



FUSSING OVER THE

15th of Sha'ban

and the golden rule of differing

SURKHEEL (ABU AALIYAH) SHARIF

JAWZIYYAH OCCASIONAL PAPERS



Historically, scholars have differed over whether the fifteenth night of Sha'bān (the month prior to Ramaḍān in the Islamic calander) has any distinctive merit or not. Some uphold its merit and consider the night to be *laylat al-barā'ah* - "the Night of Emancipation [from the Fire]." Other scholars are of the opinion that the night in question has no merit or distinction over any other night of the year. Based on these two views, the first group of scholars rule that singling-out the night for optional acts of devotion: prayer (*ṣalāt*), invocation (*dhikr*), petition and supplication (*du'ā*), etc, is sanctioned by the Sacred Law and seen as meritorious. The latter group of scholars declare that, laudable as the intention might be, to single-out the night for devotion is an act not sanctioned by the Sacred Law, or *sbarī'ah*, at all.

The objective of this paper is twofold. Firstly, to demonstrate why such differences arise, and how each stance has its legitimacy in the canons of Islamic jurisprudence. Secondly, and perhaps more importantly, the issue serves to lay down mandatory rules in areas of legitimate differing - rules that, if contravened, constitute a clear-cut deviation from the Islamic norm and the teachings of the blessed Sunnah.*

I. HADITHS ABOUT THE 15TH OF SHA'BAN

The hadith corpus narrates the merits, or *faḍā'il*, of the 15th night of Sha'bān, of which the following are among the most significant:

1. Mu'ādh b. Jabal, may Allah be pleased with him, relates that the Prophet, peace be upon him, said: "Allah looks at all His creation during the middle night of Sha'bān, and forgives all of them - except an idolater and one who harbours malice."¹
2. 'Abd Allah b. 'Amr, may Allah be pleased with him, related; the Prophet, peace be upon him, informed: "Allah, Mighty and Majestic is He, looks at His creation on the middle night of Sha'bān and forgives all of His slaves, except an idolater and a murderer."²
3. 'Ā'ishah, may Allah be pleased with her, narrated that the Prophet, peace be upon him, said: "Allah, Exalted is He, descends to the nearest heaven in the middle night of Sha'bān and is more forgiving than there are the number of hairs [on the hides] of the sheep [in the tribes] of Kalb."³
4. Also from 'Ā'ishah, who relates: Allah's Messenger, upon whom be peace, said to me: "Do you know what night this is?" I said: Allah and His Messenger know best. He continued: "This is the middle night of Sha'bān. Allah, Mighty and Majestic is He, looks at His servants during the middle night of Sha'bān and He forgives those who ask for forgiveness, is merciful to those who ask for mercy, but postpones it for all those who harbour rancour whilst in that state."⁴

II. ROOT OF THE DISPUTE

At first blush this may seem to have settled the bone of contention once and for all. If the Prophet, peace be upon him, has spoken about the merits of the 15th of Sha'bān - as per the above hadiths - then who are we to object. After all, the Qur'an decrees categorically [59:7]: *Whatever the Messenger gives you, accept it; whatever he forbids you, abstain from it.* It also insists [33:36]: *It is not fitting for a believer, man or woman, to have a choice in the affair after Allah and His Messenger have decided for them.*

Contentious questions of religion are seldom that simple or straightforward. Rather than resolve the matter, the above hadiths are actually the source of contention. The authenticities of the above hadiths - as well as others which speak of the merits of the 15th night of Sha'bān - are highly disputed. That is to say, the hadith masters or specialists differ over whether or not the above words can be reliably ascribed to the Prophet, peace be upon him. Offering this conclusion, Qāḍī Abu Bakr b. al-'Arabī vocalised: "There is no authentic hadith that may be relied upon concerning the middle night of Sha'bān; not about its merit, nor the decree being written in it. So pay no attention to it."⁵

Similar judgement have been passed by Ibn al-Jawzi in his compendium of fabricated hadiths,⁶ al-'Irāqī in his hadith analysis of *Iḥyā al-'Ulūm al-Dīn*⁷ as well as al-Tarṭūshī.⁸ In contrast, Ibn Taymiyyah writes:

