



TRESSES OF JANNAT

The Female Hair Issue

The Response to Baatil
PART 2 of 3

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Tresses of Jannat

Part 2 of 3

CONTENTES

INTRODUCTION	3
MAULANA ABDUL HAYY.....	7
THE ISSUE	8
HADHRAT MUFTI TAQI UTHMAANI.....	11
THE ISSUE OF IJMA'	21
URF OR CUSTOM.....	36
SHAAFI'I MATH-HAB	61
THE MAALIKI MATH-HAB.....	73
HAMBALI MATH-HAB	77
HANAFI MATH-HAB.....	88
NAJMUDDIN ZAAHIDI	93
HADITH CRITICISM.....	99
THE NASS OF THE AHNAAF ON THE HAIR ISSUE	115
THE PRINCIPLE OF TALAQQI BIL QUBOOL.....	127
THE HADITH OF ABU SALAMAH.....	140
SUNAN OF NASAAI'	151
THE CHAPTERS IN BUKHAARI SHAREEF	154
ABU SALAMAH, THE SOLITARY REPORTER.....	157
THE DEVIATE'S SELF-IMMOLATION AND SELF-EXPOSURE	163
IMAAM NAWAWI'S INTERPRETATION	167
THE MOTIVE FOR HAIR-CUTTING.....	178

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
نَحْمَدُهُ وَنُصَلِّي عَلَى رَسُولِهِ الْكَرِيمِ

INTRODUCTION

TRESSES OF JANNAT is our second book on the question of the Prohibition of hair-cutting for women. In this time of moral corruption, immodesty, immorality, total abandonment of Hijaab, female expression and exhibition and the emulation of kuffaar styles and fashions by Muslim males and females, some lost soul wandering aimlessly in a valley of deception, observing mirages of his academic ‘greatness’ and ability in what he believes to be ‘ijtihaad’, deemed it appropriate to give further impetus to the avalanche of *nafsaaniyat* and *shaitaaniyat* which have engulfed the Muslim community on all sides.

The Ummah has drifted far, very far from the Path of Rectitude — from the Sunnah of Rasulullah (sallallahu alayhi wasallam). From every side and in every sphere of Muslim life, there are a multitude of forces out to plunder just about everything good which Muslims have inherited from the illustrious Predecessors (Salaf-e-Saaliheen).

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

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

Tresses of Jannat- Part 2

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

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

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

***“Subhaanallaah —He Who has beautified men with
beards and women with tresses.”***

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

Tresses of Jannat- Part 2

conscience, hence the desire to gain religious or Shar'i consent for the immoral practice of hair-cutting.

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

“Sin is what bothers the conscience.”

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

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

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

In diametric conflict with the fourteen century practice of the Ummah, in conflict with the practice of Muslim women since the time of our Mother Hadhrat Hawwaa (alayhas salaam), in conflict with the style of the damsels of Jannat, in conflict with the *Ijma' of the Ummah* and in conflict

with all the Ulama of the world, the deviate adopting his stance of satanic intransigence claims that it is *halaal* for Muslim women to mutilate their beauty and to invoke the *la'nat* of Allah Ta'ala on them by cutting their hair.

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

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

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

وآخر دعوانا ان الحمد لله رب العالمين

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

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(Tasbeeh of the Malaaikeh in the Heavens)

سُبْحَانَ مَنْ زَيَّنَ الرِّجَالَ بِالْحَىِّ وَ زَيَّنَ النِّسَاءَ
بِالذَّوَابِ

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

MAULANA ABDUL HAYY

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

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

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

“For a woman it is prohibited to pluck the hair of her head just as it is prohibited for a man to pluck the hair of the beard. Although adornment for women is permissible, it never means changing her natural created form and appearance. In Nisaabul Ihtisaab it appears: ‘It is mentioned in An-Nawaazil in Kitaabun Nikah that Abu Bakr was asked about a woman who had cut her hair. He said: ‘It is obligatory on her to make istighfaar (seek forgiveness) from Allah, to repent and not to again commit this type of act.’ It was said (to him): ‘If she did so with the permission of her husband, (then what)?’ He (Abu

Bakr) said: ‘There is no obedience to creation in disobedience to the Creator.’ It was then said to him: ‘Why is this not permissible for her?’ He said: ‘Because she imitated men. Nabi (sallallahu alayhi wasallam) said: Allah curses men who emulate women and women who imitate men. And because hair for a woman is like beard is for a man. Hence, just as it is not lawful for a man to cut his beard, so too is it not lawful for a woman to cut her hair.”

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

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

THE ISSUE

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

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

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

In his ‘*a rejoinder*’ the deviate has sunk further in the quagmire of his *baatil*. He has succeeded in only exhibiting more conspicuously his *baatil* by piling *baatil* on top of *baatil*. In the words of the Qur’aan Majeed — “*Darkness on top of darkness.*”

In his pamphlet of *baatil*, the deviate has rejected a Shar’i Ruling which is not our personal opinion, but which is the Law of the Shariah accepted

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

DEVIOUS

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

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

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

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

- (1) **Hadhrat Hakimul Ummat Maulana Ashraf Ali Thaarvi** (rahmatullah alayh) states in Beheshti Zewer: *“It is **haraam** for a woman to shave the head and to cut the hair. (She) has been cursed in the Hadith.”*
- (2) **Hadhrat Allaamah Zafar Ahmad Uthmaani** (rahmatullah alayh) says in *Imdaadul Ahkaam*: *“It is not substantiated anywhere that the Mujtahideen have permitted a married woman or a widow to shave her head or to cut her hair without valid need, sickness and pain. On the contrary, the Fuqaha have totally prohibited women from shaving and cutting their hair.”*
- (3) Hadhrat Maulana Saeed Ahmad Palanpuri, who happens to be the Ustaadh of M.T.Karaan, the holder of the *baatil* opinion, states: *“It is **haraam** for women to shave or cut their hair. They have been decreed as being deserving of la’nat (Divine Curse).”*
- (4) Hadhrat Mufti Muhammad Saeed Laajpuri (rahmatullah alayh), the author of *Fataawa Rahimiyyah*, cites Beheshti Zewer as evidence for the prohibition. Hence he states in *Fataawa Rahimiyyah*:
“It is said in Beheshti Zewer: ‘It is haraam for a woman to shave or cut her hair. In the Hadith she has been cursed.’”

Tresses of Jannat- Part 2

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

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

(5) In Volume 4 of Imdaadul Fataawa, appears the following question:

“In the paper, Zamindar.....among the drivel and deception, the permissibility for women to cut hair has been narrated from Saheeh Muslim.....that some of the Holy Wives would cut their hair and render it like wafrah.....The question now is: Is it permissible or not for women to cut their hair and form it like wafrah.....?”

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

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

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

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

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

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

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

HADHRAT MUFTI TAQI UTHMAANI

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

Tresses of Jannat- Part 2

“A few days after the appearance of my article there appeared on the internet a fatwa by Mufti Muhammad Taqi Uthmani. It is my good fortune that my own view was fully in harmony with the view of Mufti Taqi. Mufti Taqi needs no introduction as a Hanafi faqih and muhaddith of the highest rank who—unlike the objector—had the benefit of many years spent under the training of his father, the eminent Mufti Muhammad Shafi, author of the celebrated Ma’arif al-Qur’an and a senior khalifah of Hadrat Mawlana Ashraf Ali Thanwi. Mufti Taqi himself is a khalifah of Hadrat Mawlana Muhammad Masihullah. A question which involuntarily springs to mind is whether the kind of vituperation that has been poured on my insignificant head will now also be dished out to Hadhrat Mufti Taqi Uthmani, the khalifah of Hadrat Masih al-Ummah?”

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

Let him honestly answer:

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

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

Tresses of Jannat- Part 2

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

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

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

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

(1) *It was a question received by email. The question specifically mentioned that it relates to that type of hair cutting*

Tresses of Jannat- Part 2

*which has no resemblance with men or non-Muslim women, I presumed that the person who asked this question knows and admits the **impermissibility of the prevalent haircut** which resembles with non-Muslim women, and the conditions mentioned in the question ruled out this possibility. Based on this presumption I replied in the affirmative subject to these conditions.*

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

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

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

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

In the explanation provided by Mufti Taqi Sahib, there is no corroboration and no harmony for the **haraam** opinion of the deviate. Hadhrat Mufti Taqi Sahib stated a permissibility as a remedial measure for cutting hair women term as ‘split ends’, and as a measure for gaining **longer hair** in emulation of the *Zawaab (Tresses) of the Damsels of Jannat*. But, the writer advocates cutting of the hair for woman for entirely different reasons, for the reason of ‘beauty’ - ill-conceived beauty - an ugly conception of beauty acquired from the western kuffaar. Thus the deviate says:

Tresses of Jannat- Part 2

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

He also states:

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

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

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

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

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

Tresses of Jannat- Part 2

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

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

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

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

“Hanafi faqih and muhaddith of the highest rank. Mufti Taqi himself is a khalifah of Hadrat Mawlane Muhammad Masihullah.”

Tresses of Jannat- Part 2

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

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

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

Yet none of these senior Ulama is in agreement with the *baatil* view which the deviate propounds. On the contrary, they out-rightly reject his view and state explicitly the verdict of prohibition for the evil act of hair-cutting by women, using the term, **haraam** to describe the prohibition.

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

“Just as long tresses are beloved, the longer the tresses are, the more beautiful it appears. Rasulullah (sallallahu alayhi wasallam) narrated that the Tasbeeh of the Malaaiakah is:

سبحان من زين الرجال بالحي و زين النساء بالذوائب

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

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

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

Immediately after lauding accolades on these four senior Ulama, the writer of the *baatil* resorts to another trick in an endeavour to mislead. He says: *“Earlier Shaykh Abd al-Aziz ibn Baz, the late grand mufti of Saudi*

Tresses of Jannat- Part 2

Arabia, had issued a similar fatwa. Is it not a matter of surprise that none of these great scholars were aware of the existence of an ijma' on this issue,...."

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

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

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

Aptly summing up the view of *Ijma'*, Hadhrat Maulana Zafar Ahmad Uthmaani (rahmatullah alayh) writing in *Imdaadul Ahkaam* which was prepared under the auspices and direction of Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh), states:

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

The deviate has also made an abortive attempt to enlist the aid of Maulana Abdul Hayy (rahmatullah alayh) in support of his baseless view. He lauds glowing praise on Maulana Abdul Hayy without realising that this 'luminary' is in agreement with all our Ulama on the prohibition of women cutting their hair. Not only on the prohibition, but on the **hadith**

basis which the Fuqaha have presented for *Waaajib Ahkaam* (Compulsory Laws) — the Hadith which the writer rejects as spurious. We shall, Insha'Allah, revert later to this question.

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

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

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

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

Tresses of Jannat- Part 2

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

سبحان من زين الرجال بالحى و زين النساء بالذوائب

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

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

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

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

Whatever his position and rank may be, Maulana Abdul Hayy is a Muqallid of the Hanafi Math-hab and in agreement with the prohibition

of female-hair-cutting pronounced by all the Fuqaha in general, and our Akaabir Ulama in particular.

(Tasbeeh of the Malaaikeh in the Heavens)

سُبْحَانَ مَنْ زَيَّنَ الرِّجَالَ بِاللِّحْيِ وَ زَيَّنَ النِّسَاءَ بِالدَّوَابِّ

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

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

THE ISSUE OF IJMA’

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

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

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

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

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

Tresses of Jannat- Part 2

(rahmatullah alayh) presents several interpretations for the Hadith which is the solitary ‘basis’ on which the deviate has raised the flimsy structure of his **baatil** opinion of permissibility.

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

In fact, Imaam Nawawi (rahmatullah alayh) too, is not on the pedestal of Ijtihad. He too was a Muqallid of the Shaafi Math-hab, hence he had no right to propound a *fatwa* at variance with the Shaafi Math-hab. In fact, he never proffered any such fatwa. He merely presented some interpretations to bring the seemingly conflicting act of the Holy Wives in line with the practice of the women of the Ummah. This explanation has already been given in our first book on this issue, namely, THE FEMALE’S HAIR. Throughout his Commentary on Muslim Shareef, Imaam Nawawi makes the comment: “*In our Math-hab*”, on a variety of *Masaa-il*. This comment by Imaam Nawawi (rahmatullah alayh) clearly indicates that he is a follower of a Math-hab, namely the Shaafi’i Math-hab.

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

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

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

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

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

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

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

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

The Muqallid has absolutely no right to differ with the Akaabireen on an issue on which there is no difference of opinion among the Fuqaha and Ulama of the Math-hab. Assuming that there are different views in other Math-habs, then too it is not lawful for the Muqallid to dissent from the *Jamhoor* of our Math-hab. If the deviate is not a follower of the Hanafi Math-hab, but lays claim to be a follower of another Math-hab, then he should state his Math-hab and adhere to the verdict of that Math-hab. He should not present himself as a mujtahid, thereby interpreting and misinterpreting Ahaadith and Qur’aanic Aayaat, and arrogating to himself the right to pick and choose *Usool* at random to justify his opinions.

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

Tresses of Jannat- Part 2

Sunan to appreciate the greatness and the depth of the Knowledge of our immediate Akaabireen.

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

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

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

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

IMAAM MAALIK (rahmatullah alayh)

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

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

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

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

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

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

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

Tresses of Jannat- Part 2

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

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

"People will emerge from the East and the West in the quest for Knowledge. They will find no one more learned than the Aalim of Madinah."
(Mawaahibul Jaleel)

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

"The Aimmah (Authorities of Islam) have interpreted this Hadith to refer to Imaam Maalik."

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

"I never slept a night without seeing Rasulullah (sallallahu alayhi wasallam)."

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

When Imaam Maalik (rahmatullah alayh) said : *"I am not aware of any difference of opinion between anyone or in any city"*, it does not imply that the great Imaam was ignorant of the principles of *Ijma'*. He made a statement of fact on which he had certitude regardless of any difference in other quarters. The issue is either one of two things. Either Imaam Maalik was not aware of any difference among the Fuqaha of his time or he was aware, but for reasons best known to him he had dismissed their

Tresses of Jannat- Part 2

opinions as of no significance. If the former is the case, it is no reflection on the integrity of Imaam Maalik's Knowledge and Ilmi expertise nor can it be inferred that he laid claim to *Ijma'* on a question on which there existed no *Ijma'*. The illustrious Aalim of Madinah predicted by Rasulullah (sallallahu alayhi wasallam) is not the deviate's 'little brother' which could entitle him to hold a licence to subject to his stupid criticism and comments.

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

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

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

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

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

The deviate cites Al-Maawardi as follows:

"If a person says, "I do not know of any difference of opinion between them," ijma will not be established on the basis of that

Tresses of Jannat- Part 2

claim if he is not of the people of ijtiḥād who have comprehensive knowledge of ijma and khilāf. If he is of the people of ijtiḥād, then our companions differ on the issue. Some of them establish it as ijma' and some negate it."

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

Besides this and what Al-Maawardi said, Hadhrat Imaam Maalik (rahmatullah alayh) was not a muqallid of Al-Maawardi who was nowhere on the scene in Imaam Maalik’s time. It is the height of ignorance to scale the verdicts and claims of the Aimmah Mujtahideen on the principles and standards formulated by authorities who appeared centuries later on the stage of history. At least, it should be understood that even on the principle stated by Al-Maawardi and cited by the deviate, if Imaam Maalik (rahmatullah alayh) had implied *Ijma'* by his statement, then most certainly *Ijma'* was substantiated and valid.

IJMA'

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

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

We are not interested in the documentation of Ibn Hazam and others. For us Muqallideen, the documentation of our Akaabir Ulama suffices. Their *Ijma'* on a question suffices for all the Muqallideen of the Hanafi Math-hab. In fact, there is *Ijma' of all the Math-habs* on the prohibition of immoral hair-cutting. It rests on the deviate to produce his dissenters.

Obviously, his view and the views of the suit and tie sporting shaikhs of this era have absolutely no bearing on Shar'i issues.

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

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

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

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

(Usoolush-Shaashi)

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

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

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

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

Tresses of Jannat- Part 2

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

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

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

Mufti Taqi Uthmaani has not endorsed the deviate’s claim that “in principle it is permissible for women to cut their hair”. Hair-cutting for them is in exceptional cases of need, such as sickness, and according to

Mufti Taqi Sahib, for lengthening their hair, and to “equate” the uneven edges at the bottom of the tresses. But styles of misconceived beauty which are pure shaitaani motivation, which involves shortening the hair considerably and making it ‘beautiful’ in western kuffaar styles to satisfy the ostensible taste of a *dayyooth* husband, is undoubtedly, **haraam**. ***There is absolutely no scope in Islam for such ugly and shaitaani hair-cutting which come fully within the scope of the Qur’aanic aayat which prohibits taghyeer khalqillaah (changing the natural and created form of Allah), and which the Qur’aan attributes to Iblees.***

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

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

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

Tresses of Jannat- Part 2

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

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

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

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

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

To disprove and demolish the *supposedly "unsubstantiated whimper of ijma' in this belated era"* let out by insignificant Muqallideen of the

Hanafi Math-hab, there is absolutely no need to drag Imaam Maalik (rahmatullah alayh) and Ibn Abdul Barr (rahmatullah alayh) from their lofty Pedestals. While the deviate is guilty of this capital crime, he has succeeded in only messing his own face. When one looks up to the heaven and spits at the moon, the spit will land on one's face.

DOCUMENTATION OF IJMA'?

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

The validity of *Ijma*’ is not dependent on documentation. *Masaa-il* have reached us via the channel of authentic and reliable transmission by narration, from generation to generation. It is for this reason that there does not exist difference of opinion among our Ulama on the issue of hair-cutting for women. The *Math-habi Ijma*’ of our Ulama and of the earlier Fuqaha is so absolute on this question, that they even debate the question of the permissibility of cutting hair, not for beauty or adornment, but for reasons which are valid to some Ulama and not valid to others. Thus, in our time Hadhrat Mufti Taqi Uthmaani is of the opinion that it is permissible for a woman to cut only a couple of inches of her uneven tresses with the intention of gaining longer hair. Others do not necessarily accept the validity of this opinion. But they will not heap “abuse and vituperation” on Mufti Taqi Utmaani on account of his opinion on this issue for the simple reason that he has not deviated from the *Ijma*’ on this prohibition. Nor has he ventured the corrupt opinion that it is permissible for women to cut their hair with the permission of their husbands for the sake of beauty. He does not claim that “on principle it is permissible for women to cut their hair.” He does not say that it is permissible for women to cut their hair to shoulder-length and even less. The venerable Mufti Sahib is therefore not a receptacle for “vituperation” while on the contrary, the deviate qualifies for valid and justified ‘vituperation’. When the *jahaalat* of a man can constrain him to make even a Soul such

as Imaam Maalik (rahmatullah alayh) a target for his trash and drivel, he should not *whimper* and take umbrage when his deviation is vigorously criticized.

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

SHOCKING STUPIDITY

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

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

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

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

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

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

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

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

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

UTTER DRIVEL

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

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

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

URF OR CUSTOM

In the bid to confuse and mislead the unwary public, the principle of *Urf* is cited and a completely baseless concept is postulated for it. In terms of the meaning of *Urf* or Custom which the deviate wishes Muslims to swallow, the entire Culture of Islam — the Sunnah — is capable of being dismantled and substituted by just any vile and immoral practice of the kuffaar as long as it becomes a *norm of society*. A norm of society which scuttles the Sunnah and the *Ahkaam* of the Shariah in general, does not come within the purview of the Shar'i principle of *Urf*.

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

The deviate has unwittingly conceded that for women to cut their hair was not the norm of Rasulullah's society; it was not the norm of the society of Sahaabah nor was it the norm of the society of the Taabieen nor of the Tabe Taabieen. In fact, we claim with emphasis that cutting hair by woman was never the norm of any segment of Muslim society

Tresses of Jannat- Part 2

from the time of Rasulullah (sallallahu alayhi wasallam), and from the time of Hadhrat Aadam (alayhis salaam) to this day.

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

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

NO ABROGATOR

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

The practices of a handful of such women do not constitute any norm of an Islamic society. It should be well understood that even if an entire community changes its Islamic norm and adopts the norm of kuffaar society as Muslims have done and are doing today in other spheres of daily life, then too, such norms adopted from kuffaar society are not

Tresses of Jannat- Part 2

accepted by the Shariah if it conflicts with the Sunnah — with Islamic norm — which has been categorically instituted by the Qur’aan and Ahaadith and the society of Nabi-e-Kareem (sallallahu alayhi wasallam).

