (Non-committal).* ❖

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 his basis for this selection? Someone else can opt for the diametrically opposite meaning and claim prohibition on that basis. But neither is there any Shar'i ground to claim that cutting hair for woman is permissible on the basis of the principle of original permissibility selected by the shaykh nor is there a daleel for the claimants of prohibition on the basis of their selection of the principle of original prohibition.

One does not need to be an Aalim of outstanding intelligence and profound knowledge. It is simple to understand that the issue of women's hair is not a new invention or a development of this age. Islam could not have left this important issue to be decided by the wildly fluctuating vagaries of man who is basically subservient to his nafs. This is especially so when we observe

that Rasulallah (sallallahu alayhi wasallam) had dealt in detail with the hair of men.

The importance of the issue of the female's hair is such that in principle her face may be exposed, but not one strand of the hair on her head. The Shariah has coveted her hair and guarded it with unparralled diligence. It is part of her *aurah* and *satr* which has to be permanently concealed. It therefore cannot be expected that the Shar'i rules applicable to the treasure of woman's hair was left in ambiguity to be decided by diametrically conflicting juristic principles which still had to be formulated decades after the demise of Shaari' (alayhis salaam), i.e. Rasulallah (sallallahu alayhi wasallam).

Furthermore, what right and what licence does any stupid ❖mujtahid' of this age possess to subject the issue of woman's hair to an ambiguous principle of the Fuqaha when these very great and illustrious Souls have already issued rulings of conspicuous clarity on the question of the hair of a female?

The principle of the original rule being *Ibaahah* (permissibility) or *Tahreem* (prohibition) or *Tawaqquf* (non-committal) will be resorted to when the Shariah is completely silent on an issue, there being no directive to submit to. But, this is indeed a rare or a near-impossible exigency in these times when we have the ready-codified Shariah with thousands and thousands of *furoo-aat* (details) -real and assumed- to guide us right until the Day of Qiyaamah. That task of codification and elaboration of the Shariah was the preserve which belonged exclusively to that noble and unique Jamaat of Souls whom the Ummah recognizes as the Aimmah-e-Mujtahideen who absorbed the Knowledge of Wahi from the very first Links of the Roohaani Chain which binds them with Allah Ta'ala.

In short, this Glorious Roohaani Chain consisted of only the Links of the Taabieen, the Sahaabah and Rasulallah (sallallahu alayhi wasallam). When Men of Allah who are the very first Links of this golden and celestial Chain speak, they speak with the authority conferred upon them by Allah Ta'ala through His Intermediary, Rasulallah (sallallahu alayhi wasallam). What need then has the Ummah to even listen to the trash and nonsense which recycled plastic ❖mujtahid s' of this corrupt age churn and gorge out?

Indeed it is a sign of mental derangement, spiritual corruption and the process of initiation of kufr when a man who possesses a smattering of knowledge sets himself up as an adversary of the Aimmah-e-Mujtahideen and the Fuqaha of the Khairul Quroon era. Let us always make dua, imploring Allah Ta'ala to save us from the evil which lurks in our nafs and from the snares of Shaitaan. Many a great man of knowledge and piety had fallen to the lowest ebb of corruption and ended up in the bowels of kufr. Did shaykh Taha Karaan have no better and decent topic on which he could have given naseehat to the community at his end?

## (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 UTILITY OF THE MUHADDITHEEN

It may be understood or misunderstood from the discussion in this treatise that the elevation of the Fuqaha to the pedestal of supremacy has not only minimized the role of the Muhadditheen, but has effectively driven them into oblivion. If the Word of the Fuqaha is the final word in the Shariah, then what role did the Muhadditheen occupy in the Shariah and what is their utility for the present and the future? Did the illustrious Muhadditheen such as Imaam Bukhaari, Imaam Muslim, Imaam Nasaa'i and the countless others only act in the capacity of historians? What is the worth of their wonderful Hadith Compilations and what pedestal in Islam do these Works occupy?

Lack of understanding the proper role of the Muhadditheen can lead to such conclusions. 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 Muhaddithen 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.