“Also under this heading is the middle night of Sha'bān. Hadiths traceable to the Prophet are reported about its merit, as well as precedents from the early predecessors (*min al-aḥādīth al-marfū'ah wa'l-āthār*), proving that the night has a distinction: with some among the predecessors (*salaf*) specifying the night for prayer ... But some Medinian scholars among the predecessors, and others from the later scholars, rejected its merit and took issue with the narrations related in this regard, such as the hadith: “Allah is more forgiving than there are the number of hairs [on the hides] of the sheep [in the tribes] of Kalb.” They stated that there is no difference between this and any other night. However, what many of the learned hold, or most of them - among our colleagues and others - is that it is a night of superior merit. And this is what is indicated by the words of Ahmad [b. Hanbal] in light of the many hadiths transmitted about it, and what attests to this of the precedents recorded from the predecessors (*al-āthār al-salafiyyah*). Some of its merits are narrated in the *musnad* and *sunan* collections; this holds true even if other things have been fabricated concerning it.”⁹

On being asked about specifying the middle night of Sha'bān for prayer, Ibn Taymiyyah provided this *responsum*: “If a person offers prayers in the middle night of Sha'bān, individually or in a specific congregation - as was done by groups among the predecessors - this is excellent (*fa buwa aḥsan*).”¹⁰

A generation earlier and the notable Shafi'ite jurist and hadith master, Ibn al-Ṣalāḥ, proffered this response: “The middle night of Sha'bān is of great merit and it is recommended (*muṣtaḥabb*) to spend its night in supererogatory acts of devotion: individually, not collectively.”¹¹ This particular *responsum* was approvingly cited by Jalāl al-Dīn al-Ṣuyūṭī in his essay which deals with the importance of following the Prophetic Sunnah and shunning all innovations that run contrary to it.

As can be observed, the difference of opinion between the jurists is not one which simply resolves itself by invoking the verse [4:59]: *If you have a dispute concerning any matter, refer it back to Allah and His Messenger*. This would be to miss the point completely, which is: can the said hadiths be considered authentic; *ṣaḥīḥ* - about which there is, so to speak, a hung jury.

III. A COMPREHENSIVE ACCOUNT ON MID-SHA'BAN

The eighth century Damascene jurist, pietist and hadith master, Ibn Rajab al-Ḥanbalī, furnishes a thorough account of the subject. In his book, *Laṭā'if al-Ma'ārif* - a work unique in its treatment on the merits, duties and devotions ascribed to each month of the Islamic calander - he writes:

“With regards the middle night of Sha‘bān, [some of] the Successors of Syria, like Khālid b. Ma‘dān, Makhūl, Luqmān b. ‘Āmir and others, would venerate the night and worship diligently in it. People took to considering the night as meritorious, and of venerating it, from them. It was said that narratives of Jewish lore (*āthār isrā‘īliyah*) reached them concerning this night.¹² When this circulated from them to the various cities, people began differing about it. Some accepted it from them and concurred in venerating the night. This included a faction of devotees of Basra, as well as some others. Many of the Hijazi scholars objected to it, such as ‘Aṭā’ and Ibn Abī Mulaykah. This is also transmitted by ‘Abd al-Raḥmān b. Zayd b. Aslam as being the opinion of the Medinian jurists; it is also the stance of the companions of Mālik and others. They assert that this is all an innovation (*bid‘ab*).

“The Syrian scholars differed with regards to how the night should be used: for which they had two views. Firstly, that it was preferable to commemorate the night by congregating in the mosque. Khālid b. Ma‘dān, Luqmān b. ‘Āmir and others used to don their finest clothes, perfume and apply antimony to themselves, and spend the night in prayer in the mosque. Iṣḥāq b. Rāhūyah concurred with them on this point, saying that to establish congregational prayer in the mosque [for this night] was not an innovation. Ḥarb al-Kirmānī records this from him in his *Masā’il*. The second view; that it is disapproved to congregate in the mosque for it: whether for prayer, pious exhortation or supplication. It is not, however, disapproved for a person to pray by himself specifically on that night. This was the position of al-Awzā‘ī, the imam of the Syrians; their finest jurist; and the most learned of them - and this is what is closest to the truth, Allah willing.

“It is said of ‘Umar b. ‘Abd al-‘Azīz that he wrote to one of his administrators in Basra, saying: “You should take to four nights from the Sunnah, in which Allah dispences His mercy in abundance: the first night of Rajab; the middle night of Sha‘bān; the night before [Eid] al-Fiṭr; and the night preceeding [Eid] al-Aḥḥā.” Its authenticity, however, needs investigating.