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

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

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

URF IN CONFLICT WITH NASS

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

“Urf in Mansoos Alayh is not valid.”
“Practise in conflict with Nass is not valid.”

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

Tresses of Jannat- Part 2

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

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

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

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

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

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

Tresses of Jannat- Part 2

women in the same way as they insanely emulate the dress-styles of kuffaar women.

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

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

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

IBN HAJAR AL-HAITAMI'S VIEW

In a sweeping claim of falsehood, the deviate alleges:

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

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

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

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

“Taqseer of more than an anmulah is like halq in terms of the foregoing explanation.”

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

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

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

Now when the *illat* for the prohibition is *tanfeer* (abhorrence) and *nuqs-e-istimtaa'* (decrease in conjugal inclination) according to Ibn Hajr Haitami, then by what stretch of honesty can anyone claim that he has opined that stylish hair-cutting for women is permissible? Remember that the whole

argument among the Shaafi'i Fuqaha on the issue of *halq* and *taqseer* is restricted to the occasion of Hajj and Umrah, and in relation to *taqseer* the dispute centres around one *anmulah*. The question of cutting the hair on occasions other than the need for *tahallul* (release from ihraam), and that too, massive cutting and kuffaar style cutting, simply does not arise in even the wildest dreams of the Fuqaha of any Math-hab.

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

CONDEMNING THE HANAFI FUQAHA

The deviate avers:

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

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

“It is haraam for a woman to shave her head or to cut her hair, and she is deserving of la’nat.”

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

Tresses of Jannat- Part 2

“(If) she cuts her hair, she has sinned and is cursed.”

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

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

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

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

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

cut his beard, so too, is it not halaal for a woman to cut her hair.”

Further supporting the prohibition, Hadhrat Maulana Abdul Hayy states:

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

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

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

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

“She should not cut from her tresses because, verily, it makes her ugly. But she should take (cut) from the place under it.”

(Kitaabul Majmoo’, Vol.8 Page 177)

Imaam Maawardi refers to cutting to the extent of just over one centimetre when she has to release herself from *Ihraam* during Hajj or

Tresses of Jannat- Part 2

Umrah. Even cutting one or two centimetres from the tresses is the creation of ugliness in a woman according to Imaam Maawardi.

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

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

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

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

THE NUSOOS

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

Tresses of Jannat- Part 2

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

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

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

SHAVING FOR MEN

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

“It is not proven that Rasulullah sallallahu alayhi wasallam shaved his head except during nusuk (hajj or umrah). The same goes for the Sahabah ridwanullahi alayhim and the Tabiun after them. Rather, leaving the hair to grow was the shiar (distinguishing characteristic) of Islam, and shaving was the sign

Tresses of Jannat- Part 2

of the Khawarij... Then a time came when the land of the Persians was conquered. They (i.e. the Muslims) started to shave their heads and this sunnah was forgotten. Leaving the hair to grow became the shiar of the Alawis, the Turks and the Mutasawwifah, and shaving became the sunnah which was followed. The bottom line about shaving the head is that there is no harm in it today for the purposes of hygiene.”

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

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

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

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

According to the statements of Allaamah Zabidi as cited by the deviate, shaving became the ‘*sunnah*’ thereby displacing the ‘original sunnah’ of keeping long hair. Before we pursue this argument, it is noteworthy that hair is the Sunnah for even males, albeit not tresses in the style of women. When this is the case, how much more will it not be *Sunnah* for women

Tresses of Jannat- Part 2

to keep long hair and their tresses intact when the *norm* of Muslim society on earth and in Jannat is and will always be long tresses?

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

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

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

Tresses of Jannat- Part 2

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

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

While there is difference of opinion among the authorities on the *Sunniyat* (being *Sunnat*) of shaving the head for men, there is perfect unanimity on its permissibility. Allaamah Teebi (rahmatullah alayh) proclaimed shaving the head as being the permanent *Sunnah* of Sayyidina Hadhrat Ali (radhiyallahu anhu). Imaam Tahaawi (rahmatullah alayh) and Allaamah Zandwaisti (rahmatullah alayh) uphold the *Sunniyat* of shaving the hair. In fact, Imaam Tahaawi attributes this to Imaam Abu Hanifah, Imaam Abu Yusuf and Imaam Muhammad (rahmatullah alayhim). Besides these, there are other evidences also for the validity of *halq*, which we shall, Insha'Allah, present when the need arises.

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

There is absolutely no *Nass* which prohibits shaving the head for men. On the contrary, there exists *Nusoos* on the prohibition of hair-cutting for women. On the admission of the deviate, Rasulullah (sallallahu alayhi wasallam) and his entire Society of Sahaabah disapproved of women cutting their hair. But there is not a single Hadith criticizing *halq* for males. Not a single lady among the females of Rasulullah's Society cut her hair, but some Sahaabah, notably Hadhrat Ali (radhiyallahu anhu),

Tresses of Jannat- Part 2

did shave their heads on a regular basis in the presence of Rasulullah (sallallahu alayhi wasallam). Nabi-e-Kareem's condonation of their practice of *halq* and his abstention from reprimanding them, are clear evidence for not only the *ibaahat* (permissibility) of *halq*, but for it being *Sunnah*.

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

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

SHAAFI'I MATH-HAB

Allaamah Ibn Hajar Haitami (rahmatullah alayh) states:

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

(Tuhfatul Muhtaaj, Vol.3, page 49)

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

Imaam Nawawi (rahmatullah alayh) says:

"Imaam Shaafi'i and (his other) Companions say: It is Mustahab for a woman (during Hajj) to trim (her hair) to the extent of one anmulah (not less) from all sides of her head. And, Maarwadi said: She should not cut from her tresses because,

Tresses of Jannat- Part 2

verily, that act makes her ugly. But she should lift her tresses and cut from the place under it."

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

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

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

"Allaamah Ibn Hajar Haitami said: (She should cut) from the whole head,(i.e. during Hajj the extent of one anmulah), except the tresses because, verily cutting some of it makes her ugly."

(Nihaayatul Muhtaaaj, Vol.3, page 304)

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

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

The presentation of the *halq* argument in terms of *Urf* to justify hair-cutting for women on the basis of this principle is thus palpably false,

having no validity in the Shariah. While men may adopt or abandon *halq* at the behest of their fancies, women may not destroy their tresses by any means whatsoever. The Malaaikeh do not sing the praises of Allah Ta'ala by the baldness of the heads of men. But they do sing the praises of Allah Rabbul Izzat by the long tresses of beauty of women. The deviate's attempt to befuddle unwary and ordinary people with his deceptive and untenable argument should now be quite conspicuous.

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

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

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

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

THE ZAAHIRUR RIWAAYAH

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

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

All of this is clear proof of the fact that the mufti may not remain static upon what is quoted in the books of the zahir ar riwayah without taking into consideration the time and its people.”

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

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

Furthermore, the same implication is directed to contemporary Ulama such as Mufi Taqi Uthmaani who according to the deviate is a Hanafi “Faqih and Muhaddith of the highest rank”, and all the other Ahnaaf Ulama who state with unanimity that it is not permissible - it is ***haraam*** - for women to cut their hair. The accusation is not in fact directed against us. We are merely the narrators of the *Fatwa* which all our Ulama adhere to, right to this day. None of our Ulama accept the deviate’s claim of *Urf* on the question of women cutting their hair. It appears that he is trading the impression that he is the only ‘mufti’, nay, ‘mujtahid’ who is not

static and who has understood the prevalent custom of the Ummah while all the other senior Ulama remain blissfully ignorant. How should such self-conceit be interpreted?

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

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

He introduces issues such as *Taqseer* (trimming one mere annulah) which is restricted to the occasions of Hajj and Umrah. He introduces the male practice of *halq* in a devious attempt to ‘prove’ that it is the product of *Urf*. Then he seeks to extend the supposed *Urf* of *halq* as a basis for legalizing hair-cutting for women. Then he speaks about *Zaahirur Riwaayat* in a devious and in a despicable attempt to convey the impression that the Hanafi Fuqaha and Ulama have acted in conflict with this principle and that they have remained ‘static’ by their adherence to the *fatwa* of *hurmat* on the hair-cutting issue. Then again, he plays with the technical definitions of terms such as *makruh* and *haraam* in a bid to negate the prohibition.

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

He has resorted to baseless interpretations in his exercise of forging a ruling of permissibility. But no one is interested in his personal interpretations which anyway are all *baatil*. The Ulama are not in need of

the deviate's understanding and interpretation of the *Usool* of the Shariah. He has to provide explicit textual references for his *baatil* opinion. The simple and straightforward demand on the deviate is this: ***Present explicit textual references to bolster your claim that it is permissible for women to cut their hair. Demolish our claim of Ijma' by citing authorities who say that it is permissible for women to cut their hair.***

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

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

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

APPLICATION OF THE PRINCIPLE OF URF

The deviate then says:

"Now, to be able to apply the principle of urf one needs to be well acquainted with the proof upon which the fuqaha have based their rulings.....The disapproval of those fuqaha who did disapprove of cutting the hair for females, boils down

Tresses of Jannat- Part 2

to two reasons: zinah (adornment and beauty), and tashabbuh (imitation)."

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

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

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

Besides this, it should be understood that the actual reason for women in this age desiring to cut their hair is nothing other than emulation of the styles of kuffaar women. They will have to go to some lewd woman who is an expert in this satanic trade to get the style of their desire. Women will not accept any haphazard hair-cutting. The style must be there. It will be only a style of the kuffaar. There are no Muslim hair-styles for

Tresses of Jannat- Part 2

female hair-cutting. The primary motive is nothing but emulation of the western women. A woman who desires to cut her hair should at least be honest to herself and scale her motive on the standard of the Qur'aanic aayat:

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

The argument of wanting to please the husband is preposterous and extremely devious. Firstly, if this is so then the stupid husband will not be pleased with some haphazard hair-cut. He will demand a western style hair-cut to satisfy the lust of a warped concept of beauty he has acquired by goggling at the semi-nude females prowling the streets. To satisfy the husband in this *haraam* act, the woman will have to adopt *Tashabbuh* otherwise her hair-cutting will be meaningless. The concept of beauty in this age among the westernized Muslim females who roam the streets, is the western idea of beauty. The deviate can fool and deceive himself if he wishes. But he cannot succeed in befuddling concerned and sincere Muslims even if they perpetrate *haraam*.

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

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

The very same 'urf' of female exhibition which existed among the Bani Israaeel, and which led to the ban of females attending the Musjid, today

Tresses of Jannat- Part 2

has become the custom of modern, westernized Muslim women who spend the greater part of the day on the streets and in public places. The deviate desires to legalize a *haraam* act for such females. Women of piety do not hanker after practices which invite the *la'nat* (curse) of Allah Ta'ala.

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

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

The deviate is constrained to concede:

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

Tresses of Jannat- Part 2

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

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

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

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

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

confirmed by the Shariah. The law of prohibition of this cutting of hair is a decree of the Shariah. It is not the product of man's reasoning and interpretation.

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

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

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

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

Tresses of Jannat- Part 2

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

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

A SIMPLE RATIONAL FACT

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

(Tasbeeh of the Malaaikeh in the Heavens)

سُبْحَانَ مَنْ زَيَّنَ الرِّجَالَ بِاللَّحَىٰ وَ زَيَّنَ النِّسَاءَ بِالدَّوَابِّ

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

SHAAFI'I MATH-HAB

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

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

Tresses of Jannat- Part 2

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

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

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

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

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

The criterion of *norms of society* which the deviates of this time have forged, and which they baselessly dub ‘urf’, is not the *Urf* of the Shariah.

Tresses of Jannat- Part 2

It is a satanic *urf* spawned by the nafs of deviates who have unshackled themselves from the divine fetters of Islam at the behest of Shaitaan-in-Chief, namely, Iblees.

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

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

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

IBN HAJAR HAITAMI AND SHAMSUDDIN RAMLI

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

"The lead of Imam an-Nawawi was followed by the two muhaqqiqs of the latter period, Ibn Hajar al-Haytami and Shams ad-Din ar-Ramli. The latter writes: 'It is makruh (to) shave the head, or to remove the hair by some means.....for anyone besides a male, such as a female and a hermaphrodite, because it constitutes disfigurement for them. Therefore, should any of them

Tresses of Jannat- Part 2

make a vow to do it, the vow will not come into effect. This is different from the case of shortening the hair.”

Commenting on this, the writer of ‘a rejoinder’ says:

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

SUBHAANALLAAH!

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

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

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

- (1) The discussion pertains to only *halq* (shaving of the head) for women.
- (2) The prohibition of *halq* for women is stated regardless of the technical classification of the prohibition.
- (3) The effect of vows is mentioned.
- (4) If a woman takes a vow that she will make *halq*, the vow according to the Shaafi’i Math-hab is ineffective.

- (5) If a woman takes a vow that she will make *taqseer*, the vow is effective **and this applies exclusively to the occasion of Hajj or Umrah.**

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

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

(Nihaayatul Muhtaaj, Vol.3. Page 304)

It is the deviate who infers from the effectivity of the vow in relation to *taqseer*, that hair-cutting is permissible for women. Lost in a complete quandary in his search for clear-cut evidence for his *baatil* view, the deviate finds no option other than to resort to baseless interpretation and inference on the basis of misunderstanding the text to squeeze out some phantom which could have the appearance of proof.

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

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

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

Tresses of Jannat- Part 2

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

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

In the comments the deviate makes here, he stated:

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

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

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

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

Tresses of Jannat- Part 2

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

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

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

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

BASELESS DEDUCTION

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

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

Tresses of Jannat- Part 2

effectiveness of the vow. Although this is not the verdict of the *Jamhoor* Shaafi'i Fuqaha, it is the opinion of a Shaafi'i Faqeeh of repute.

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

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

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

THE URF OF UGLINESS

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

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

(Nihaayatul Muhtaaj, Vol.3. Page 304)

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

Tresses of Jannat- Part 2

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

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

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

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

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

Furthermore the deviate contradicting himself has claimed in his "*a rejoinder*":

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

The norm of Rasulullah's society was prohibition of hair-cutting for women. The norm in Imaam Nawawi's society was also prohibition, and

the norm during Hafiz Ibn Hajar's time was also prohibition as it is abundantly clear from his statement of the ugliness of cutting one *anmulah* from the tresses.

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

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

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

with the Command of Allah Ta'ala. A thousand years after the demise of Rasulullah (sallallahu alayhi wasallam), the Fuqaha in general of all Math-habs maintained that hair-cutting makes a woman ugly.

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

RASULULLAH'S DISAPPROVAL

On pages 26 and 27, the deviate states:

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

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

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

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

Tresses of Jannat- Part 2

senior Ulama say so. The deviate should state his basis for his ludicrous assumption.

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

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

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

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

- (1) Imaam Nawawi himself, cites Al-Maawardi who proclaimed that cutting hair produces ugliness in a woman. Imaam Nawawi did not contest this fact.
- (2) Ibn Hajar Haitami and Allaamah Shabramallisi confirm the ‘ugliness’ claim made by Maawardi.
- (3) Besides the solitary statement of Imaam Nawawi, no other Shaafi’i authority has been cited as the holder of the permissibility opinion.
- (4) Imaam Nawawi’s statement was an interpretation which no one from any of the Math-habs confirmed or agreed on nor did Imaam Nawawi issue any fatwa of permissibility.

If hair-cutting for women was permissible in the Shaafi’i Math-hab, it would have been a widely reported fact in the Shaafi books of Fiqh just as the prohibition is widely reported in Hanafi kutub. And the reason for this is that hair-cutting was prohibited during the age of Rasulullah (sallallahu alayhi wasallam), during the age of the Taabieen and the age

of the Tab-e-Taabieen. In fact, many centuries thereafter we still have Shaafi'i authorities confirming the ugliness it creates in a woman. For such a well-established and well-known prohibition, there would have been many Shaafi'i Fuqaha who would have recorded the supposed permissibility due to the supposed change in the norms of the succeeding Muslim societies.

(Tasbeeh of the Malaaikeh in the Heavens)

سُبْحَانَ مَنْ زَيَّنَ الرِّجَالَ بِالْحَيِّ وَزَيَّنَ النِّسَاءَ بِالذَّوَابِ

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

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

THE MAALIKI MATH-HAB

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

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

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

Tresses of Jannat- Part 2

to cut even a beard/moustache which grows abnormally on the face of a woman. How can the Maaliki Math-hab countenance permissibility for cutting the natural and beneficial tresses of a woman's hair?

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

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

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

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

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

"Ibn Abdul Barr said: 'It is Makrooh for a woman to shave her head, and more than one (among the Fuqaha) say that cutting

Tresses of Jannat- Part 2

(hair) is also Makrooh for her without valid reason. (It being Makrooh) is one riwayat, and it has been said that both acts (shaving and cutting) are haraam for a woman."

(Al Aadabush Shariah, Vol. 3 page 233)

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

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

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

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

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

Tresses of Jannat- Part 2

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

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

Qaadhi Iyaadh is among the senior Maaliki Fuqaha who believe and teach that it is unlawful to cut off even a deformity or growth on the body, e.g. an extra finger or an extra tooth. Even if a woman has unbecoming long teeth protruding from her mouth, it is not permissible for her to cut it at the ends nor is it permissible to have the extra finger, which is a deformity, removed. Such acts of removal of any part from the body is termed *taghyeer li khalqillaah* (to change the natural form created by Allah). Qaadhi Iyaadh mentions this stand of the Maaliki Math-hab. (*Al-Jaami li Ahkaamil Qur'aan of Qurtubi*). Imaam Nawawi too states this ruling of the Maaliks in his Sharah on Muslim Shareef. More discussion will appear on this topic further on in this book.

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

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

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

is not allowed in his Math-hab to cut off the deformity of a beard and moustache growing on her face?

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

HAIR-CUTTING — A PUNISHMENT

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

HAMBALI MATH-HAB

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

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

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

Tresses of Jannat- Part 2

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

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

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

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

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

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

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

The exposition of *Makruh* which the deviate presents encourages Muslims to commit *Istikhfaaf*. This means to regard the laws of the Shariah lightly and insignificantly. *Istikhfaaf* of any Shar'i *hukm* is kufr, hence the Fuqaha rule: "*Miswaak is Sunnat, but to deny it is kufr.*" Irrespective of the *Fiqhi* classification of a teaching of the Shariah, its importance may not be minimized.

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

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

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

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

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

(Shaami, Vol.5 page 214)

There are innumerable examples in all the books of the Ahnaaf of acts which are technically *Makruh Tahreemi*, but which are described by the Fuqaha with the term *Haraam*. There is not the slightest scope to deny this irrefutable fact. In view of the gravity of the *Makruh Tahreemi* act

Tresses of Jannat- Part 2

and the consequence of punishment in Jahannum for committing it, the Ahnaaf Fuqaha and all our Ulama describe *Makruh Tahreemi* acts as *Haraam*. *Makruh* is, therefore, not something to trifle with. *Istikhfaaf* (to view it lightly or insignificantly) in fact is kufr.

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

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

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

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

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

Tresses of Jannat- Part 2

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

"Halq is prohibited for her."

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

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

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

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

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

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

Tresses of Jannat- Part 2

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

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

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

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

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

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

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

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

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

Tresses of Jannat- Part 2

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

Tashabbuh bil Kuffaar (Emulating the Kuffaar) is ***haraam*** on the basis of *Nass*. The effect of such *Tashabbuh* is not *Makruh Tanzihi*. While the word *Makruh* is stated without any descriptive condition, the Hambali Fuqaha clarify that this particular form of *halq* is *Tashabbuh Bil Majoos*, hence it can never have the meaning of *Tanzihi*.

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

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

Among the narrations cited in substantiation of this view are:

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

“Abu Musaa narrates from Nabi (sallallahu alayhi wasallam): ‘He who shaves (his head) is not of us.’”

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

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

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

Tresses of Jannat- Part 2

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

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

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

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

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

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

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

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

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

“Shaving her head and cutting (her hair) are Makruh..”