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 ❖ of such *ahkaam* on which the Fuqaha have issued their Fatwa. The uniformity and consensus of the Fuqaha on an issue are loud and clear evidence for the fact that their rulings have reached them by way of reliable and authoritative transmission and narration from the Top ❖ from the Sahaabah. This is a simple mas'alah which should not be difficult to comprehend.

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*. The *Jarah* and *Ta'deel* (criticism and certification) exercises of the Muhadditheen do not apply to the Chains of Narrators from whom the Fuqaha have accepted Ahaadith which they (the Fuqaha) have confirmed to be authentic. If Imaam Abu Hanifah or Imaam Maalik or any of the other Taabieen Mujtahideen had accepted as authentic a Hadith which reached them, it will be gross ignorance and *dhalaal* (deviation) for anyone to claim that one of the narrators in such a Chain is a *kath-haab* (great liar) or a *dajjaal* or a *waadhi* (fabricator) of Hadith.

Besides those Ahaadith which are the *Mustadallaat* of the Fuqaha, there are countless thousands of other Ahaadith which the Fuqaha had not employed nor had need to employ. The Fuqaha are silent on these thousands of Ahaadith. Imaam Bukhaari himself had gathered three hundred thousand Ahaadith of which he says, two hundred thousand are Saheeh and one hundred thousand not Saheeh. Then there are innumerable Ahaadith which other Muhadditheen have compiled in their Works. Innumerable such Ahaadith which are not to be found in Saheeh Bukhaari and Saheeh Muslim are recorded in other Books, besides the popular Sihaah Sittah (the Six Authentic Books of Hadith). All these authentic Ahaadith recorded in the kitaabs of the Muhadditheen and which the Fuqaha have not touched on, have a purpose to serve for Muslims.

While the principles of Fiqah can be applied to all future developments and Shar'i rulings formulated for such developments on the basis of these Fiqhi principles, there will always be the need for Ahaadith for specific direction, greater clarity and confidence. If Rasulullah (sallallahu alayhi wasallam) had issued a specific ruling or had given specific advice on a matter, then the Hadith, if authentic, will override the principles of the Fuqaha. Formulation of a fatwa in the light of *Kulliyaat* (General Principles) is only the very last resort for the Muqallid Mufti and Aalim. The safest course and the method to inspire confidence is to search for a *Juz'i* (particular directive or a precedent), then issue a Fatwa on its basis.

Only in the absence of such particulars, will the principles be invoked. The Ahaadith are replete with advices and directives on specific issues. For directives on developments and issues which did not exist during the ages of the Fuqaha, the search for authentic Ahaadith is imperative. This is where the Compilations and classification of Ahaadith become necessary.

Furthermore the chapter on *Akhlaaq* (moral character) is not within the purview of Fiqh. Hence the thousands of Ahaadith pertaining to *Akhlaaq* have to be acquired from the treasure of authentic Ahaadith compiled by the Muhadditheen.

From this it will be understood that the utility of the Works of the Muhadditheen is for posterity, not for those great Fuqaha who had strode the Firmanent of Islamic Uloom before them.

# CONCLUSION

By the fadhil of Allah Ta'ala and the duas of our Asaatizah, we have, Alhamdulillah, presented a fitting reply for the companions of *baatil* and *dhalaal*. The following facts mentioned in brief summarizes this treatise:

1. It is HARAAM for a woman to cut her hair for no valid Shar'i reason.
2. The prohibition of hair-cutting by women is based on both *Naqli* (Narrational) and *Aqli* (rational) evidence.
3. The *dalaail* for this prohibition are in the Qur'aan and Hadith.
4. The Fuqaha have issued rulings explicitly on this prohibition.
5. The Ahaadith cited by the Fuqaha as their basis for prohibition are all authentic having firstly satisfied the principle of *Talaqqi bil Qubool* of the Fuqaha, and secondly having been authenticated by the Muhadditheen themselves notwithstanding the differences among the Muhadditheen.
6. The principle of *Talaqqi Bil Qubool* overrides all other considerations and the classification of the Muhadditheen.
7. Despite the authenticity of the Hadith of Abu Salmah in Saheeh Muslim, none of the Fuqaha, Mufasssireen and Ulama has ever opined that hair-cutting for women is permissible. No one has ever cited this Hadith as a basis for permissibility.
8. All the Ulama have presented interpretations for the hair-cutting Hadith.
9. Shaykh Taha Karaan has acted in conflict with the Ruling of the Shariah which has existed for the past fourteen centuries.
10. The shaykh has attempted to scuttle the unanimous verdict of the Fuqaha in order to hoist his baatil opinion of permissibility.
11. There exists Ijma' (Consensus) of the Ummah from the earliest age of Islam, on the prohibition of hair-cutting for females.
12. In the light of the Qur'aan and Ahaadith, a woman who cuts her hair is *maloonaah* (accursed) and guilty of perpetrating *taghyeer bi khalqillaah* (changing her natural and Allah-given bounty).
13. In subscribing to the false view of permissibility shaykh Taha Karaan has rejected the unanimous Fatwa of all the Ulama of Daarul Uloom Deoband where this shaykh had acquired his Aalim certificate.

We express gratitude to Allah Ta'ala from the innermost recesses of our hearts for the taufeeq and ability He has bestowed to these sinful servants to demolish baatil and uphold the Haqq.

All *hamd* and *shukr* are for Allah Azza Wa Jal.

**( Tasbeeh of the Malaaiakah as reported by Rasulullah -sallallahu alayhi wasallam- and authenticated by the greatest and noblest Muhadditheen, the Fuqaha of Islam )**

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

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

## THE SELF-DECEPTION OF SELF-APPOINTED ❖ MUJTAHIDS'

The Qur'aan Majeed says:

❖ *What! Do you believe in part of the Kitaab and commit kufr with part of it?* ❖

A common factor with all those deviates who have shrugged off and abandoned the Taqleed of the Aimmah-e-Mujtahideen is to randomly take from the stock of principles formulated by the Aimmah. They choose such principles of the Fuqaha which in their shallow understanding provides substantiation for their corrupt views. While they deceive themselves with their imagination of them being ❖ mujtahids', capable of deducting masaail and *ahkaam* directly from the Qur'aan and Hadith, they submit to partial ❖ *taqleed* ' of the true Aimmah-e-Mujtahideen by accepting such principles which they feel suit their whimsical opinions.

In reality they are totally inadequate in every field of Ilm, hence inspite of setting themselves up as ❖ mujtahids' they are forced to resort to the principles of the Fuqaha for refuge. But in view of their academic and spiritual aridity they lack proper comprehension of the applicability of these principles. They simply compound their deception and errors when they utilize the principles of those very august Fuqaha whose rulings they reject in the sphere of the *Furoo-aat* (detailed masaa-il).

In the adoption of this partial ❖ *taqleed* ' grudgingly, and that too, for base motives, they come within the purview of the general (*umoom*) purport of the aforementioned Qur'aanic aayat. They accept part and they reject part of the Kitaab of Allah. All the principles( *Usool* ) and detailed *masaail* (Furoo-aat) of the Shariah are the products of *Kitaabullaah* (the Qur'aan Majeed).

In this evil act of accepting part and rejecting part, they are guilty of the kufr implied by the Aayat. The shaykh who wrote the baatil essay on women's hair is a typical example of the breed of this type of deviates who accept and reject in the light of nafaaniyat and kufr influences such as the libertinism of western civilization.

An example of his self-deception is his presentation of the principle of ❖ *Al-Asl fil ash-yaa' al-Ibaahah* , i.e. the original *hukm* in things is permissibility. As mentioned earlier, Al-Ashbaah explains this principle on page 66. The shaykh has selectively adopted this principle while ignoring the ruling of prohibition of the very same Fuqaha who had formulated the principle.

On page 66 Al-Ashbaah Wan Nazaair explains the principle, and on page 178, the illustrious Author of Al-Ashbaah states with clarity:

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

His error and deviation from the Haqq should be thus self-evident.

**(Tasbeeh of the Malaaikeh in the Heavens)**

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

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