(Vol.1 Page 78)

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

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

Tresses of Jannat- Part 2

“The Ulama regard fasting on the day of Shakk (doubt) to be Makruh.....because of the prohibition of Nabi (sallallahu alayhi wasallam). Ammaar said: ‘He who fasts on the day of shakk, verily, he has disobeyed Abul Qaasim (i.e. Rasulullah—sallallahu alayhi wasallam).’”

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

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

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

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

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

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

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

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

(Al-Insaaf, page 15)

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

Tresses of Jannat- Part 2

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

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

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

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

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

The Commentator explaining this, says:

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

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

Tresses of Jannat- Part 2

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

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

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

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

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

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

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

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

“However, it is haraam for a woman to shave (her head). Only Taqseer for her is Waajib.”

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

It has now been shown that in terms of all four Math-habs, the word *Makruh* does not necessarily mean *Makruh Tanzihi* when used by the

Tresses of Jannat- Part 2

Fuqaha of the three Math-habs. It can mean Makruh Tanzihi, Makruh Tahreemi and even Haraam. In fact, there are innumerable examples in all the kutub of the three Math-habs to prove that the term is copiously used in the *Tahreem* meaning.

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

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

(Tasbeeh of the Malaaikeh in the Heavens)

سُبْحَانَ مَنْ زَيَّنَ الرِّجَالَ بِاللَّحَى وَ زَيَّنَ النِّسَاءَ بِالذُّوَابِ

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

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

”

HANAFI MATH-HAB

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

“Ibn Nujaym in al-Bahr ar-Ra'iq describes a woman's act of shaving (not just cutting) her hair in express imitation of men as makruh, which in the terminology of the Hanafiyyah means

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

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

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

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

Allaamah Ibn Nujaim also states in *Bahrur Raaiq*:

Tresses of Jannat- Part 2

“It has been mentioned that recitation (of the Qur’aan for a woman in her haidh) is Makruh. And, in numerous kutub it is said to be haraam.”

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

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

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

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

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

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

The full fatwa of Maulana Abdul Hayy (rahmatullah alayhi) appears on page 10. Now is this great luminary who is unequalled in his command of fiqh and hadith, also one of those indiscrete dispensers of fiqh who are

ignorant of the applicability of *Urf*? Is Maulana Abdul Hayy's fatwa of prohibition in conformity with the verdict of the Hanafi Fuqaha and the numerous senior Ulama of the Indo-Pak subcontinent or not? Or will the deviate now demote this great luminary of unequalled command in fiqh and hadith and lump him together with all the senior Ulama of the Indo-Pak subcontinent, whom the deviate has accused to be *indiscrete dispensers of fiqh lacking in understanding of the principles of fiqh*?

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

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

- Maulana Abdul Hayy's fatwa has already been mentioned above.
- Hadhrat Maulana Saeed Ahmad Palanpuri, the Ustaadh of the deviate, states: "*It is **haraam** for a woman to shave or cut the hair on her head, and she has been made deserving of **la'nat** . (In substantiation of his fatwa, Maulana Palanpuri quotes from Shaami as follows): 'If a woman cuts her hair, she has sinned and is accursed.'*"
- Hakimul Ummat Hadhrat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) states: '*It is **haraam** for a woman to shave or cut the hair of her head. In the Hadith is **la'nat** for her.*'"
- In another *fatwa*, Hadhrat Thaanvi, citing from Ad-Durrul Mukhtaar, says: "*A woman who has cut her hair has sinned and she is accursed. Bazaaziyah adds: "...and even if her husband consents because there is no obedience to any creation in an act of disobedience to Khaaliq (Allah, The Creator).*"

Tresses of Jannat- Part 2

- Hadhrat Maulana Zafar Ahmad Uthmaani (rahmatullah alayh) states: “*The Fuqaha have totally prohibited women from shaving and cutting (their hair).*”
- Hadhrat Mufti Yusuf Ludhyaanwi (rahmatullah alayh) said: “*It is not permissible for women to cut the hair of their head.*”
- Other senior Ulama too cite Ad-Durrul Mukhtaar in substantiating their respective *fataawa* of prohibition.

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

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

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

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

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

NAJMUDDIN ZAAHIDI

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

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

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

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

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

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

(Al-Multaqat, Page 107)

Imaam Naasiruddin Samarqandi appeared long before Najmuddin Zaahidi. Perhaps the deviate would be interested to know what *one of the subcontinent’s greatest luminaries*, Maulana Abdul Hayy Farangimahali had to say about Imaam Naasiruddin Samarqandi (rahmatullah alayh). Maulana Abdul Hayy (rahmatullah alayh) said:

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

(Al-Fawaaidul Bahiyyah, Page 289)

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

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

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

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

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

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

لا يجوز للمرأة قطع شعرها ولو بإذن الزوج

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

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

Tresses of Jannat- Part 2

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

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

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

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

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

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

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

But of what real benefit is this? The deviate displays conspicuous intransigence by demanding a citation directly from the *Zaahirur*

Riwaayat of the Ahnaaf. It is nothing but his *jahaalat* which impels him to make such a stupid demand. The unanimous view of, so far, eleven centuries of Hanafi Fuqaha, of all persuasions, right until Al-Iskaaf, has already been presented. Most assuredly, Al-Iskaaf acquired the *mas'alah* from above, and the Chain will link up to the highest echelons among the Fuqaha-e-Ahnaaf.

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

QAT'I AND ZANNI

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

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

succeed. Read the Deviate's Usthaadh's comment on this issue. See pages 374 – 375.

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

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

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

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

"I fear for my Ummah the Aimmah-e-Mudhilleen."

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

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

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

(Ambiyaa ki Sunnate, Pages 96 and 97)

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

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

CONTEMPORARY ULAMA?

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

“A few days after the appearance of my article there appeared on the internet a fatwa by Mufti Muhammad Taqi Uthmaani. It is my good fortune that my own view was fully in harmony with the view of Mufti Taqi. Mufti Taqi needs no introduction as a Hanafi faqih and muhaddith of the highest rank.....” Earlier

Tresses of Jannat- Part 2

Shaikh Abd al-Aziz ibn Baz, the late grand mufti of Saudi Arabia had issued a similar fatwa.”

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

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

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

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

(Tasbeeh of the Malaaikah in the Heavens)

سُبْحَانَ مَنْ زَيَّنَ الرِّجَالَ بِاللَّحَى وَزَيَّنَ النِّسَاءَ بِالدَّوَابِّ

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

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

HADITH CRITICISM

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

Tresses of Jannat- Part 2

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

He further acknowledges that:

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

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

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

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

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

Tresses of Jannat- Part 2

- (1) The Tabieen and Tabe Taabieen Aimmah Mujtahideen such as Imaam Abu Hanifah (rahmatullah alayh) and Imaam Maalik (rahmatullah alayh) who appeared more than two centuries before the later Muhadditheen, were the repositories of the Shariah.
- (2) It were only these illustrious Fuqaha who had formulated the *Usul* (Fundamental Principles) of Fiqh. Only they had systematized and codified the Shariah. The later Muhadditheen had absolutely no role in this super-human task for which the Jamaat of Fuqaha was specially created by Allah Ta'ala.
- (3) The finalisation of the process of codification and systematization of the *Ahkaam* were accomplished during the age of these illustrious Fuqaha by the Fuqaha themselves, not by the later Muhadditheen who were nowhere near to the pedestal of Fiqh occupied by the early Fuqaha whose Asaatizah (Ustaadhs) were either the Sahaabah or the Taabieen. While all the Muhadditheen were the students of the early Aimmah through a chain of intermediaries, the Fuqaha of the early era were Muhadditheen of outstanding calibre, second to none. In fact, the Aimmah-e-Mujtahideen were greater Muhadditheen than Imaam Bukhaari (rahmatullah alayh) and others. However, since it was not their divinely imposed function to gather and compile all the Ahaadith, they concentrated on their role of codification of the *Ahkaam of the Shariah*. It is for this reason that they are not famous for being Muhadditheen. But the notion that a man can be a Mujtahid without being a Muhaddith is entirely erroneous.
- (4) By the time the later Muhadditheen had appeared, the entire Structure of the Shariah was already completed, hence the Muhadditheen never ventured into this domain. They had a different role to act in.
- (5) Thus, the Hadith classification of the later Muhadditheen does not affect the validity of the *Ahkaam* which the Fuqaha had formulated on the basis of Ahaadith which had reached them. It is inconceivable that *masaail* which the entire Ummah had accepted and authenticitated by innumerable Fuqaha, be cancelled on the basis of Hadith classification which developed centuries later regardless of the fact that the “seeds of this system were sown in the Qur'an and the Sunnah...” The Aimmah Mujtahideen had nurtured and developed those ‘seeds’ and had perfected the system adequately enough for their purposes of formulating the *Ahkaam* of the Shariah.

- (6) The Aimmah Mujtahideen were fully qualified and equipped to determine the authenticity of Hadith narrations which reached them. It is therefore highly erroneous to submit the *Hadith Mustadallaat* of the Fuqaha to the scrutiny of the later Muhadditheen, and then to commit the capital blunder of attempting to revoke the *Ahkaam* of the Shariah if it be found that the *mustadal* of the Faqeeh or of the Imaam is a Hadith classified as *Dhaeef, Mursal, etc., etc.*, by Imaam Bukhaari (rahmatullah alayh).

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

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

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

It is quite reasonable and acceptable if a Faqeeh who appeared after the compilation of the Hadith books, utilized the facilities of the

Muhadditheen on a *Fiqhi mas'alah* for which there is no ruling in the Shariah.

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

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

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

Tresses of Jannat- Part 2

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

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

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

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

For the benefit of ordinary readers he should have explained what exactly he means by “denial of the retrospective value”. This is another ploy to deceive people who do not understand head or tail of what is being discussed. Let us clarify for those who do not understand, what exactly the deviate is saying. He says here that we have in general denied the

value and relevance of the Muhadditheen's work even after it has been established that a ruling has been based on a *dhaeef or maudhoo'* (*Weak or Fabricated*) hadith. He has not qualified his statement. Rather, he has made a sweeping statement for which he cannot produce any substantiation. The purport of what the deviate has alleged here is that if today someone such as the Ahl-e-Bid'ah (and he is included among them) formulates a fatwa, e.g. moulood is Sunnat, and the 'mufti' cites ahaadith to substantiate his fatwa, then even after some time has lapsed if someone discovers from the works of the Muhadditheen that the *mustadallaat* of the Bid'ati mufti comprise of fabricated narrations, then in terms of what we have claimed in the Female Hair book, the *baatil* cannot be challenged in view of the *denial of retrospective value and relevance* principle. But this is blatantly false.

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

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

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

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

DETERMINANT OF AUTHENTICITY

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

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

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

Regarding the *nabeez* issue, the deviate writes:

Tresses of Jannat- Part 2

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

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

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

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

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

Tresses of Jannat- Part 2

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

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

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

Inspite of the Hadith being ‘defective’ according to some, another dozen authorities authenticate it. The disease in unqualified deviates who imagine themselves to be mujtahideen and muhadditheen is that their defective ‘research’ leads them to believe that a certain Hadith is fit for dumping in the trash-bin. Maybe one or two hadith ‘investigators’ like Ibn Hazam and Ibn Jauzi, condemned a specific *sanad*. Now if that particular narration goes against the grain of the proofs of the deviates, they accept as ‘*wahi*’ what such investigators disseminate. In their ignorance they fail to realize that their ‘research’ is not a true research. Their defective ‘research’ suffices only for satisfying their kuffaar university mentors who are all the products of orientalist influence. While their defective ‘research’ acquires for them kuffaar university certificates, it also paves the path leading to Jahannum. Invariably, these kuffaar university mutants, especially if they are molvis and shaikhs who pursue the satanism in which universities excel, become intoxicated with a sense of extreme false pride. They believe that they are not only on par with the Aimmah-e-Mujtahideen, but excel them in every branch of Shar’i Uloom. May Allah Ta’ala protect us all from such terrible spiritual darkness. Hadhrat Faqih Abu Laith (rahmatullah alayh) said that a man who advertises his *ilm* (like these modernist deviates), and destroys his

Tresses of Jannat- Part 2

amal (i.e. he does not practise in accordance with the knowledge he has acquired), the **la'nat** of Allah descends on him. The one who has acquired knowledge for the sake of disputing with the Seniors and criticizing them, even if the criticism is veiled and subtle as the deviate is guilty of, will not smell the fragrance of Jannat. This is what Rasulullah (sallallahu alayhi wasallam) said. The deviate should take note and consult with his august Ustaadh before **Maut** overtakes him.

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

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

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

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

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

Tresses of Jannat- Part 2

of incompetency of Imaam Abu Hanifah in the field of Hadith authentication has to be dismissed with revulsion and contempt.

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

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

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

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

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

“As an example would be the hadith upon which Imam Abu Hanifah formulated the ruling that riba is permitted between Muslims and non-Muslims in dar al-harb. Imam as-Shafi’i quotes Imam Abu Yusuf as saying that Imam Abu

Tresses of Jannat- Part 2

Hanifah permitted riba under these circumstances on account of a hadith "which some shaykh narrated to us from Mak-hul.....Imam Shafi'i remarks about this hadith: "This (hadith) is unfounded, and hence unauthoritative."

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

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

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

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

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

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

(I'laaus Sunnan, Vol.14)

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

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

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

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

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

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

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

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

Tresses of Jannat- Part 2

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

(I’laaus Sunan, Vol. 21, page 37)

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

RIBA IN DAARUL HARB

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

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

IMAAM TAHAAWI

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

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

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

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

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

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

Being the Muqallid of Imaam A'zam, it was his obligation to substantiate the proofs of the Hanafi Math-hab, and in this process the principles of Imaam Abu Hanifah are utilized, not the opinion of the *Muqallid*.

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

(Tasbeeh of the Malaaikeh in the Heavens)

سُبْحَانَ مَنْ زَيَّنَ الرِّجَالَ بِالْحَى وَزَيَّنَ النِّسَاءَ بِالذَّوَانِبِ

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

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

THE NASS OF THE AHNAAF ON THE HAIR ISSUE

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

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

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

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

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

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

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

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

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

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

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

In *Al-Fawaaidul Bahiyyah*, Maulana Abdul Hayy Sahib, on the contrary, lauds considerable praise on Allaamah Najmuddeen Zaahidi. However, he also records the criticism which others made of him. But the deviate

Tresses of Jannat- Part 2

attributes to Maulana Abdul Hayy the criticism of Ibn Wahbaan and others to whom Maulana Abdul Hayy refers in his *Al-Fawaaidul Bahiyyah*. Maulana Abdul Hayy writes in his *Al-Fawaaidul Bahiyyah*:

“He was of the great Aimmah and of the most excellent Fuqaha. He was a kaamil (perfect) Aalim. He had a perfect comprehension in difference (of masaa'il) and in the Math-hab., and his ability in speech and debate was phenomenal.”

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

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

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

“Verily, I studied Al-Mujtaba, the Sharah of Qudoori and Quniah and I found them (i.e. Al-Mujtaba and Quniah) encompassing wonderful masaa'il, and in the elaboration of benefits I found them adequate.”

(Al-Fawaaidul Bahiyyah)

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

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

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

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

THE SANAD OF NAJMUDDIN ZAAHIDI

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

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

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

The deviate very selectively mentions only the criticism levelled against Najmuddin Zaahidi and conveniently conceals the glowing praises which Maulana Abdul Hayy, “one of the subcontinent’s greatest luminaries”, lauds on the deviate’s victim.

Maulana Abdul Hayy further says:

“Then, after he attained the rank of excellence and perfection (in Uloom), he journeyed to Baghdad where he debated with the Ulama

Tresses of Jannat- Part 2

and Fuqaha. Then he reached Room and resided there for some time and gave dars to the Fuqaha....”

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

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

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

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

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

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

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

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

Arising from this discussion are the following salient facts:

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

Tresses of Jannat- Part 2

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

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

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

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

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

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

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

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

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

“It is mentioned in An-Nawaazil in Kitaabun Nikaah that Abu Bakr was asked about a woman who had cut her hair. He said: ‘Istighfaar and repentance are incumbent on her and she should not again commit (this deed).’ It was said to him: ‘If she does so with the permission of her husband?’ He (Abu Bakr) said (Citing a hadith): Obedience is not lawful for makhlooq (a created being) in any act which results in disobedience to The Khaaliq (The Creator, Allah Azza Wa Jal).’ It was said to him: ‘Why is this not permissible for her?’ He replied: ‘Because, verily, she imitates

men, Verily, Nabi (sallallahu alayhi wasallam) said: ‘Allah curses males who emulate women and women who emulate males. And, because, verily, hair for a woman is in the category of beard for a man. Therefore, just as it is unlawful for a man to cut his beard so too is it unlawful for a woman to cut her hair.’ It is recorded in Majmaul Barakaat: ‘A woman’s tashabbuh with men is Makrooh. So it appears in Al-Kubraa and Az-Zaheeriyah.”

The deviate may now contend that this great luminary has cited from ‘unreliable’ books .

RIWAAYAH AND QAWL?

The deviate claims:

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

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

Lest we forget, we take the opportunity of again reminding the deviate to present the names of the Fuqaha of any Math-hab who hold “*the diametrically opposite view of permissibility of hair-cutting for women*”. He has mentioned none. He has none to mention, hence his meandering and laborious exercises of diversion and deception, not only to dupe unwary Muslims, but to save face and to extricate himself from the whirlpool of mess he has landed himself in. He has nothing but inference.

He makes one inference, then out of this inference he forges another inference, and in the process gets entangled in the mesh of the technical arguments he initiates.

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

THE MUJTAHIDEEN WERE NOT PROPHETS?

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

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

It is not an issue of elevating the Aimmah-e-Mujtahideen to the pedestal of infallibility which is exclusive with only the Ambiyaa (alayhimus salaam) nor is it a question of *ta-assub*. It is a plain and simple issue, namely, that the deviate has no right to differ with the rulings of the Fuqaha even if these Fuqaha are not the Founders of the Mathaahib. We are only saying that the deviate has no alternative but to accept the rulings of the Fuqaha even if he believes that the *Ahkaam* which have been transmitted down the centuries by one generation of Ulama to the other, are based on spurious narrations. Our claim is that he possesses no qualifications whatsoever to submit the *mustadallaat* which the Fuqaha have accepted and which are *mash-hoor* (well-known) and which have permeated the ranks of these great Ulama of Islam. He has no right and no qualification to oppose any *hukm* or to imagine defect in it or in its basis if there is consensus of the Ulama on it.

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

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

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

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

Their (including Maulana Abdul Hayy's) *Isnaad* is the *daleel* for the veracity of the prohibition. Then the other powerful *daleel* is the acceptance of the prohibition by the Fuqaha from one generation to the

other until it reached us. There is no difference recorded. The deviate may kick up much dust and blow a lot of hot hair, he will not be able to maintain a smokescreen to obscure the Haqq.

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

MAULANA ABDUL HAYY SAHIB’S SELF-CONTRADICTION

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

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

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

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

How is this self-contradiction to be reconciled? In both kitaabs, he speaks glowingly of the author, Najmuddeen Zaahidi. In one of the

kitaabs, he lauds considerable praise on both kitaabs (*Al-Mujtaba* and *Al-Quniyah*) , but in his other book, while highly praising the Author, he criticizes one of the kitaabs, namely, *Al-Quniyah*. Be that as it may. Neither Maulana Abdul Hayy nor anyone else has made a direct assault on the reliability of *Al-Mujtaba* which all our Akaabireen accept — including, of course, Maulana Abdul Hayy Sahib.

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

THE PRACTICE OF THE UMMAH

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

RESPECT FOR THE KUTUB

Hadhrat Maulana Anwar Shah Kashmiri (rahmatullah alayh) said:

“Since the age of seven, I never touched a kitaab of the Deen without wudhu.”

THE PRINCIPLE OF TALAQQI BIL QUBOOL

In our earlier book, the principle of *Talaqqi Bil Qubool* was invoked in specific reference to the prohibition of hair-cutting for women. This principle means that a Hadith whose acceptance has become *mash-hoor* (widely well-known and accepted) in the ranks of the Ulama, is an authentic Hadith. There is no need for a *sanad* for such a narration. The narration gains greater strength if the Fuqaha have adopted it for a

Tresses of Jannat- Part 2

mustadal (basis) for the formulation of a Shar'i *hukm*. The strength increases when such a Shar'i *hukm* has been accepted by the Fuqaha and the successive generations of Ulama and the entire Ummah practises accordingly.

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

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

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

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

The stark reality of the matter here is that the deviate has not understood the meaning of the principle of *Talaqqi bil Qubool* nor has he understood what Maulana Abdul Hayy conveys in the extracts which he (the deviate) quotes from the book of the Maulana Sahib. Citing Maulana Abdul Hayy, the deviate quotes:

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

Our response to this is:

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

- (5) Mulla Ali Qaari's comments do not bring the relevant Ahaadith such as the Tasbeeh of the Malaaiakah, within their purview, thereby refuting the *Talaqqi Bil Qubool* which the Fuqaha have accorded it.
- (6) Mulla Ali Qaari's comments apply to only such narrations which do not satisfy the demand of the principle of *Talaqqi bil Qubool*. But we are discussing this principle and the narrations authenticated by it. We did not claim that every narration in every Fiqh Kitaab happens to be there by *Talaqqi bil Qubool*.
- (7) Without understanding the issue, the deviate quotes Hafiz Ibn Hajr: "*One of the criteria for acceptance...is that the ulama concur in acting upon a particular hadith. Such a hadith will be accepted and it will be a matter of obligation to act according to it. A group of ulama of usul have made clear mention of this.*"
- (8) Further supporting our contention, the deviate in blissful ignorance cites Ibn Humaam as follows: "*One of the factors which makes the hadith sahih is the practice of the ulama according to it.....Malik said: 'The fame of this hadith in Madinah obviates the need for its chain of narration.'*"

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

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

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

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

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

Tresses of Jannat- Part 2

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

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

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

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

(Ainul Hidaayah, Vol.4 page 604)

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

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

“....the talaqqi which the ulama speak of is something vastly different from that which the objector invokes as his ‘overriding criterion of authenticity.’”

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

THE RAMIFICATORY POINTS OF LAW

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

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

In spite of what Maulana Abdul Hayy says and what the deviate has understood from his comments, there is clarity on the fact that the “ramificatory points of law” are reliable and acceptable. These points of law are reliable even according to Maulana Abdul Hayy Sahib. No one can contest these “points of law” whose acceptance by the World of the Fuqaha has reached the degree of *Tawaatur*.

If the deviate refuses on account of his intransigence to concede the operation of *Talaqqi bil Qubool* regarding the *mustadallaat* of the Fuqaha, he should at least divest himself of some of his *jahaalat* by at least acknowledging that the *mas’alah* of the prohibition of hair-cutting by women mentioned in the kutub is a “*ramificatory point of law*”, and in this regard Maulana Abdul Hayy issues the verdict of reliability.

When a person is bereft of valid arguments for his doomed cause, he then resorts to diversions in the attempt to wriggle out of the quagmire in which he finds himself. In regard to the hair issue, the deviate has gone far off the mark with his diversions to deflect people from the original question. Regardless of what Maulana Abdul Hayy Sahib has written and regardless of what Mulla Ali Qaari says about the narrations in the books of the Fuqaha, let us see what Hadhrat Mulla Ali Qaari has to say on this *mas’alah*. In his *Mirqaat* which is a Commentary of *Mishkaat*, he says:

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

Just as cutting the beard is haraam for men, so too is cutting hair for women haraam.

AL-HIDAAYAH

In the satanic attempt to denigrate Saahib-e-Hidaayah, Imaam Ibn Abu Bakr Bin Abdul Jaleel Al-Farghaani Al-Margheenaani, the deviate presents the following comments of Maulana Abdul Hayy Sahib:

“Do you not see the author of al-Hidaayah — one of the greatest Hanafis — and ar-Rafi’i, the commentator of al-Wajiz — one of the greatest Shafi’is—, despite their high status and the fact that great people place reliance upon them, have mentioned in their works such ahadith of which no expert of hadith can find any trace. This is perfectly clear to anyone who studies the takhrij of the ahadith of al-Hidayah by az-Zayla’i and the takhrij of the ahadith of ar-Rafi’i’s commentary by Ibn Hajar al- Asqalani.”

Let the deviate get the message clearly that the Fuqaha and the Ulama — our Akaabireen — are not the muqallideen of Az-Zayla’i nor of Ibn Hajar Asqalaani. It never means that what these two Haafiz of Hadith said is the final word having the effect of *qat’iyat* (absolute certitude), nor does it mean that what they commented about Hidaayah is correct. If anyone has the naked audacity to claim that a Mujtahid and Muhaddith of the calibre of Saahib-e-Hidaayah was misled and duped into recording weak, fabricated and drivel narrations in his illustrious Kitaab which occupies the fourth pedestal in authenticity after the Qur’aan, i.e. the fourth among all the thousands of kutub which were ever written, then we say with equanimity that Az-Zayla’i and Ibn Hajar Asqalaani were “misled” and “duped” to a far greater degree than what has been slandered about the illustrious Author of Hidaayah. What these two Haafiz of Hadith said in regard to the Author of Hidaayah is baseless.

Maulana Abdul Hayy Sahib does not approach the glorious feet of Saahib-e-Hidaayah in any branch of Ilm and Taqwa. His criticism of such a Giant of Shar’i Uloom has to be dismissed with contempt. Maulana Abdul Hayy Sahib who had initially inclined to *adm-e-taqleed* had gone somewhat overboard in recklessness when commenting on the great personalities of Islam. Deviates and modernists therefore love to cite him because they find freeplay and latitude for the satanism of their nafsaaani opinions. Our Akaabireen reject what Maulana Abdul Hayy Sahib has said about Saahib-e-Hidaayah.

Hadhrat Allaamah Zafar Ahmad Uthmaani, in *I'laaus Sunan*, Vol. 21, Pages 211 and 212, writes:

“For every Hadith about which these two Haafiz (Zayla’i and Ibn Hajar Asqalaani) said: ‘Ghareeb, we did not find it.’, verily, I found (such Ahaadith) in abundance — and all praise is for Allah — in Kitaabul Kharaaj of Imaam Abu Yusuf, in Kitaabul Aathaar of Imaam Abu Yusuf in Kitaabul Aathaar of Imaam Muhammad Bin Al-Hasan, in Kitaabul Hajj of Imaam Muhammad— May Allah’s rahmat be on them.”

While Az-Zayla’i and Ibn Hajar Asqalaani were unable to find certain Ahaadith in other books of Hadith, Allaamah Zafar Ahmad Uthmaani found in several authentic kitaabs many of the Ahaadith which Az-Zayla’i and Ibn Hajar shrugged off or proclaimed weak. Neither Az-Zayla’i nor Ibn Hajar encompassed each and every Hadith nor did great and illustrious Aimmah such as Imaam Zuhri (rahmatullah alayh). Thus, the claims of Az-Zayla’i and Ibn Hajar Asqalaani are not *hujjat* against the Ahnaaf or against those who maintain the superiority of Saahib-e-Hidaayah over the Muhadditheen.

On the basis of statements such as *“I did not find it”*, made by authorities such as Az-Zayla’i and Ibn Hajar, deviates in every age who worship their nafs, attempted to find freeplay for their opinions of *nafsaaniyat* and *shaitaaniyat* just as this modern day deviate is presently guilty of. Using such comments of authorities, the deviates spared no pains in criticizing the Ahnaaf Fuqaha and hurling vituperation on them for highly authentic Ahaadith contained in their Works of Prominence and universal acceptance. They let loose their foul tongues to accuse the great and noble Fuqaha of the Ahnaaf of employing ‘weak’ and ‘fabricated’ narrations for the formulation of *ahkaam* when in reality this was far, very far from the truth.

If it is correct to reject the *mustadallaat* of the Ahnaaf Fuqaha simply on the basis of comments such as *“I did not find it”*, then these same worshippers of the nafs suffering from oblique mental vision in consequence of a blinded *baatin*, should brand Imaam Bukhaari as one who lacks competence in Hadith and that he included in his compilations ‘weak’ and ‘fabricated’ Ahaadith which have no basis. Even Imaam Bukhaari (rahmatullah alayh) who glitters with the greatest luminosity in

the horizon of Hadith has not been spared the epithets of those who casually issue the *'fatwa'* of *'I did not find it'*.

“There are many of the Ta’leeq of Bukhaari in his Saheeh about which the likes of Ibn Hajar say: ‘I did not find it.’ Now should also the same opinion (of incompetency in Hadith) be applied to Bukhaari as has been opined about our illustrious Fuqaha of the Ahnaaf?”

(Al-Imaam Ibn Maajah wa Kitaabuhus Sunan, page 73)

Imaam Zayla’i and Ibn Hajar were not the repositories of all *Uloom*. They never claimed that they had the knowledge of **all** the Ahaadith of Rasulullah (sallallahu alayhi wasallam). No Aalim, regardless of his greatness and regardless of him being Oceans of Knowledge, can ever claim to have encompassed all Knowledge.

Regarding the Ahaadith recorded in the kutub of the Fuqaha, Imaam Suyuti (rahmatullah alayh) writes in his Kitaab, *Shaafil Ayy alaa Musnadish Shaafi’i*:

“Verily, it has reached me that Haafiz Ibn Hajar was asked about the Ahaadith which our Aimmah (Fuqaha) and the Hanafi Aimmah cite as basis in Fiqh (for the formulation of ahkaam while these (narrations) are not recognized in the Books of Hadith. He replied: ‘Verily, numerous or most Books of Hadith became non-existent in the Eastern Lands on account of (political) upheavals. It is therefore probable that those Ahaadith were extracted from them (i.e. the destroyed books), and did not reach us. Shaikh Muhammad Abdul Maalik narrated this in his Kitaab, Al-Mudkhal Ilaa Uloomil Hadithish-Shareef.”

Thus, if Ibn Hajar and Zayla’i say that they have not found a Hadith, it does not follow that this is the final word and that it has the weight of *wahi*. While they may be unaware of certain narrations, there are others who are aware. In this regard Ibn Hajar has not spared even Imaam Bukhaari (rahmatullah alayh) from his comment, namely, *'I have not found it'*. Furthermore, the comment *“I have not found it”*, is not in fact a criticism nor a rejection. This comment does not mean that the narration is a fabrication or a forgery or that it has no authentic source of origin. It only registers the unawareness of the commentator—that he is unaware of the particular narration.

It should be clear that any criticism of any Hadith by the later Muhadditheen cannot be used against the Fuqaha if such Hadith has satisfied the principle of *Talaqqi Bil Qubool* and / or has been utilized by the *Jamhoor* Fuqaha as a *mustadal* for any *hukm* of the Shariah.

AUTHENTICITY IS NOT NECESSARILY UNANIMOUS

If a Hadith is *Saheeh* (technically authentic) according to a Mujtahid, it does not necessarily follow that it will be authentic according to all the Mujtahideen. The Hadith could have satisfied the test of authenticity of the one Mujtahid while not the criteria of the others. Hence, the Hadith cannot be branded as unauthentic and unfit to be a *mustadal*. In this regard Maulana Abdul Hayy Lucknowi mentions in his *Tuhfatul Akhyaar* regarding the Hadith : “*My Sahaabah are like the stars. Whomever you follow, you will be guided.*” that inspite of this Hadith being *dhaeef* having been labelled as such by the Aimmah of Hadith, Imaam Ahmad has regarded it as a *hujjat* and has relied on it. While according to Bazaar the Hadith is not *Saheeh* nor is it recorded in the reliable Kutub of Hadith nor is therein a command to follow, nevertheless Imaam Ahmad has accepted it as *Saheeh*.

The Aimmah of Hadith — the Muhaddithun — have branded this Hadith weak and unauthentic, yet the great Imaam of Fiqh and Hadith, Hadhrat Imaam Ahmad Bin Hambal (rahmatullah alayh), regarded this ‘dhaeef’ and “unauthentic” Hadith a fit basis for *istidlaal and hujjat*. Now deviates can repeat their calumny of accusing Imaam Ahmad of being a person who reports fabricated and forged narrations which the great Imaams of Hadith have rejected as utterly baseless.

A mere difference of opinion among the Mujtahideen and Muhadditheen regarding the ‘*Sihat*’ (Authenticity technically speaking), does not negate the authenticity of the Hadith nor does such difference make the Hadith unfit for being a basis for the formulation of a *Shar’i hukm*. While the Mujtahid is aware of the differences of opinion regarding the *sihat* (authenticity — technically speaking) of a Hadith, he ignores the difference and adopts the Hadith as his *mustadal* because according to him the Hadith is *Saheeh*. The Chain of Narration by which the Hadith was transmitted to him, is beyond question and its authenticity is

confirmed to him, hence he is not concerned what other authorities say. He is an Authority in his own right.

According to Imaam As-Sakhaawi (rahmatullah alayh) if an Imaam of the Shariah cites as proof the Hadith of such a person from whom only one narrator has narrated, then the *Ihtijaaj* of the Imaam is adequate for the recognition and uprightness of the narrator. The Hadith is authentic and fit to be a *mustadal*. (*Fathul Mugheeth*, Vol.1, page 350) Haakim, the Author of Mustadrak, too endorses this principle

This is a well-known principle to the authorities of the Shariah. It has been mentioned here to show that any difference which Zayla'i or Ibn Hajar or anyone else may have with any of the Ahaadith narrated in Hidaayah or the other accepted and authoritative Books of the Fuqaha does not detract from the validity of the *Ahkaam* formulated on the basis of those Ahaadith which have satisfied the principle of *Talaqqi Bil Qubool*.

Inspite of the baseless criticism which has been levelled against the illustrious Author of Hidaayah, Maulana Abdul Hayy states in his *Al-Fawaaidul Bahiyyah*:

“Ali Bin Abu Bakr Bin Abdil Jaleel Al-Farghaani Al-Margheenaani, the Author of Hidaayah was an Imaam, Faqeeh, Haafiz, Muhaddith, Mufasssir, the Embodiment of Uloom, Expert of all Subjects, Perfectionist (in Uloom), Great Researcher, One of great insight, Master of Subtleties, Zaahid (one who has renounced the world), Aabid, of Perfect Piety, Faadhil, Expert in Usool and Adab and a Poet. The eyes never saw his likes in Ilm and Adab. He possessed exceptional grasp in khilaaf (differences) and in the Math-hab, and exceptional ability in the Math-hab.”

“I have studied Hidaayah with its shuruhaat and Mukhtaaraatun Nawaazil. Every one of his works is maqbool (accepted) and mu'tamad (reliable), especially Al-Hidaayah. Verily, it has always remained a reference for the Experts (of Ilm) and a Source for the Fuqaha.”

Indeed, what the denigrators are attributing to Saahib-e-Hidaayah is a great calumny. The actual reason for the unawareness of the Hadith

Examiners in relation to some of the Ahaadith in the authoritative Books of the Fuqaha has been alluded to by Ibn Hajar himself. We have already mentioned his comments in this regard. Here we shall mention the comments of Maulana Muhammad Abdur Rashid An-Nu'maani (rahmatullah alayh). He states in the Introduction of Ibn Maaajah:

“All the Ahaadith which our Fuqaha (rahmatullaah alayhim) have narrated in their Works, without mentioning the sanad (chain of the narrations) as As-Sarakhsi does in Al-Mabsoot, and Al-Kaashaani in Al-Badaai, and Al-Margheenaani in Al-Hidaayah, are such Ahaadith and Narrations which are found in the Kutub of our Mutaqaddimeen Aimmah such as those of Imaam A'zam, his two Companions, Ibn Mubaarak, Hasan Lu'lu'i. Ibn Shuja' Thalji, Isaa Bin Abaan, Khassaaf, Tahaawi, Karkhi and Jassaas (rahmatullah alayhim).

Then came the Mukharrijoon (commenting) on Hidaayah and Khulaasah. They then searched the books which were compiled after the year 200 for these Ahaadith (which appear in the Books of the Fuqaha). When they failed to find these Ahaadith in the compiled books, they opined that these narrations were Ghareeb.

Some of these Mukharrijoon entertained evil opinions about these Fuqaha Imaams. They therefore attributed to them paucity of knowledge in the field of Hadith.....”

Whatever the detractors said and are saying about the great and illustrious Fuqaha, the deviate should confine himself to the *mas'alah* in dispute with him. Even if Hidaayah contains ‘fabrications’ and ‘weak’ narrations, the issue here is that the Ahaadith we have quoted, for example, the one pertaining to the Tasbeeh of the Malaaiakah, are not of the category of ‘trash’ as the deviate wants Muslims to believe. Even the critic, Maulana Abdul Hayy cites and accepts such Ahaadith on the basis of *Talaqqi bil Qubool* as we shall later demonstrate, Insha'Allah.

The deviate has battled his best to divert attention from the disputed *mas'alah* by generalising the criticism of some Ulama regarding some narrations which appear in Fiqh books. Those who have presented their criticism do not direct it to such narrations which have satisfied the principle of *Talaqqi bil Qubool*. They refer to narrations which the *Jamhoor Fuqaha* do not accept and on which the Ummah does not practise. A narration which says that one qadha Salaat performed on the

last Friday of Ramadhaan will atone for the qadha of 70 years, never satisfied the principle of *Talaqqi bil Qubool*. Such narrations are beyond the scope of our discussion. But the miserable deviate feasting on falsehood, distortions, half-truths and setting up his traps of diversions and detractions, tries to convey the silly and false idea that our claim is that even if *Talaqqi bil Qubool* has not been satisfied, we contend that a narration is authentic solely on the basis of its appearance in any book of Fiqh. Let the *kath-thaab* cite where we have made such an explicit statement. Unless, of course, he has resorted to his stupid process of inference. When all the Fuqaha reject a narration and do not cite it as a *mustadal*, then obviously, the principle of *Talaqqi bil Qubool* does not operate in regard to that narration. If a demented brain cannot comprehend this simple fact, there is then nothing which will convince him.

While it is accepted that Zayla'i and Ibn Hajar Asqalaani were authorities in the field of Hadith, they slipped up in regard to Al-Hidaayah as Hadhrat Allaamah Zafar Ahmad Uthmaani pointed out in *I'laaus Sunnan*. Accepting this fact should not prove to be too bitter for the deviate in view of the fact that he does aver that the Authorities of the Shariah are not infallible. If Saahib-e-Hidaayah has erred, then we must expect Az-Zayla'i' and Ibn Hajar to have also erred in far greater degree. None of these two Haafiz is anywhere near to the lofty rank of Saahib-e-Hidaayah. Let the deviate again refer to the accolades which Maulana Abdul Hayy has bestowed on Saahib-e-Hidaayah.

Lest the original *mas'alah* of dispute is forgotten on account of the diversion and confusion which the deviate has tried to cause by the introduction of unwarranted and unrelated technical argument, we say that despite what Zayla'i and Ibn Hajar have commented, both these Imaams have not cast aspersions on the Hadith which mentions the Tasbeeh of the Malaaiakah. They do not deny the application of the principle of Talaqqi Bil Qubool in relation to this and other Ahaadith on which the Fuqaha base the prohibition of hair-cutting for women. Insha'Allah, this will be shown later.

THE HADITH OF ABU SALAMAH

The deviate states:

“The objector appears unable to make up his mind as to whether the statement of Abu Salamah is authentic or unauthentic. At one place, on page 77 he says, “While the authenticity is accepted,” while at another place he openly associates it with “spuriousness”.

True to his form of deviousness and in his usual attempt to create diversion and confusion, the deviate states a blatant falsehood in the afore-quoted statement in which he conveys the impression that we have contradicted ourselves regarding the authenticity of the Hadith of Abu Salamah.

No where in our book did we cast the slightest aspersion on the authenticity of the Hadith. The deviate cites our page 77 for our claim of authenticity of the Hadith without citing the emphasis we have placed on the authenticity of the Hadith. His claim that we labelled the Hadith “unauthentic” and have associated it with “spuriousness” elsewhere in our book, is blatantly false and a deliberate attempt to propagate his *baatil* with an intentional lie. Although he cites the page number of our book where we stated the authenticity of the Hadith, he does not cite the page number where we have allegedly claimed the Hadith to be spurious and unauthentic. Since we had made no such contradictory claim, he conveniently ‘forgot’ to mention the page number where his false allegation is stated. In view of the nakedness of the falsehood he has stated, it will be appropriate to reproduce what we have said on page 77 regarding the authenticity of the Hadith of Abu Salamah:

“In this regard the shaykh Sahib says: “The authenticity of this narration is above question. It is documented by Imam Muslim in his Sahih (vol.5 p.4, with an-Nawawi’s commentary)”

Our comment in our book is:

“None of those who narrate the Shar’i prohibition of cutting hair for a woman has assaulted the authenticity of the Hadith in question. For the shaykh therefore to make this comment is an exercise in redundancy. Being bereft

of correct Shar'i dalaa-il for his baatil view, he resorts to tricks and diversions. Hence he makes the comment on the authenticity of the Hadith — a position which was never contested.”

While undoubtedly, the Hadith is Saheeh, the last statement in this Hadith pertaining to the hair of the Holy Wives of Nabi-e-Kareem (sallallahu alayhi wasallam) is **extremely ambiguous**, to say the least. It has been the subject of much interpretation and argument among the authorities of Hadith, Fiqh and Tafseer.

Every authentic Hadith cannot be cited as a basis for projecting one's personal opinion as a Shar'i hukm. There are many authentic Ahaadith which are merely historical records of events. They do not constitute basis for the derivation of any hukm.

While the authenticity is accepted, the correct Shar'i meaning is posited for such Ahaadith. Thus, the shaykh's comment on the authenticity of the Hadith is simply another figment of his imagined armoury of dalaa'il (Shar'i proofs). He has no dalaa-il, hence he is forced to clutch at straws for pulling wool over the eyes of unwary Muslims who are the victims of the deceptions of the Ahl-e-Baatil.” (*Page 75 of the reprint of our earlier book*)

It will be clear from the foregoing that we have categorically affirmed and accepted the authenticity of the Hadith. However, we clearly said that the statement pertaining to the hair issue in the Hadith is “ambiguous”. In other words, the meaning of this statement is ambiguous. We did not claim its authenticity to be spurious or that it is unauthentic as the deviate falsely alleges in relation to the entire Hadith.

The deceit of the deviate is quite evident from the manner in which he partially quotes our statement to confuse readers. He thus quotes only: “*While the authenticity is accepted,*”. This is all that he cites in his attempt to convey a false impression with the half-truth. Our full statement as it appears on page 75 of (the reprint of) our earlier book, reads as follows:

“While the authenticity is accepted, the correct Shar’i meaning is posited for such Ahaadith.”

In the first instance, this statement is a reference to **all** authentic Ahaadith, not to only Abu Salamah’s Hadith. The plural, ‘Ahaadith’, which we used in this statement clearly refers to all authentic Ahaadith. We said in this statement that there are many authentic Ahaadith which have meanings given to them by way of the correct interpretation of the authorities. This statement in no way whatsoever can be interpreted to mean anything else. We further clarified in our statement reproduced above, that while there are authentic Ahaadith which are merely historical records, they cannot be used for a basis to formulate *ahkaam* of the Shariah notwithstanding their authenticity.

As for our alleged contention of ‘spuriousness’ and ‘unauthenticity’ of the Hadith in question, the deviate has once again demonstrated his deceit. With regard to his inference — a disease from which he suffers — of ‘spuriousness’ which he attributes falsely to us, the full passage appearing on page 91 of our earlier book, is reproduced hereunder:

“VAST ARRAY OF SOURCES

The shaykh states in his essay:

‘The absence of an alleged hadith in the vast array of consulted sources may in itself be taken as a sign of the spuriousness of the hadith.’

By the same token, it can be argued that the absence of Abu Salamah’s statement from the vast array of consulted sources’ indicate its spuriousness (i.e. the specific portion of the Hadith relating to cutting of hair by women) hence its unworthiness as a basis for the formulation of a Shar’i hukm, especially on such an important issue as cutting of women’s hair.”

In the aforementioned statement reproduced from our book, we do not contend that the Hadith is spurious or unauthentic as the deviate tries to subtly and falsely convey. Our claim is simple and straightforward. We contended in this statement that in terms of the crooked and baseless ‘principle’ forged by the deviate, the portion of the Hadith, viz., the

Tresses of Jannat- Part 2

statement pertaining to hair-cutting is “spurious”, i.e. his own ‘principle’ dictates the spuriousness of the last portion of the Hadith.

The deviate claims that if a Hadith cannot be found by him in the imagined “vast array of sources” which he has consulted, then this is “a sign of the spuriousness of the hadith”. Firstly, this puny gentleman believes that he has more *Ilm* than the Muhadditheen and Fuqaha of the calibre of Imaam Zuhri and Imaam Sha’bi (rahmatullah alayhimaa). The latter was one of the Ustaadh of Imaam Abu Hanifah (rahmatullah alayh). Secondly, he labours under the stupid idea that he is a mujtahid and muhaddith possessing the ability to formulate *Usool* in the Knowledge of Hadith. Thirdly, he has consulted all the Hadith books currently available in the world, hence he can confidently (and stupidly) claim the non-existence of a Hadith or some Ahaadith which we and other Ulama tender as support for the prohibition of immoral hair-cutting by women.

Now he has claimed that if a Hadith cannot be found in the “vast array of consulted sources” then it is an indication of the spuriousness of the Hadith. Now consider the hair-cutting portion in the Hadith narrated in Muslim Shareef. None of the *Sihaah Sittah* (the Six Most Authentic Books of Hadith), as well as many other Hadith books, have this portion of the Hadith. While the first part pertaining to ghusl is mentioned in these Kitaabs, the portion relevant to the hair-cutting is omitted by the Muhadditheen. While we are not contending that every Hadith book has deleted the hair-cutting portion, we do contend, that “*the vast array of consulted sources*” have deleted it despite these Muhadditheen having knowledge of the existence of the relevant portion. But they cite only the first part of the Hadith. Hence, in terms of the deviate’s forged ‘principle’. The hair-cutting portion of the Hadith is spurious and unauthentic, hence, Imaam Bukhaari, Imaam, Nasaai, Imaam Abu Daawood, Imaam Tirmizi and other Muhadditheen have opted for deletion.

The deviate could have misconstrued the meaning of our statement on the basis of either his stupidity or his deceit. Either he is so stupid that he fails to understand simple English or he has intentionally employed deceit to make a false inference to further deceive and confuse readers. He knows which one of these two instances applies to him.

THE DECEIT AND FALSITY OF THE DEVIATE’S ARGUMENT ON ABU SALAMAH’S HADITH

As usual, the deviate presenting his meandering method of reasoning to befog the minds of readers, says:

“The reasons he (i.e. a reference to the authors of the hair book) tenders for his hesitation to regard the hadith as a valid basis from which to extrapolate, are two. Firstly, the “ambiguousness” of the wording, and secondly, the fact that other muhaddithun who narrate the hadith have not narrated the portion containing Abu Salamah’s remarks on the practice of the wives of Rasulullah sallallahu alayhi wasallam.” To the first I respond by saying that if it is ambiguous to the objector, then it definitely was not ambiguous to Imam an- Nawawi”

In response, we say:

Both suppositions of the deviate are baseless. Firstly, we are insignificant Muqallideen. We do not offer, and we have no right to offer an interpretation which conflicts with the interpretations of the Fuqaha and our Akaabireen. Yes, while we may add an interpretation which does not conflict with the interpretation of the Fuqaha, we do not seek to ram our personal interpretation down the throats of anyone. But, in so far as non-entities and muqallideen are concerned, it is our holy duty to ram the interpretations of the Fuqaha and Akaabireen Ulama down the throats of these insignificant followers.

We claim the ambiguity of the hair-cutting portion of the Hadith simply because this is the view of *all* authorities —Fuqaha and Muhadditheen — including Imaam Nawawi (rahmatullah alayh). It is not our view. It is the view of the Ulama of the Ummah right from the very time that the Hadith was reported and recorded. The following are among the various interpretations presented by the Fuqaha and Ulama on the “hair-cutting” portion of Abu Salamah’s Hadith:

(1) *“Regarding the Hadith of Abu Salamah in Saheeh Muslim namely, “The wives of Nabi (sallallahu alayhi wasallam) used to take from their heads until it was like wafrah.” — firstly, none from among the Shurraah (qualified Commentators among the Fuqaha and Muhadditheen) applied this Hadith to its itlaaq (i.e unrestricted generality or to its plain literal meaning) as far as we are aware.”*

Tresses of Jannat- Part 2

(2) *“Inspite of this (interpretation presented by Qaadhi Iyaadh and Imaam Nawawi), Imaam Nawawi states in Al-Majmoo’, Vol.8, page 151, in the discussion pertaining to a woman cutting her hair at the time of being released from ihraam: “And, Al-Maawardi said: ‘She should not cut from her tresses because, most certainly it (cutting from her tresses) makes her ugly. But she should lift her tresses and take (cut) from the place under it (the tresses).’ And, he (Imaam Nawawi) affirmed this (i.e. what Al-Maawardi said).”*

(3) *Allaamah Muhammad Yusuf Binnuri (rahmatullah alayh) said in Ma-aarifus Sunan Vol.6, page 283 that our Shaikh (rahmatullah alayh) said: “What comes in the Hadith of Abu Salamah (about the Wives of Nabi— sallallahu alayhi wasallam— taking from their heads), has certainly been difficult on the Shaariheen (the qualified Commentators), both old and new (of former times and of present times). Al-Maarthi, Al-Qaadhi Iyaadh, Al-Qurtubi, An-Nawawi and Al-Ubiyy turned their attention towards it (i.e. this difficult portion of the Hadith).....’ Our Shaikh (i.e. Hadhrat Allaamah Binnuri’s Shaikh) said: “This solution (the interpretation) does not satisfy the heart.”*

(4) *Hadhrat Maulana Mahmudul Hasan Deobandi (rahmatullah alayh), the Shaikh of Hadhrat Allaamah Binnuri), commenting on another interpretation of this portion of Abu Salamah’s Hadith said: “Then came an exaggeration in interpretation by the narrator. And, from both angles (of this interpretation) the result is problematic....”*

(5) *“Should we accept the apparent meaning of this Hadith, then there will not remain any difference between a man and a woman in the matter of hair of the head, and the Shariah has differentiated between them as has been earlier stated in the discussion of Imaam Tabari (rahmatullah alayh).”*

“And, this is among the factors which has compelled the Ulama (rahmatullah alayhim) to interpret the aforementioned Hadith.”

(7) *Imaam Nawawi. Commenting on the Hadith in question, says that Al-Qaadhi Iyaadh said: ‘Perhaps the Wives of Nabi—sallallahu alayhi wasallam— did this after his demise because of their abandonment of adornment.....’ Imaam Nawawi (rahmatullah alayh)*

added to this which Al-Qaadhi Iyaadh mentioned, namely, that they did this after the demise of Nabi (sallallahu alayhi wasallam), not during his lifetime: ‘Others besides him (Al-Qaadhi) also said so and this is confirmed. Thus, both these Imaams (Al-Qaadhi and An-Nawawi) interpreted this act of the Holy Wives.....’

(8) *Hadhrat Hakimul Ummat Maulana Ashraf Ali Thaanvi (rahmatullah alayh) said: “In this is proof of permissibility (i.e. stated by Imaam Nawawi), there are several probabilities, hence, the hurmat (prohibition) is substantiated while the permissibility is faasid (corrupt, unsubstantiated).”*

(9) *Hadhrat Shaikhul Hadith Maulana Zakariyyah (rahmatullah alayh) said: “Above all, there are several probabilities in this Hadith....”*

(10) *Al-Qaadhi Iyaadh, cited by Imaam Nawawi (rahmatullah alayhima) also presents an interpretation for the Hadith, hence he says: “Perhaps they (the Holy Wives) did so after the demise of of Nabi (sallallahu alayhi wasallam) on account of their abandonment of adornment...”*

(11) *Al-Haitami’s interpretation (See Haashyah Allaamah Ibn Hajar).*

These are among the interpretations of Imaam Nawawi, Qaadhi Iyaadh, Ibn Hajar Al-Haitami, Hadhrat Maulana Khalil Ahmed Saharanpuri, Hakimul Ummat Maulana Ashraf Ali Thaanvi, Allaama Zafar Ahmad Uthmaani, Hadhrat Maulana Rashid Ahmad Gangohi, Allaama Shah Anwar Kashmiri, Allaamah Yoosuf Binnuri, Hadhrat Mufti Taqi Uthmaani Sahib and others.

These interpretations as all unbiased persons will see are not the interpretations of these insignificant Muqallideen of these senior Ulama. These statements and interpretations of the Ulama, Fuqaha and Muhadditheen of all times— former times and present times— confirm the ambiguity of the meaning of the Hadith of Abu Salamah. It is therefore, highly misleading for the deviate to attribute the opinion of the ambiguity of the Hadith to the so-called objector. We are only the narrators of the opinions and interpretations of the senior Ulama and Fuqaha. All Commentators of the Hadith have ventured interpretations

for the Hadith. No one has outrightly accepted the ostensible meaning which the Hadith conveys if applied literally. The mass of evidence against permissibility of hair-cutting for women has constrained all authorities to present a variety of interpretations to bring about a reconciliation.

In response to his second allegation, namely, that we have rejected the Hadith as a valid basis for the formulation of a *hukm* because of the deletion of the hair-cutting portion by other Muhadditheen, we say:

This is another typical example of the deviousness which the deviate employs to divert and confuse. We had presented this contention as a refutation on the basis of a ‘principle’ expounded by the deviate himself. He claimed the following principle:

*“Authenticity is determined through the application of rigorous criteria to a hadith **in its full form.**” (Emphasis ours)*

According to this ‘principle of authenticity’ presented by the deviate, the authenticity of a Hadith cannot be established if the Hadith in its “full form” is not submitted to the “rigorous criteria”. Since the other Saheeh kutub of Ahaadith do not record the Hadith in its “full form”, the ‘principle of authenticity’ presented by the deviate refutes the authenticity of the Hadith in question.

This is not the product of our reasoning. We have made it abundantly clear that the authenticity of the Hadith is not the subject of dispute. The *meaning* of the hair-cutting portion of the Hadith is in contention. In our earlier book, on page 84, we state with clarity:

“In terms of the ‘principle of authenticity’ expounded by the shaykh of baatil, if rigorous criteria are not applied to a “hadith in its full form”, it would logically follow that the hadith is not authentic.”

It should now be sufficiently clear that it is in terms of the ‘principle of authenticity’ presented by the deviate that the Hadith should not be fit for ‘extrapolation’. This is the product of his ‘principle’, not the result of our contention.

Tresses of Jannat- Part 2

Since, the veil of ‘spuriousness’ has been cast on the hair-cutting portion of the Hadith by the ‘principle of authenticity’ tendered by the deviate, his argument on pages 23, 24 and 25 of his *baatil a rejoinder*, is an exercise in stupid redundancy. He has wasted his time, pen and paper to present an argument which rebounds on him — which slaps himself directly in the face — because the conclusion of ‘spuriousness’ of the Hadith is the consequence of his own ‘principle of authenticity’. Nowhere in our book do we cast the slightest aspersion on the authenticity of the Hadith. It is his ‘principles’ which lead to such conclusions.

In view of the fact that he has refuted himself in his argument, there is no need for us to negate his superfluous arguments which he presents on pages 23, 24 and 25 of his booklet. Nevertheless, we shall answer some of the points he has laboured on so as to display his ignorance.

The statement of Allaamah Zafar Ahmad Uthmaani (rahmatullah alayh) which the deviate quotes on pages 23 and 24 of his *a rejoinder* refutes the deviate’s own “principle of authenticity” about the “full form of a Hadith”. The statement of the illustrious author of *I’laa-us Sunan* do not refute anything we had written in our book.

In his redundant argument which rebounds on himself, the deviate states:

“Another factor that must be considered is that in the cases of both an-Nasa’i and al-Bukhari there was a measure of preoccupation with subject matter. Both of them arranged the ahadith in their books under headings which indicate the subject matter of the hadith. None of them have a chapter on the issue of cutting hair generally for women....so it is simple to see why they selected such versions of the hadith which are unencumbered with extra information irrelevant to the immediate topic.. The hadith actually deals with ghusl, and Abu Salamah’s statement comes as an afterthought.”

The contentions made by the deviate here are baseless as will now be shown, Insha’Allah.

IMAAM BUKHAARI’S ALLEGED PREOCCUPATION WITH SUBJECT MATTER

The deviate alleges in the afore-quoted statement that the reason for the missing portion of the Hadith of Abu Salamah in Bukhaari Shareef, is on account of Imaam Bukhaari's 'preoccupation with subject matter'. Since Imaam Bukhaari had formulated the chapter of Ghusl and cited the Hadith in this specific chapter, he deleted the hair-cutting part according to the deviate.

Then the deviate expanding on this fallacy states:

“Al-Bukhari on the other hand has the habit of “cutting” his ahadith by stating of it only the portion that pertains to the chapter in which it appears.”

This is NOT a uniform principle adopted by Imaam Bukhaari (rahmatullah alayh). Bukhaari Shareef is replete with examples of Ahaadith appearing in their full form, without any “cutting”, in chapters unrelated to the text of either the *whole* Hadith or to portions of the Hadith. Some examples are presented hereunder.

(1) Chapter — How Did Wahi (Revelation) Commence

In this chapter, Imaam Bukhaari records the Hadith:

“Verily, actions are with intentions, and for a man is what he intends. Hence, he whose migration is towards the world, will attain it or whose intention is a woman, he will marry her. Thus, his migration is towards that (goal) to which he migrates.”

The chapter is supposed to deal with the beginning of Qur'aanic Revelation. Indeed, some other Ahaadith which Imaam Bukhaari mentions in his chapter deal specifically with the subject matter of the chapter. But this very first Hadith has no link with this chapter. It pertains to Niyat (Intention). Whatever reason Imaam Bukhaari had, and we believe that he had a valid reason, for inclusion of this particular Hadith in this chapter, it does not have any apparent relationship with the subject matter of this chapter.

(2) In the very same chapter, Imaam Bukhaari records a very lengthy Hadith of two pages. This Hadith is a historical record of a discussion between the Arab delegation of Makkah and the Roman emperor,

Heracleus. There is absolutely no reference and no relationship in this Hadith to the subject matter of the chapter, namely, the origin of the procession of Wahi.

(3) **KITAABUL IMAAN**

In this Kitaab, Imaam Bukhaari brings a chapter which he names: *Ingratitude to the Husband and Kufr of a Lesser Degree*. The Hadith which Imaam Bukhaari cites in this chapter has no relationship with the subject matter. It speaks of the ingratitude of women to their husbands and their punishment in Jahannum.

(4) Also in his *Kitaabul Imaan*, Imaam Bukhaari cites the following totally unrelated Hadith:

“Marur said: ‘I met Abu Zarr at Rabazah. He had a suit of garments on him (i.e. he was wearing the garments), and his slave too had a suit of garments. I asked him about this. He (Abu Zarr) said: ‘I abused a man (referring to the slave) and spoke ill of his mother. Nabi (sallallahu alayhi wasallam) said to me: ‘Aba Zarr! Have you spoken ill of his mother? Verily, you are a man in whom I discern vestiges of ignorance. Your slaves are your brothers. Allah has placed them under your care. Therefore, he who has his brother under his care should feed him with what he himself eats and clothe him with what he himself wears. He should not impose on them (the slaves) a duty which they cannot bear, and if he does, then he should assist them.’”

Not a single word in this Hadith relates to the subject matter of the chapter. Yet Imaam Bukhaari records it in Kitaabul Imaan.

(5) In his chapter, *THE SUPERIORITY OF FAJR SALAAT*, Imaam Bukhaari brings the following Hadith:

“...Jareer Bin Abdullah said: We were by Nabi (sallallahu alayhi wasallam) when he looked at the moon of the 14th night (the full moon), and said: ‘Most certainly, you will see your Rabb just as you are seeing this (full moon). You will not crowd (and fall over one another) in seeing Him. Therefore, if you are capable of not

Tresses of Jannat- Part 2

being overwhelmed (by sleep, etc.) regarding Salaat before the rising of the sun, and before its setting, then do so."

(Bukhaari, Vol.1, page 81)

The greater part of his Hadith does not relate to the superiority of Fajr Salaat. It pertains to the Mu'min's vision of Allah Ta'ala in Jannat. Yet, Imaam Bukhaari does not do any "cutting" in this Hadith as claimed by the deviate.

(6) In the chapter, *Al-Ja'd (Curly Hair)*, the second Hadith recorded by Imaam Bukhaari makes no reference whatsoever to curly hair. It speaks of long hair reaching the shoulders, not of curly hair. (Bukhaari, Vol.2, page 876)

SUNAN OF NASAAI'

(1) In the Chapter: *Wudhu with Cold Water*, Imaam Nasaai' records the following Hadith:

"Auf Bin Maalik said: 'I heard Rasulullah (sallallahu alayhi wasallam) performing Salaat on a mayyit, and I heard of his dua. He said: 'O Allah! Forgive him; have mercy on him; forgive him; honour him (with) lofty ranks; make spacious his grave; bathe him with water and ice and coolness, and purify him from sins just as white garments are purified from grime.'"

The chapter is supposed to deal with making wudhu with cold water, not with a dua. But Imaam Nasaai', with good and valid reason, brings in this chapter a Hadith which apparently is unrelated to the subject matter. It is a pure dua made for a mayyit and concerns the realm of the Hereafter. It does not explain nor refer to any mas'alah pertaining to making wudhu with cold water. It is purely a dua which Imaam Nasaai' could have included in one of his several chapters on the various Duas he records in his Sunan. In fact, he does record this dua in the chapter, *Seeking Protection From the Evil of the Torments of the Grave*. Notwithstanding this fact, Imaam Nasaai' reproduces this dua in a chapter which has no apparent relationship with the supplication.

(2) CHAPTER: SCOURING WITH SAND THE UTENSIL WHICH WAS LICKED BY A DOG

In this chapter, Imaam Nasaai' records the following Hadith:

“Abdullah Bin Al-Mughaffal narrated that Rasulullah (sallallahu alayhi wasallam) ordered that dogs be killed. However, he exempted hunting and sheep dogs. And, he said: ‘When a dog licks the utensil, wash it seven times and scour it with sand the eighth time.’”

The last portion of this Hadith relates to the subject matter of the chapter, but not the first portion which pertains to an instruction to kill dogs and exempt certain categories from the execution. Yet, Imaam Nasaai' does not cut and delete in this Hadith to satisfy the subject matter of the chapter as he had done with Abu Salamah's Hadith pertaining to the hair-cutting.

(3) In his Chapter: FARDHIS SALAAT (Salaat being made Compulsory), Imaam Nasaai' records a lengthy Hadith of 29 lines. While only 8 lines relate to Salaat, 21 lines explain the story of Mi'raaj. Imaam Nasaai' did not cut and chop this Hadith for the sake of satisfying the subject matter of the chapter in terms of the 'principle' presented by the deviate.

However, in another Hadith, immediately following the abovementioned narration, Imaam Nasaai' deletes the entire part pertaining to the Mi'raaj story and cites only the relevant portion relating to the ordaining of Salaat.

(1) In his Sunan, Imaam Nasaai' has a Chapter captioned: *The Amount for Which the Hand of the Thief will be cut off*. In this chapter, Imaam Nasaai' records the following Hadith:

“Ka'b said: ‘He who makes wudhu and beautifies the wudhu, then performs Salaat’ — and Abdur Rahmaan said: ‘Then he performs Isha, thereafter he performs four raka'ts and he completes it....these raka'ts will be for him like Lailatul Qadr (by way of thawaab).’”

There is absolutely no relationship between this Hadith and cutting off the hand of a thief nor with the amount of the stolen property.

Besides these few examples from Bukhaari Shareef and Sunan Nasaai', both these Kitaabs are replete with narrations in which whole portions are unrelated to the subject matter. The 'principle' mentioned by the deviate is not visible in innumerable Ahaadith of these Kitaabs. Each Imaam of Hadith had his own peculiar and valid method of recording a Hadith in its full form or deleting portions.

THE PORTIONS

If the deviate was correct in his claim that Imaam Bukhaari and Imaam Nasaai' narrated only those portions of Ahaadith which relate to the subject matter of the chapter, then this would have applied to all the narrations recorded by them. But this is palpably false. Secondly, inspite of the indisputable authenticity of the Hadith of Abu Salamah, both these Imaams and Imaam Ahmad, and perhaps others of whom we are not aware at this stage, have chosen the option of deletion. Since it has now been proven with the examples presented above that the reason for the deletion was not 'subject matter', then there must have been a cogent reason. It is inconceivable that these great Muhadditheen who were Imaams (Experts) in their field of Hadith, would delete a portion of a valid and authentic Hadith for no proper reason. What that reason is, we shall really know of it only on the Day of Qiyaamah when Allah Ta'ala blesses us with the opportunity of meeting these illustrious Souls. It will indeed be interesting to know of the exact reason for the deletion. Presently, everyone is only conjecturing as to the reason for the deletion.

ANOTHER BASELESS ARGUMENT ON THE DELETION

The deviate vainly attempts to present some reason, not for only the deletion, but for the expungement of the deleted portion by Imaam Bukhaari, Imaam Ahmad Bin Hambal and Imaam Nasaai' from their Saheehs. Thus he says:

"None of them have a chapter on the issue of cutting hair generally for women (which is not a problem since they also do not have chapters on a vast number of issues)."

This reasoning is totally fallacious because these Imaams have chapters dealing with all issues pertaining to hair and hair-cutting. So why did they expunge the deleted portion of Abu Salamah's Hadith from their

kutub? Just look at the array of hair-related chapters, and you will wonder : Why did these illustrious Authorities expunge this deleted portion and not create a chapter for it in view of its importance?

THE CHAPTERS IN BUKHAARI SHAREEF

Cutting the Moustaches, Lengthening the Beard, Dyeing (the hair and the beard), Curly Hair, Gumming the Hair, Parting the Hair, Tresses, Qaza' (Cutting the hair partially), Perfuming the Hair, Combing the Hair, Combing the Hair from the Right Side, Lengthening the Hair (of a woman) by Joining (false) Hair, The Woman Who Wants Such addition of Hair, The Woman Who Commits This Act (of adding hair to hair).

THE CHAPTERS ON HAIR IN NASAAI'

Prohibiting Woman from Shaving, Adding Hair, Permission to Dye (the hair), Oiling (the hair), Shortening the Moustaches, Parting the Hair, Cutting from the Moustache, Combing on Alternate Days, Combing the Hair from the Right Side, Tresses, Lengthening the Hairlocks, Tying the Beard, Prohibition against Plucking Out Grey Hairs, Women Dyeing Hair, Plucking, Cutting the Moustaches, Shortening the Moustache and Lengthening the Beard, Joining cloth to the Hair, The Waasilah (the one who lengthens hair artificially), The Mustausilah (the one who requests this lengthening of hair), Curse on the Waasilah and the Mustausilah.

It is significant that in Sunan Nasaai', some of the same chapters have been duplicated in different Kitaabs of the Sunan (i.e. in the same Hadith Kitaab of Imaam Nasaai').

Every aspect pertaining to hair has been discussed in the Hadith and recorded by these Imaams. Hair styles which were in vogue at the time for males are recorded in Ahaadith by these Imaams, but hair-cutting by women is not recorded. Indeed this is most peculiar. However, if one does not adopt intransigence, it will be simple to understand that since hair-cutting never was a practice of females, it is not recorded anywhere in the thousands of Ahaadith which these Imaams have included in their Saheehs. While there does exist evidence in the Hadith for the prohibition in general of hair-cutting for women, there is no mention of the prohibition of any styles similar to the prohibition of hair-styles for men.

If hair-cutting by women was an issue in the time of Rasulullah (sallallahu alayhi wasallam) there would undoubtedly have been several Ahaadith on this topic in the same way that there are many Ahaadith on a variety of practices pertaining to hair.

THE GHUSL ARGUMENT

The deviate also argues that the hair-cutting portion of the Hadith was deleted by Imaam Bukhaari and the other Imaams because it has no relevance to ghusl, and the subject matter of the chapter is ghusl.

We have also discussed the “subject matter” contention and have dismissed it with evidence. Furthermore, the hair-cutting portion of the Hadith does have a clear relevance to ghusl. It is not entirely unrelated to ghusl because Abu Salamah reported what he had seen of the hair of Hadhrat Aishah (radhiyallahu anha) at the time when she was practically demonstrating the method of ghusl. He saw her hair gathered ontop of her head (as will be shown with greater clarity with another Hadith, Insha’Allah), during ghusl. It was an act which occurred during ghusl. Hence, it is baseless to argue its irrelevance to ghusl for justifying the deletion. While the great Imaams of Hadith did have valid reasons for the deletion and expungement, these are known to only them.

THE FALLACY OF THE ARGUMENT OF THE CHAINS

The deviate contends:

“Furthermore, neither al-Bukhari nor an-Nasa’i have narrated the hadith through the same chain as Muslim did. While each of them have narrated only some chains of the hadith, it is Muslim alone who has gathered all the chains together at one place with their full wording.”

The unacquainted reader and those who have no access to the original sources, will understand from the above-quoted statement of the deviate that the particular Hadith in question, namely, Abu Salamah’s narration in which appears the hair-cutting portion — is recorded in Saheeh Muslim with a number of *asaaneed* (chains of narration) while Imaam Bukhaari, Imaam Nasaai’ and Imaam Ahmad (rahmatullah alayhim)

record it with only one *sanad* (chain). But, this claim which the deviate makes is ludicrously false.

In sheer desperation in his hunt for arguments to bolster his lost case, the deviate takes a reckless chance to bamboozle those whom he is trying to convince. He is guilty of either shameful ignorance or shameless falsehood in making the claim that Imaam Muslim has reported this particular Hadith of Abu Salamah with many chains while the other Aimmah record only one chain.

In the chapter on the type and size of container Rasulullah (sallallahu alayhi wasallam) used for ghusl, Imaam Muslim records sixteen *Asaaneed* (Chains of Transmission). Of these 16 chains, only **one** refers to the narration of Abu Salamah in which he mentions his visit to Hadhrat Aishah (radhiyallahu anha) and the hair-cutting story. Only one chain is reported by Imaam Muslim, not many as the deviate has contended.

The 15 Chains mention the method of Rasulullah's ghusl which is explained by different Wives while the one, solitary Hadith of Abu Salamah mentions his own visit to Hadhrat Aishah (radhiyallahu anha) whom he asked about Rasulullah's ghusl. In this particular Hadith, Hadhrat Aishah (radhiyallahu anha) does not narrate the method of Rasulullah's ghusl as is the case in the other 15 Chains. Here in this solitary narration, she practically demonstrates the ghusl. It is an episode entirely different from what the other 15 Chains convey. None of the 15 Chains mention Abu Salamah's visit to Hadhrat Aishah (radhiyallahu anha) nor her practical demonstration of ghusl nor the hair-cutting story. Of the total of 19 chains which appear in this chapter of Saheeh Muslim, Abu Salamah's name features thrice, and of these three times, only one chain pertains to the narration with the hair-cutting suggestion. All the other chains are of different narrations on the issue of ghusl.

The deviate has truly scraped the very bottom of the barrel in his bid to confuse and mislead readers. He has stated a brazen lie. Just as the other Imaams narrated Abu Salamah's Hadith with one chain, so too does Imaam Muslim narrate it with one chain.

Furthermore, while the three Imaams (Bukhaari, Muslim and Nasaai') record the Hadith of Abu Salamah with different chains, the following facts are noteworthy:

- The last three Links in their respective Chains, namely, Shu'bah, Abu Bakr Bin Hafs and Abu Salamah, are the same. All three Imaams have these three names in their Chains.
- In spite of this, only Imaam Muslim records the hair-cutting report.

The significance of these two facts will not escape the seeker of the truth.

ABU SALAMAH, THE SOLITARY REPORTER

It is necessary to again emphasise that Abu Salamah (rahmatullah alayh), notwithstanding his authority and integrity, his honesty and uprightness, is the only one who reported the hair-cutting piece. When we say that he is the solitary Taabiee who made this report, it does not detract from his greatness. It is merely a statement of fact. It is the reality. If anyone else among the Sahaabah or Taabieen has made this report, the deviate should produce his evidence.

The discussion in which the Taabiee, Abu Salamah features, pertains to facts, not to emotionalism, hence it is superfluous for the deviate to say:

“As for the status of Abu Salamah, he is the son of Sayyiduna Abd ar-Rahman ibn Awf, one of the Asharah Mubashsharah. But that is not his only claim to fame.”

Although it is truly superfluous for us to elaborate on this particular issue which the deviate has raised for lack of evidence for his *baatil* opinion of the permissibility of immoral hair-cutting for women, it is necessary that we pursue the discussion to impart a lesson to him.

While being the son of a great man is an honour, it is not a qualification in the field of Ilm-e-Deen. It does not qualify a man in the Knowledge, of Hadith, Fiqh, Tafseer, etc. By this we are not implying that Abu Salamah lacked in these qualifications. We are merely saying that lineage and relationship to great men are not qualifications of *Ilm* nor for *Najaat* (Salvation) in the Akhirah. Qaabil's relationship to such a great Nabi as Hadhrat Aadam (alayhis salaam), did not benefit him. Nor did the son of

Tresses of Jannat- Part 2

Hadhrat Nooh (alayhis salaam) benefit from being the son of such a great Soul. Hadhrat Sayyiduna Abu Bakr Siddique (radhiyallahu anhu), also among the Ashrah Mubash-sharah, was a greater Sahaabi than Hadhrat Abdur Rahmaan Bin Auf (radhiyallahu anhu). But, the Hadith testifies about the conduct of Hadhrat Abu Bakr's son and his role in the assassination of Sayyiduna Uthmaan Bin Affaan (radhiyallahu anhu). Thus, lineage should not be stated as a qualification although it can be a great honour to be the son of a great man.

While accepting the greatness of Abu Salamah, the fact remains that he is the solitary Taabee who narrates the hair-cutting portion of the Hadith. In relation to this portion of the Hadith, undoubtedly, he stands alone. Not a single Imaam of any Math-hab, not a single Faqih of former or later times, has accepted his narration as a basis for permissibility of hair-cutting for women. If there is, let the deviate produce his proof.

On the contrary, all Fuqaha are at pains to present viable interpretations for Abu Salamah's statement to avoid a conflict with the prohibition of hair-cutting for women. Even Imaam Nawawi, inspite of narrating Abu Salamah's statement and inspite of saying in it is permissibility, explicitly records in his *Al-Majmoo'*, the ugliness of cutting even one *anmulah* in length from a woman's tresses even on the occasion of being released from Ihraam.

The deviate again attempts to mislead readers by labouring to convey the idea that we had criticized the authenticity of the Hadith narrated by Abu Salamah. Hence, he avers:

“To invoke the flimsy sort of grounds for questioning the authenticity and/or relevance of the words of Abu Salamah.....”

We have already earlier explained the blatant allegation of falsehood which the deviate has hurled against us by resorting to this lie. Again we emphasise that at no stage and nowhere in our earlier book did we assault the authenticity of the Hadith. We stated with the greatest clarity that the hair-cutting portion of the Hadith is ambiguous and that the authorities of the Shariah, everyone of them who has discussed this Hadith, have presented interpretations to diverge from the apparent meaning of the text.

As far as the relevance of the hair-cutting portion of Abu Salamah's statement is concerned, the Authorities of the Shariah, all of them, negate

its relevance in relation to the prohibition of hair-cutting for women. They all state that it is irrelevant. It does not have any bearing on the prohibition. In fact, the Shaafi'i authority, Allaamah Ibn Hajar Haitami explicitly states the irrelevance of Abu Salamah's hair-cutting statement. In his *Haashiyah*, Ibn Hajar Haitami says:

“And, what has already been mentioned in Muslim (about the Mothers of the Mu'mineen taking from their hair....) does not negate (the prohibition of halq and taqseer of more than one annulah) because of what is in his (Muslim's) sharah from Al-Qaadhi that he said: ‘Perhaps they did so after the demise of Nabi (sallallahu alayhi wasallam) on account of their abandonment of adornment and for lightning the burden of tending to their hair. The Author said: Others besides him (Al-Qaadhi) said: ‘And this (view) is confirmed.’”

(Haashiyah of Allaamah Haitami on Sharah Eedhaah, page 355).

In his *Haashiyah*, Ibn Hajar Haitami said that the reason for the prohibition is *tanfeer* of the husband, i.e. the revulsion or abhorrence the husband will experience to see his wife with her hair shaved or cut. Ibn Hajar brings his argument in response to a possible objection that there should be no *tanfeer* by the husband because as reported by Abu Salamah, the Holy Wives did cut their hair. The objection implies that cutting of hair by the Holy Wives negates the averment of *tanfeer*. It is this implied objection which Ibn Hajar Haitami answers in his *Haashiyah*. In his response he points out that the very aim of the Holy Wives was to create ugliness in themselves since they did so after the demise of Nabi (sallallahu alayhi wasallam), hence they were obliged to abandon adornment. They could never marry again. Thus *tanfeer* is not negated by their act.

Even Ibn Hajar Haitami whose aid the deviate had tried to enlist for his idea of permissibility, interprets the statement of Abu Salamah to avoid conflict with and negation of the prohibition. The deviate simply has no cause and no basis whatsoever to stand on.

It should be well understood that it is not for insignificant Muqallideen of our kind to cast aspersions on the integrity of the great Men of Islam. We merely seek refuge in the impregnable fortress of Taqleed. We cite what the authorities and the great Ulama have said. What the deviate is accusing us of is false. He should take up issue with Hakimul Ummat

Tresses of Jannat- Part 2

Maulana Ashraf Ali Thaanvi (rahmatullah alayh). We refer readers to pages 106 and 107 of our earlier book (reprint) for the views expressed by Hakimul Ummat on the ambiguous version of Abu Salamah's Hadith. The deviate should state clearly his grievance against Hadhrat Hakimul Ummat. He should not seek refuge in ambiguity and dubiousity by attributing the views and statements of the Akaabireen to us Muqallideen. He should be honest and pull off his mask of deception and speak openly his mind. He should register his grievance against the illustrious Ulama of Deoband (the Akaabireen) to whom he owes a debt he can never repay even if he is reborn. He has eaten their spiritual salt. He should not make subtle remarks about them. What we have said and are saying, is not only what the early Fuqaha of the Four Math-habs have said, but also what **all** the Akaabir Ulama of Deoband said and say to this day.

Be honest and do not say that "the objector is questioning the authenticity of the words of Abu Salamah". Read what Hakimul Ummat had written about the statement of Abu Salamah, then direct your criticism against Hakimul Ummat and all the other Akaabireen of Deoband so that the Muslim community can see and understand your deceit and the animosity you harbour in your heart for those Seniors whose Salt you had lapped up for years in Deoband and to whom you will be forever indebted.

The unprejudiced and sincere reader will gain a better understanding of what has been said about Abu Salamah and the Hadith he has narrated by reading the whole chapter, *The Authenticity of the Hadith*, from page 75 onwards, of our earlier book (reprint) on this topic.

The deviate has said in his booklet that no man, regardless of his greatness and knowledge, is infallible and free from error. This criterion applies in general to all people regardless of their greatness in whatever field they are great. It is not a criterion to employ selectively and apply to only adversaries, and spare those from whose statements support is sought. This criterion applies to Abu Salamah as well. Hence, notwithstanding his lofty rank and him being one of the "Seven" Ulama of Madinah, he too can err.

Imaam Nawawi who had commented on the hair-cutting portion of Abu Salamah's narration, also comments on another Hadith narrated by Abu Salamah. On page 90 of his Saheeh, Imaam Muslim records a Hadith in which Abu Salamah claims that the first verses revealed were: *Yaa*

Ayyuhal Muddath-thir, not the verses of Surah Iqra'. Commenting on this statement, Imaam Nawawi says:

“His statement is dhaeef (weak), In fact, it is baatil (baseless).”

(Saheeh Muslim, Vol.1, page 90)

We are sure that Imaam Nawawi (rahmatullah alayh) had greater awareness than the deviate of the fact that Abu Salamah was the son of Abdur Rahmaan Bin Auf (radhiyallahu anhu), one of the *Ashrah Mubash-sharah*, and that he was one of the Seven Ulama of Madina. But inspite of his awareness, Imaam Nawawi declared Abu Salamah's view as being **baatil**.

Every unbiased person possessing healthy *aql* will not interpret Imaam Nawawi's comment as an assault on the *Ilmi* integrity and reliability of Abu Salamah. There is, therefore, the distinct possibility of the hair-cutting portion of Abu Salamah's statement also being *baatil* due to some good reason. This in no way can be interpreted to mean that an aspersion has been cast on his reliability and integrity. At the very least, Abu Salamah's statement is *Mu-awwal*, hence all authorities of the Shariah, those of the earlier times and those of the later times, have interpreted his statement to avoid it coming into conflict with the prohibition of hair-cutting for women.

Imaam Nawawi's comment, namely, that the view of Abu Salamah is *Baatil* on the issue of the first revealed verses should be of much significance to the deviate.

IMAAM AHMAD AND THIS HADITH

In his usual habit of deception, the deviate states:

“The objector also states that Imam Ahmad does not narrate the portion of Abu Salamah. There is a difference between saying, “Imam Ahmad does not narrate it,” and saying, “Imam Ahmad does not narrate it in his Musnad.” For the objector's information, Imam Ahmad does narrate it.”

For the reference of Imaam Ahmad's narration, the deviate cites the *Musnad* of Abu Awaanah.

His statement is a perfect example of the type of skulduggery he perpetrates throughout his booklet. He tries to convey that we had denied

Tresses of Jannat- Part 2

Imaam Ahmad ever having narrated Abu Salamah's narration. Our statement in this regard, as it appears on page 79 of our earlier book, reads:

"Besides the deletion by Imaam Bukhaari who was the Ustaadh of Imaam Muslim, this Hadith also appears in Musnad of Imaam Ahmad Bin Hambal and Nasaai, but without the alleged hair-cutting statement."

We did not claim that this portion of the Hadith was not in *Musnad Abu Awaanah*. We said that it was not in *Musnad* of Ahmad. To interpret this to mean: "Imam Ahmad does not narrate it" is typical skulduggery.

Besides this, the question still remains: Why did Imaam Ahmad Bin Hambal not record the Hadith in full form in his *Musnad*? Why does only part of the Hadith appear in his *Musnad* —the hairy part being expunged? Why did Imaam Ahmad adopt the method of the other Compilers of *Sihah Sittah* and not follow Imaam Muslim's lead? The argument of '*preoccupation with subject matter*' is palpably incorrect as pointed out earlier.

The authenticity of the Hadith is not in question. The meaning of the hairy portion is in question, and the reason for its wholesale deletion by most of the Imaams of Hadith, to say the least, is indeed interesting.

At this moment, the issue is not the inclusion of the hairy portion in the *Musnad* of Abu Awaanah. The issue is the *Musnad* of Imaam Ahmad. It does not assist the fallacious theory of the deviate to perpetrate confusion nor can he succeed to divert attention in this way from the hopelessness of his argument to force the belief of permissibility for an act which is immoral in Islam.

NO CHOICE FOR THE MU'MIN

"It is not lawful for a Believing man nor for a Believing woman that they have any choice in any of their affairs when Allah and His Rasool has issued a verdict." (Qur'aan)

The verdict of the Shariah is the Prohibition of hair-cutting for women.

THE DEVIATE'S SELF-IMMOLATION AND SELF-EXPOSURE

“What, do you not see them wander aimlessly in circles in every valley (of deception)?”

(Surah As-Shu'raa)

“(He is) like one whom the shayaateen have deviated in the wilderness while (he wanders) in bewilderment.”

(Surah Al-An'aam)

When a man has resolved to adopt intransigence in fostering *baatil*, then the logical consequence of such evil misdemeanour is utter confusion and bewilderment. Such a deviate wanders around aimlessly blurting out drivel and making statements which damn himself, thereby exposing what is hidden within him. In his most damning statement which is tantamount to self-immolation, the deviate makes a startling confession without realizing its implication. On page 26 of his *a rejoinder*, he says:

“On page 111 the objector claims that I preferred not to use Imam an-Nawawi's commentary because I “fully understand that if (I) can eke one point of support out of Imam Nawawi's commentary 10 points will go against (me).” I have stated earlier and I restate here that it was Imam an-Nawawi's commentary that led me to the conclusion that I came to in my essay. Had it not been that an imam such as he had opened the way in this regard, I myself would never have dared to walk this path. But since he is that imam of fiqh and hadith, and that muhaqqiq of the Shafi'i madhhab whose merit is acknowledged by all and sundry, opponent as well as supporter, I have followed him, ...”

In this statement, the deviate has confessed that:

- (1) There is no substantiation for the permissibility of hair-cutting by women other than the solitary inference stemming from Imaam Nawawi's interpretation of Abu Salamah's hairy portion of the narration.
- (2) It is this solitary inference of Imaam Nawawi which has 'opened the door for him to start propagating his view of permissibility.

- (3) If this solitary inference of Imaam Nawawi had not existed, he would never have plod the path of permissibility of women cutting their hair, hence he spontaneously utters: *“I myself would never have dared to walk this path”* Which path? The path of propagating that women can cut their hair.
- (4) If all the Fuqaha of all the Math-habs say that hair-cutting for women is permissible and Imaam Nawawi said that it is not permissible, then by implication, the deviate will accept only what this great Imaam had said.
- (5) He is of the opinion that all those Fuqaha of the three Math-habs (besides the Ahnaaf) who claim that hair-cutting for women is permissible (i.e. in his imagination and desire) are not worthy to “open the way” for him “to walk this difficult path” of proclaiming that it is halaal for women to cut their hair. Hence, he laid off, and grabbed the opportunity to disseminate his view when he stumbled on the ‘alchemy’ which Imaam Nawawi’s inference provided. He could thus transform the base metal (the haraam act of hair-cutting) into gold (by making it halaal) in consequence of the utilization of the panacea of the inference.
- (6) If Imaam Nawawi had not made the inference of permissibility, he too would have stuck to the ruling of prohibition, hence he would “never have dared to walk this path” of permissibility.

These are all valid implications to be drawn from his self-damning statement. Why is it imperative to have the inference of Imaam Nawawi for the view of permissibility, when the act of hair-cutting for women is permissible in at least the Shaafi’i Math-hab as the deviate has contended and abortively attempted to prove? If this act was truly permissible, what is the reason for the imperative need of a mere ambiguous inference by a solitary Imaam?

If this abominable act was truly permissible, there would have existed copious evidence for its permissibility. There would not have been any imperative requisite to first stumble on an obscure inference, then declare permissibility on its basis. Remember that the deviate’s claim is that there does not exist *Ijma’* on this issue. Then why did he have to first stumble on the ambiguous statement and the resultant ambiguous inference of Imaam Nawawi before he could venture to even open his mouth on this issue of evil? Could he find no basis, no explicit declaration of

permissibility of any Fuqaha or Muhadditheen for his case, necessitating the long wait for a door to open up for peddling his haraam wares?

There is no *Ijma'* on the prohibition, he vociferously trumpets. Then why can he not produce evidence for the non-existence of *Ijma'*, other than the solitary inference of Imaam Nawawi?

The fact is that if it was not for the solitary inference of Imaam Nawawi, the deviate “would never have walked the path” of permissibility. He would never have claimed that hair-cutting for women is permissible if he had not stumbled on the solitary inference of Imaam Nawawi. Now why would he not? Yes, why would he never have dared to proclaim this abominable act permissible in the absence of Imaam Nawawi’s inference? The answer is too simple. The prohibition is a confirmed Law of the Shariah backed up by *Nusoos* and the fourteen century *Ijma'* of the Ummah. The solitary inference emboldened the deviate to reveal the *dhalaal* (deviation) which he was all along concealing in his heart on his issue. If there had existed a *fatwa* of permissibility in the ranks of the Fuqaha, there would never have been the need “*never to dare to walk this path*” to proclaim hair-cutting permissible.

The path which one will not dare to walk is dangerous. Such a path in which one dares not walk is fraught with pitfalls and perils, hence intelligence demands that a man should not tread in such a road. Conceding this truth and reality, the deviate confesses that he would not have dared to walk the dangerous path. But, what really makes this path dangerous? What had really constrained him to view this path (of permissibility) with such awe, gravity and fear to warrant the resolve of never walking this way? Surely, it is only the massive evidence of the Shariah which had deterred him and which convinced him of the folly of contemplating to publicly advocate what he was concealing in his heart. When he stumbled on the solitary inference — the weakest of all ‘proofs’, if at all it could be described as a proof— he threw off all caution and ventured to walk the dangerous path which imperils, not only one’s *adaalat*, but one’s very Imaan because in the evil exercise of clashing with the *Ijma'* of the Ummah and with all the *Nusoos* on the prohibition of the immoral act of hair-cutting for woman, a man’s Imaan is exposed to the depredations of the nafs and shaitaan.

Is it intelligent to claim that camel's urine is *taahir* (pure) and permissible on the basis of a solitary Hadith which the Fuqaha interpret to avoid negation of the ruling of prohibition? Will it be said that a man is wise and a faqih if he produces an inference or a ruling of permissibility for camel's urine on the basis of what a solitary Faqih has said? Will it be intelligent and in accord with the principles of the Shariah if a man claims that there is no incumbency to shave the under-arm hairs, and in substantiation he produces the solitary view of a Faqeeh regardless of the greatness of the Faqih? Yet there are many such examples in which the solitary view is in conflict with the *Ijma' of the Jamhoor Fuqaha*. Such a difference does not detract from the validity of *Ijma'*.

We all walk the path of prohibition (prohibition of hair-cutting for women). It has always been so. There never was an occasion when anyone among the Ulama could never dare to walk this path of prohibition, despite the solitary and ambiguous inference of permissibility stated by Imaam Nawawi. To walk the opposite path (of permissibility) is dangerous, and was dangerous for even the deviate until he stumbled on the solitary inference with all its ambiguities and interpretations. In fact so ambiguous and so uncertain, that even Imaam Nawawi (rahmatullah alayhj) explicitly upholds the view of prohibition transmitted down the centuries by the Daleel of *Ijma'* and the other *Nusoos* of the Shariah. Hence, he says:

“Al-Maawardi said: ‘Woman should not cut from her tresses (on the occasion of release from ihraam), because that (cutting) makes her ugly. But, she should lift the tresses and cut from the place under them.’

(Al-Majmoo', Vol.8, page 151)

Imaam Nawawi sustains this categoric ruling of Al-Maawardi. He does not pass any adverse comment as would be expected of a Commentator if he believed the ruling to have been unsound or incorrect.

Ibn Hajar Al-Haitami has also explicitly stated the prohibition in his *Haashiyah* and Allaamah Shabramallisi also records Al-Haitami's explicit statement in this regard. Discussion on this has already preceded in the foregoing pages.

When Imaam Nawawi, himself, does not present his own inference of permissibility as a basis for proclaiming hair-cutting by women to be permissible, then how can and what right does the deviate have to cite the solitary and ambiguous inference as a basis for declaring permissible the haraam act of hair-cutting for women?

When Ibn Hajar and other Shaafi'i Fuqaha state that the rationale for the prohibition is *shain* (ugliness), *tanfeer* (repugnance) and *nuqs-e-istimtaa'* (conjugal disinclination), then how is it conceivable for an honest man, a man of *Ilm* to intransigently claim that according to these very Fuqaha it is permissible for women to cut their hair?

When the sternest stand on prohibition is that of the Shaafi'i Math-hab, how can a man of *Ilm* slander the Shaafi'i Fuqaha by claiming that according to them this vile act is permissible? It should be remembered that inspite of the three Math-habs, besides the Shaafi'i Math-hab, holding the view of the permissibility of women cutting one *anmulah* in length from their tresses on the occasion of release from ihraam, the Shaafi'i Fuqaha advocate cutting from the hair situated under the tresses, not from the tresses because they view that even this one *anmulah* of cutting from the tresses disfigures her with ugliness inspite of cutting on this occasion being an act of ibaadat. This then is the *Urf* of the Ummah in accordance with the Shaafi'i Math-hab.

And why did Al-Mawardi, Imaam Nawawi and the other Shaafi'i Fuqahaa not cite Abu Salamah's Hadith to substantiate the validity of cutting one *anmulah* from the tresses? Why do they adopt such a rigid view even regarding cutting just one centimeter or so, and that too when cutting is Waajib, when there exists "proof" for "abundant hair-cutting" in Abu Salamah's Hadith?

IMAAM NAWAWI'S INTERPRETATION

The elaboration on Imaam Nawawi's interpretation of Abu Salamah's statement, proffered by the Fuqaha and Ulama of every age since the time Imaam Nawawi presented his interpretation, has already been adequately explained in our earlier book on this subject. It will do readers good to study what we have stated. Nevertheless, in view of the diversionary tactics employed by the deviate in his attempt to confuse

and to erect a smokescreen for evading the prohibition, it is best to expand the discussion on this issue.

On the basis of accepting that the statement of Abu Salamah refers to literally cutting hair, the Fuqaha were posed with a great difficulty. How could the Holy Wives have cut their hair when this was a haraam act? An interpretation had to be made in order to avoid the conclusion that the *Azwaaj-e-Muttahharaat* had committed a haraam act. Furthermore, a favourable interpretation was imperative to avoid a conflict with the well-established and well-known ruling of prohibition. If this was not the case, there would have been absolutely no need for conjecturing interpretations for convincing people that a permissible act is permissible.

The wording of Qaadhi Iyaadh's interpretation clearly establishes that it is not a conclusive and a final meaning. He uses the term '*la-alla*' (*perhaps*). Neither he nor any one else can claim with certitude that the interpretation of Qaadhi Iyaadh is in fact one of absolute certitude.

Then, in the interpretation offered by Imaam Nawawi it is clearly stated that it is unimaginable that the Holy Wives would have done so during the lifetime of Rasullullah (sallallahu alayhi wasallam). Furthermore, the interpretation clarifies that the reason why they had cut their hair is abandonment of beauty and adornment. On the contrary, the crave for hair-cutting displayed by women of our time is motivated by a diametric opposite motive, namely, acquisition of 'beauty and adornment' which in their westernized minds lies in immoral hair-cutting.

On the basis of this reason stated by Imaam Nawawi on the authority of Qaadhi Iyaadh, the rationale for the prohibition stated by Ibn Hajar Haitami and other Shaafi'i Fuqaha is threefold— *tanfeer, shain, nuqs-e-istimtaa*'. Not a single one among the Fuqaha and Muhadditheen had ever claimed that this prohibition was the product of *Urf*. The deviate dwelling in *jahl murakkab*, is the first and the only one to date who has ventured this preposterous contention.. He demands from us proof of *Ijma*' for the prohibition inspite of his total inability to produce a single Faqih from any Math-hab who had declared hair-cutting for women to be permissible.

Tresses of Jannat- Part 2

When our Akaabir Ulama claim *Ijma'*, the deviate should hurl his abuse against them, not against these insignificant Muqallideen, for then his true colours will be vividly exhibited.

What other explicit statement for permissibility besides Imaam Nawawi's solitary inference, does the deviate possess? What can he offer in this line? It is of utmost importance to understand that Imaam Nawawi's statement is not a *Fatwa* of permissibility. Imaam Nawawi NEVER issued a *fatwa* of permissibility for practical adoption by women. And, how could he and how could any other Shaafi'i Faqih have issued such a ruling when the Shaafi'i Fuqaha categorically attribute the prohibition to *repugnance, ugliness and to the conjugal disinclination of the husband*? They did not attribute it to *Urf*. So ugly and so repugnant does a woman who cuts just one inch of her tresses become in the sight of the Shaafi'i Fuqaha that they have ordered her to lift her tresses and cut the inch from the hairs at the back of her neck under her tresses of beauty. Indeed a woman who perpetrates the vile abomination of hair-cutting is truly nauseous. But tastes and shaitaani conventions of kuffaar cultures have despoiled the tastes of Muslims as well.

The deviate states:

"If this act was as haram as the objector claims it was then surely it would have been haram both during the lifetime of Nabi sallallahu alayhi wasallam and after his death."

Whether it was *haraam* of a greater degree during the lifetime of Rasulullah (sallallahu alayhi wasallam) and a *haraam* of a lesser degree after his demise is of no relevance. The fact is that it remained *haraam* and it remains *haraam* to this day and it will remain *haraam* until the Day of Qiyaamah, and the females destined for Jannat will enter with their flowing tresses of beauty not with the ugliness of immoral kuffaar women.

That it was *haraam* even if not very much *haraam* in the deviate's mind, is confirmed and acknowledged by the deviate, and that it was *haraam* even after the demise of Rasulullah (sallallahu alayhi wasallam) has also been conceded by the deviate. He does admit that during Imaam Nawawi's time women still did not cut their hair, although he attributes the prohibition to his understanding of *Urf*. He thus acknowledges that hair-cutting for women was prohibited regardless of the technical

designation ascribed to it by the different Fuqaha, both before and after the death of Nabi-e-Kareem (sallallahu alayhi wasallam).

His statement, “*as haraam*” and “*haraam*” is another attempt to confuse and divert or to erect a smokescreen to befuddle readers. It is another form of presenting his earlier stupid argument regarding the *Haraam and Makruh*. This type of argument is intended to detract from the gravity of prohibition and the notoriety of the misdeed. While he has tried much to create confusion with these terms, he conveniently withholds the information that the prohibition, be it of the technically *Haraam or Makruh* category, results in punishment with Hell-Fire. None of the Fuqaha of any Math-hab has opined that the *karaahat* is of the kind which does not produce sin, and which is acceptable.

The severity of the stand which the Fuqaha, notably the Shaafi’i Fuqaha, adopt on this type of *Makruh* act emphatically confirms the abhorrence of the misdeed of cutting hair for women. Hence, they use strong terms to describe the abomination — *tanfeer, shain, nuqs-e-istimtaa*’, and the Shaafi’i Fuqaha also describe the act as ***haraam***.

Elaborating on the prohibition of *halq* and *taqseer* (cutting), Ibn Hajar Haitami says in his *Haashiyah ala Sharhil Eedhaah fi Manaasikil Hajj lil Imaamin Nawawi*:

“Regarding woman — She should not shave, i.e. In Al-Majmoo’ (of Imaam Nawawi) it is said to be *Makruh* for her.....And many (among the Fuqaha) say that it is *haraam* because it is disfigurement and emulation with males.....And, cutting more than one anmulah is like *halq* as has been explained (Page 355)

The difference among the Shaafi’i Fuqaha regarding the classification of *halq* is of technical substance. It does not convey permissibility and acceptance of the act by the Shariah. The fact that the classification varies from *Makruh* to *Haraam* should be sufficient to convince anyone of the *hurmat* (prohibition) of the deed. The difference is not between *Tanzeehi* and *Tahreemi*. It is between *Makruh Tahreemi* and *Haraam*, hence the severity of the stand adopted by the Shaafi’i Fuqaha on the issue of hair-cutting and hair-shaving. Readers should not be detracted nor become confused by the arguments of the deviate on the technical

classification of terms. They should look at the real and practical consequences of the deeds of repugnance. Thus, even if it is not “as haraam” as we understand it, it nevertheless leads the perpetrators into the Fire of Jahannum, and long before this ultimate consequence, is the *La’nat* (Curse) of Allah Ta’ala which settles on such women even in this world.

Imaam Nawawi’s comment: “*In it is a basis for the permission of shortening the hair for women*”, is not a *Fatwa* for practical adoption. If this was his view, he would not have upheld the stern view of Al-Maawardi and the other Shaafi’i Fuqaha. He would not have claimed as Qaadhi Iyaadh and others that the shortening was executed after Rasulullah’s demise. He would not have presented argument explaining the action of the Holy Wives and to attribute it to their intention of abandoning adornment thereby voluntarily opting for *tanfeer and shain*.

The view of permissibility voiced by Imaam Nawawi was never used as a licence by any Shar’i authority to proclaim hair-cutting lawful for women. Even Imaam Nawawi himself did not advocate permissibility of hair-cutting for practical purposes inspite of his view. This has already been explained earlier. Right down to the present age no Shaafi’i faqih has issued a fatwa of permissibility on the basis of Imaam Nawawi’s interpretation. The deviate is the first one in Islam’s fourteen century history “to dare to walk this path” of *Haraam* hair-cutting for women. Wherever a discussion developed among the Shaafi’i Fuqaha or among the Fuqaha of the other Math-habs on the permissibility of cutting more than one *anmulah* in length for release from ihraam, and they differed among themselves regarding the technical classification of the prohibition, no one ever cited Imaam Nawawi’s view of permissibility for conferring a lighter designation to the prohibition. The narration of Abu Salamah, the urf and the interpretation of Imaam Nawawi were never cited by any of the Fuqaha for applying a lighter classification than *haraam* to the prohibition. Different arguments were produced, but not any of the three just mentioned. This is adequate evidence to indicate that the Fuqaha did not attach any significance to the statement of Imaam Nawawi nor to the narration of Abu Salamah in which there is an ostensible reference to cutting.

The deviate should cease his tricks of diversions. He is under great stress to convince readers that what we have stated in our book is the view of

“the objector”. Far from it. We have stated only what Muqallideen should say. We presented the views and the *Fataawa* of the Fuqaha and the Senior Ulama whom we follow. We have shown that the *Fatwa* of the Akaabireen of the Indo-Pak subcontinent are in complete conformity with all those Ahnaaf Fuqaha who never carried India and Pakistan identity cards. They were great and illustrious Fuqaha. If any man has failed to comprehend the relationship which the Fuqaha of the *Ma wara-un Nahr* region had with all branches of Shar’i Uloom, and if he has not grasped the lofty rank of those Fuqaha who adorned the *Ilmi* firmanent of Islam, then we can say that he is not a fit specimen of Muslim humanity to address.

In the first instance, deviates usually make the Ulama of India and Pakistan the scape-goats for their *nafsaani* criticism in the satanic bid to scuttle those *ahkaam* of the Shariah which do not find accommodation in their desires. When they are bereft of rational and Shar’i arguments, they attribute the immutable *ahkaam* of the Shariah to the ‘orthodox’ Ulama of India and Pakistan. However, in the case of the deviate with whom we are presently dealing, he has to tread somewhat cautiously for fear of exposing himself and revealing his true colours—the colours of liberalism spawned by western influences. He cannot openly throw in his lot with the mobs of modernists because after all, he has eaten the spiritual and academic Salt of the Ulama of Deoband. While he casts veiled aspersions on the illustrious Ulama who were the spiritual and academic Fathers of his Ustaadhs in Deoband, he has yet to bare his fangs which have been coated with poison at the recycling plant in Cairo.

Now let us revert to the interpretation of Imaam Nawawi (rahmatullah alayh). It is not “*the objector*” who has made the comments about Abu Salamah’s narration and about Imaam Nawawi’s interpretation. In our earlier book, we presented the full explanation of Hakimul Ummat Maulana Ashraf Ali Thaarvi on this issue. Let the deviate read the explanations of Hakimul Ummat, of Allaamah Zafar Ahmad Uthmaani, of Hadhrat Maulana Yusuf Binnuri, of Hadhrat Maulana Gangohi, of Hadhrat Maulana Mahmudul Hasan Deobandi (the Ustaadh of Hakimul Ummat and of countless other very senior Ulama) and of other Akaabireen. Let him study what is written in *Fathul Mulhim* on this issue. Let him see what Maulana Taqi Uthmaani states in his *Takmilah* on *Fathul Mulhim*. Thereafter he should comment and direct his stupid criticism to these Ulama-e-Muhaqqiqeen individually.

If he honestly reads the explanations of all these Akaabireen, he will be compelled to desist from attributing the interpretations to “*the objector*”. He should point out unambiguously without any statements of subterfuge, where he feels these Akaabir Ulama have erred in their interpretations and where they have committed injustice against Abu Salamah and Imaam Nawawi. And, above all, his difference with them on the *Ijma’* issue. It is improper and insufficient for him to say that he ‘respects’ the view of senior Ulama, then assail that very view of the senior Ulama by directing his vituperative criticism to the “objector”, merely because we happen to narrate it.

While we are on this subject, it will be appropriate to clarify ‘criticism’ which has been directed in this book to great personalities like Ibn Hajar Haitami and Zayla’i. We must unequivocally state that we are insignificant Muqallideen. We are not qualified to criticize any of these illustrious Ulama, Fuqaha and Muhadditheen. We lack in every sphere to be qualified critics of great Men. When someone criticizes an authority, it presupposes either the superiority of the critic’s knowledge and expertise in that field or at least the critic is on par with the one he is criticizing. We fit nowhere in these categories to justify criticism from our sides. Therefore, it should be clearly understood that wherever in this book there appears any criticism against Ulama such as Ibn Hajar Haitami, etc., then the criticism has merely been narrated from other authorities and our Akaabireen. It is never our personal criticism.

Anyone wishing to make an issue of such criticism should take up cudgels with the Akaabireen and direct their complaint and criticism against the Akaabireen who have criticized. For example, the criticism against Ibn Hajar and Zayla’i for their adverse comments on the some narrations in Hidaayah, is not our personal criticism. It is criticism coming from Hadhrat Allaamah Zafar Ahmad Uthmaani who compiled the 22 volumes of *I’laaus Sunan* under the auspices and guidance of Hakimul Ummat Maulana Ashraf Ali Thaanvi. These were authorities who were entitled to criticize. Any one who has any doubts of their abilities should study *I’laaus Sunan*. Whatever the case may be, it serves no good to cunningly vent venom against “*the objector*” for the views and *Fataawa* of the Akaabireen which we are merely presenting.

Let us now proceed with Imaam Nawawi’s interpretation.

Tresses of Jannat- Part 2

(1) The explanation of Hakimul Ummat on Imaam Nawawi's interpretation and Abu Salamah's narration has also been presented in our earlier book. Those interested should study it.

(2) The explanation of Allaamah Zafar Ahmad Uthmaani appears in Imdaadul Ahkaam. In view of the similarity with Hadhrat Hakimul Ummat's fatwa, we shall reproduce only portions of his explanation.

“At most, it could be concluded from the narration (of Abu Salamah) that it will be permissible for only widows to shorten their hair. But only a Mujtahid is permitted to resort to this istidlaal (logical deduction). A non-Mujtahid may not do so because he has no right to make istimbaat (deduct ahkaam) from the Qur’aan and Hadith.

Nowhere is it proven that the Mujtahideen had permitted a married woman or a widow to shave or cut her hair without a valid need. On the contrary the Fuqaha have totally prohibited women from shaving and cutting their hair. See Al-Ashbaah. Nawawi (rahmatullah alayh) saying: ‘In it is permissibility for shortening the hair for women’, is not proof (for permissibility) because he himself is a Muqallid. He did not attribute this comment to any Mujtahid.

Secondly, it is not valid to liken other widow women to the Azwaaj-e-Mutahharaat because it was not lawful for the Holy Wives to marry other men while it is not unlawful for other widow women to marry.

Furthermore, we in fact do not accept that the meaning of this Hadith is that the Holy Wives had cut their hair. Its narrator, Abu Salamah Bin Abdur Rahmaan, is not the mahram of all the Azwaaj-e-Mutahharaat, hence he himself could not have witnessed this act in relation to all the Holy Wives. He must have heard it from someone, and that medium is unknown. Thus, this Hadith is not a hujjat (for permissibility to cut hair for women).

In response to the question that at least he was able to see the act of Hadhrat Aishah (radhiyallahu anha) whose mahram he was, it has to be said that in the Hadith there is no mention of him having observed Hadhrat Aishah cutting her hair. Since it is substantiated by the Hadith narrations that Hadhrat Aishah's hair had become short on account of sickness, there is the distinct possibility that Abu Salamah had seen her

Tresses of Jannat- Part 2

with less hair than the hair of other women, hence he concluded that she may have cut her hair. According to the explicit narration of Shaikhain (Imaam Bukhaari and Imaam Muslim) Hadhrat Aishah's hair had become short due to sickness. (Jam'ul Fawaaid, Vol.1, page 312)

It is obvious that by saying "the Wives of Nabi (sallallahu alayhi wasallam)", the intention was not all the wives. It referred to only Hadhrat Aishah (radhiyallahu anha). In this context the plural has been used to denote honour and respect. And, Allah knows best."

In Fathul Mulhim, Hadhrat Allaamah Zafar Ahmad does not accept that the meaning of Abu Salamah's narration refers to literal cutting of hair. He thus states in Fathul Mulhim, Vol.1, page 472:

"And, according to me, the meaning is that they (the Holy Wives) would tie their loose hair on the neck or on the head without plaiting it. Hence it appeared like wafrah on account of not being lower than the ears just as many of the old women and even young women do in our (present) time — in fact most women — at the time of ghusl after washing the head. Verily, long hair let loose frequently prevents water reaching that part of the body which is covered by the loose hair. Thus there is difficulty for water reaching the relevant part."

(Reproduced from Ma'aarifus Sunan of Shaikhul
Hadith, Allaamah Yusuf Binnuri)

(3) Hadhrat Allaamah Yusuf Binnuri (rahmatullah alayh), writing in his *Ma-aarifus Sunan Sharhi Sunan Tirmizi*, says:

"I asked our Shaikh Hadhrat Maulana Mahmudul Hasan Deobandi (rahmatullah alayh) about the narration of Abu Salmah. He said:

"Frequently that (i.e. short hair) is at the time of hair becoming light and less during old-age." The Shaikh said: According to me, that had happened once at the time of tahallul from ihraam, not generally at all times. The Hadith in Mu'jamut Tabaraani and other indications support this (meaning)." (Vol.6, page 286)

Allaamah Binnuri adds:

Tresses of Jannat- Part 2

“Verily it (the narration of Abu Salamah) has posed difficulty for the Shaariheen (Commentators) of former and later times. Al-Maarzi, Al-Qaadhi Iyaadh, Al-Qurtubi, An-Nawawi and Al-Ubiyy directed their attention to it. Thus they said.....(the interpretation has already been mentioned)....

Our Shaikh (i.e Allaamah Binnouri’s Shaikh) said: “The heart is not satisfied with this solution (interpretation presented by the aforementioned Ulama).” (Vol.6, page 286)

In other words, these interpretations are not convincing. The meaning of Abu Salamah’s words remain ambiguous inspite of the interpretation of Al-Qaadhi Iyaadh and Imaam Nawawi. Hadhrat Binnuri (rahmatullah alayh) then mentions a very interesting fact. He says:

“The Shaikh (i.e. his Ustaadh) said: ‘Of greater difficulty (i.e. more problematic and doubtful) than the Hadith of Muslim (i.e. the narration of Abu Salamah), is the Hadith which Haafiz Zayla’i mentions in At-Takhreej, namely: ‘Verily, Maimunah was with head-shaven when she was buried.’”

Inspite of this Hadith and the established fact of Hadhrat Maimunah (radhiyallahu anha) having shaved off all her hair, there exists *Ijma’ of all the Fuqahaa of all Math-habs* on the prohibition of *halq* for women. The existence of a narration such as that of Abu Salamah indicating cutting of hair for women, does not affect the validity of the prohibition of cutting hair in the same way as the existence of the Hadith of Hadhrat Maimoonah (radhiyallahu anha) does not affect the prohibition of *halq*.

(5) Commenting on the narration of Abu Salamah, Hadhrat Shaikhul Hadith Allaamah Anwar Shah Kashmiri (rahmatullah alayh) said:

“...At his juncture there is a very strong ambiguity towards which no one has paid attention (i.e. no one has accepted its ostensible meaning). And that is what appears in Muslim that some of the Holy Wives had cut their hair and made it like wafrah. Nawawi, Qaadhi Iyaadh, Maazari, Qurtubi and Abu Abdullah Maaliki Ubiyy have not solved it (i.e. the ambiguity with their interpretations).”

(Al-Urfush Shazi, page 332)

None of the Fuqaha had accepted Abu Salamah's narration as a basis for permissibility of hair-cutting for women. Furthermore, all interpretations of the ambiguous part of Abu Salamah's narration have not satisfactorily eliminated the "*strong ambiguity*".

(6) The interpretation that the Holy Wives did not in fact cut their hair but would tie it behind their necks during ghusl or on top of their heads is supported by the Hadith of Saalim in *Al-Mu'jamul Kabeer, Vol.7 page 62*. Saalim, the servant of Rasulullah (sallallahu alayhi wasallam) said:

'Verily, the Wives of Nabi (sallallahu alayhi wasallam) used to make their hair into four tresses. When they would take ghusl, they would arrange it in the middle of their heads.'

This meaning (namely, tying the hair on top of their heads during ghusl) is substantiated by the statement of Abu Salamah, namely, 'like wafrah' when he compared their hair with wafrah. He did not say: 'It is wafrah'.

According to this interpretation too, the term used by Abu Salamah does not mean literal cutting. It refers to tying the hair on top of the head during ghusl. This is supported by the Hadith of Saalim. In spite of some authorities having found fault with one of the narrators in the chain of this Hadith, Imaam Bukhaari (rahmatullah alayh) has authenticated it.

(7) The deviate's Ustaadh, Hadhrat Maulana Saeed Ahmad Palanpuri quotes Shaikhul Hadith Maulana Zakariyya (rahmatullah alayh) in his kitaab, *Faizul Mun'im, page 179*. He cites Hadhrat Shaikh Zakariyya as follows:

"Even if that was the meaning of the Hadith, then too for women to cut their hair according to fashion would be unlawful. At most, that which would stem from this Hadith (if the literal meaning is taken) would be permissibility to shorten hair whereas tashabbuh with the ajam, the Ahl-e-Kitaab and with the kuffaar is prohibited in many Ahaadith, hence this Hadith cannot be a naasikh (abrogator) for all the other Ahaadith. Moreover, there are several probabilities in the meaning of the Hadith. One interpretation is well-known, namely, that they did this to abstain from adornment. Another probability is that this (the short hair) was due to abundance of Umrah. Hadhrat Sahaaranpuri (rahmatullah alayh)

had indicated this probability in the haashiyah of his Musalsalaat. What is written in Fathul Mulhim is not at all cutting of the hair but has been explained to mean tying the hair on the head. If the ostensible meaning of cutting hair is in fact the meaning (of the narration of Abu Salamah), then this action is Mauqoof which is in conflict with the Marfoo' Riwaayat because in Jam'ul Fawaaid appears the narration of Tibaraani Kabeer and Sagheer in which there is explicit mention: 'Nabi (sallallahu alayhi wasallam) prohibited (women) from jumma (hair that reaches the shoulders)."

According to Shaikhul Hadith Maulana Muhammad Zakariyya (rahmatullah alayh), even if it is assumed that there is a basis for permissibility for hair-cutting in the narration of Abu Salamah, then too, the hair-cutting which women adopt will remain unlawful on account of the *tashabbuh* which is the **only** reason for the desire of women in this day desiring to cut their hair. Besides this, Hadhrat Shaikhul Hadith does not accept the ostensible meaning of the narration.

Whatever we have said about Abu Salamah's narration and about the interpretation of Imaam Nawawi, is what all these Akaabir Ulama have stated in refutation of the suggestion that it is permissible for women to cut their hair. The deviate should divert his criticism to these Seniors and to the Fuqaha, including Imaam Nawawi, who prohibit hair-cutting for women inspite of what he has said in his interpretation of Abu Salamah's narration.

THE MOTIVE FOR HAIR-CUTTING

Even the deviate has to concede that the intention of women underlying hair-cutting is the acquisition of beauty. They desire to cut their hair for the sake of adorning themselves. Whether the intention is to beautify themselves for the sake of their husbands or for some other ulterior and immoral motive is a different matter. While the former intention will not justify the *haraam* act of hair-cutting, the latter motive will aggravate the prohibition.

So whatever the motive may be, the common factor is *the acquisition of beauty*. The *Mansoos Urf* of the Ummah on the basis of categoric divine guidance, is that beauty for females is in long hair, hence cutting the

Tresses of Jannat- Part 2

tresses has always been regarded *haraam*, and with so much revulsion that the Shaafi'i Fuqaha instruct women to cut the necessary *anmulah* length at the time of *tahallul* from under their tresses, not from the tresses. Imaam Nawawi is included in this opinion which contends that cutting even one *anmulah* in length from the tresses disfigures the woman.

This Islamic abhorrence for hair-cutting for women is more than adequate to convince any unbiased seeker of the truth that the idea of the acquisition of beauty by cutting hair is a norm which Muslim women have acquired from the western kuffaar women. Western influence has taken a heavy toll of their brains. Their Islamic tastes have become poisoned as a consequence of assimilation into the life-stream of the western kuffaar. Thus, when a Muslim woman desires to cut her hair it is for no reason other than emulation of kuffaar styles. What is beautiful to the kuffaar now appears beautiful to Muslims, and what is beautiful in the divine culture of Islam has been made to look ugly for modernist Muslims, hence the *Urf* of Islam and of the damsels of Jannat is ugly to modernist Muslims of this day.

FOR THE HUSBAND'S SAKE

Beauty for the husband's sake is not a command of the Shariah in all exigencies. It is *haraam* for a woman to obey the husband's inordinate desire for a 'beauty' which is unlawful in Islam. Both the woman and the man come within the purview of Divine Curse if they adopt the ugliness of the kuffaar, thinking that disfigurement is beauty. Islam has placed restrictions on beauty, and the husband may not be pleased and obeyed when his inordinate desires come into conflict with the Shariah.

Asma Binti Abi Bakr (radhiyallahu anhumaa) narrated:

"A woman came to Rasulullah (sallallahu alayhi wasallam) and said: 'I had my daughter married. Then she became ill with small-pox (or measles) and her hair fell out from her head. Her husband (abhorring this) complained to me. May I, therefore, add (false hair) to her head?' Rasulullah (sallallahu alayhi wasallam) thereupon abused (i.e. cursed) the waasilah and the mustausilah."
(*Saheeh Bukhaari*, Vol.2, page 879)

Tresses of Jannat- Part 2

In the very next Hadith following the above narration, Hadhrat Asma Binti Abi Bakr, giving the tafseer of , ‘*abused*’, said: “*Nabi (sallallahu alayhi wasallam) invoked la’nat on the waasilah and the mustausilah.*”

Waasilah is the beautician who practises the style of adding hair to hair. The *Mustausilah* is the client who desires that her hair be lengthened artificially.

In the unanimous view of the followers of Islam from the time of Hadhrat Aadam (alayhis salaam), beauty and adornment for women have been in their long tresses. Long hair has always been regarded as beautiful even by the majority of kuffaar. In spite of long hair being beautiful and short hair for women equated with ugliness, Rasulullah (sallallahu alayhi wasallam) cursed those women who attempted to gain beauty by means of artificially lengthening their hair. In this matter, the husband’s desire was refuted by Rasulullah (sallallahu alayhi wasallam) and the woman was prohibited from artificially lengthening her hair despite the husband’s wishes and in spite of the fact that the artificially lengthened hair would have concealed the woman’s ugliness and make her appear beautiful to her husband.

Similarly, Rasulullah (sallallahu alayhi wasallam) invoked *la’nat* on women who seek to make themselves appear beautiful by filing their teeth. Such women are referred to in the Hadith as *mutafallijaat*. In the same way plucking hairs from the eyebrows has been cursed and prohibited in the Hadith. Women would resort to these forms of ‘make-up’ to enhance their beauty. But Rasulullah (sallallahu alayhi wasallam) described all such acts as accursed and brought them within the scope of the Qur’aanic aayat which castigates *taghyeer li khalqillah* (changing the natural creation of Allah). All such acts are attributed to the influence of shaitaan by the Qur’aan Majeed.

When the husband’s desire for beauty is unacceptable even if the act of adornment is the lengthening of the hair, to a far greater degree will his desire for his wife to shorten her hair into a style be repugnant and unacceptable in the Shariah. The permission and instruction of the husband in acts which conflict with the Shariah do not legalize prohibitions. It is precisely for this reason that our Fuqaha unanimously rule that if the husband consents to the *haraam* act of his wife cutting her hair, then both of them are sinful and come within the purview of the

Tresses of Jannat- Part 2

Divine Curse. *La'nat* is not something to take lightly. It cannot be trifled with.

Just as filing the teeth, artificially lengthening the hair, tattooing, plucking hair from the eyebrows are branded as shaitaani acts of *taghyeer li khalqillaah*, so too is hair-cutting by females a satanic act of the same category.

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BASELESS ARGUMENT

*“Those who dispute in (the Shariah) of Allah, after it (Allah’s Shariah) has been accepted (by the Ummah), their argument is baseless by their Rabb. On them is the Wrath (of Allah) and for them is a severe punishment.”
(Qur’aan)*

The argumentation of deviates is devoid of substance. The Shariah which has been accepted by the Ummah as it was handed down by the Sahaabah, is the Shariah of the Qur’aan and the Sunnah. The views and opinions of those who conflict with the Accepted Opinion of the Shariah is utterly baseless. The consequence of such baatil is the Wrath and Punishment of Allah Ta’ala.

Continued in Part 3.....