“Al-Shāfi‘ī, may Allah be pleased with him, articulates: “It has reached us that supplications are granted sure response during five specific nights: the night of Jumu‘ah; the two Eids; the first of Rajab; and mid-Sha‘bān.” He also said: “All that has been related about these nights is recommended.”

“No statement from Imam Aḥmad is known concerning the middle night of Sha‘bān.¹³ Two reports are adduced from him about the recommendation of praying its night, based upon two reports from him dealing with praying on the night of Eid. One report does not consider it recommended to pray in congregation during that night [i.e. the Eid night], for nothing is related from the Prophet, peace be upon him, or his Companions. It is recommended in the other report, due to the practice of ‘Abd al-Raḥmān b. Yazīd b. al-Aswad; since he was one of the Successors.

“Likewise, nothing is confirmed about praying the night of mid-Sha‘bān from the Prophet, peace be upon him, or his Companions: though it is confirmed from a group of the Successors among the notable jurists of Syria.”¹⁴

“In closing his mid-Sha‘bān narrative, Ibn Rajab, may Allah have mercy upon him, offers this prescription: “Therefore it befits a believer to devote himself in this night to the remembrance of Allah, Exalted is He; petitioning Him to pardon his sins, conceal his faults, and relieve his hardships. This should be preceded by offering sincere repentance; for Allah, Exalted is He, relents to those who repent to Him.”¹⁵

IV. THE PRAYER OF A THOUSAND “QULS”

The above discussion concerned prayer *in* the night of mid-Sha‘bān. As for the prayer *of* mid-Sha‘bān, sometimes called *ṣalāt al-alfiyyah*, many a juristic objection has been levelled against it. Ibn Taymiyyah, for instance, having endorsed superogatory prayer during this night, cautions: “As for congregating in mosques so as to pray a fixed and defined prayer - like congregating to offer one hundred units (*rak‘ab*) of prayer that requires reciting, *Say: ‘He Allah, is One!’* a thousand times during it - then this is an innovation (*bid‘ah*) which none of the predecessors ever recommended.”¹⁶

Mullā ‘Alī al-Qārī cites some hadiths about the prayer of one hundred *rak‘abs* in his dictionary of hadith forgeries, then remarked: “How bizzare it is from those who have smelt the fragrance of knowledge of the Sunnah that they be taken in by such gibberish and pray it. This prayer was contrived in Islam after the fourth century and originated from Jerusalem.”¹⁷

Discussing various innovations and infringements against the Sunnah, Imam al-Suyūṭī wrote: “And this includes the *ṣalāt al-alfiyyah* which is performed in the middle of Sha‘bān. It is a lengthy and difficult prayer which is neither established by any [sound] hadith, nor a weak report from any predecessor. The masses are put to trial with it in their striving to honour it, especially by them lighting candles in all the mosques throughout the land.”¹⁸

Ibn al-Ṣalāḥ says: “*Ṣalāt al-alfiyyah*, which is prayed in mid-Sha‘ban, has no basis to it, nor to anything like it. It is strange how eager people are to follow innovated acts in these two nights,¹⁹ yet are deficient in fulfilling acts that are legally stressed (*mu‘akkadāt*) from the Prophet, peace be upon him.”²⁰

V. TYING LOOSE ENDS

This, then, is the status of the prayer known as *ṣalāt al-alfiyyah* (also known as *ṣalāt al-kbayr*). However, before discussing the quintessential principle with regards *ikbtilāf*; or differences of opinion in Islam, we shall gloss three more concerns linked to mid-Sha‘bān.

Firstly, the issue of fasting on the day of mid-Sha'bān. Ibn Mājah records a hadith, from 'Alī, may Allah be pleased with him, who relates; the Prophet, peace be upon him, said: "When it is the middle night of Sha'bān stand-up in prayer during its night and fast during its day."²¹ Al-'Irāqī declared its chain to be weak (*ḍa'īf*), as did Ibn Rajab.²² Thus, according to many an authority, it is not recommended to single out this particular day for fasting, unless, of course, it is done so with the intention of fasting the "three white days": the 13th, 14th and 15th of each lunar month. Ibn Taymiyyah had this to say about the issue: "As for singling-out the day of mid-Sha'bān for fasting, there is no grounds for doing so. Rather, singling it out is reprehensible."²³

Secondly, lighting candles and turning the night into one of festivity. Ibn al-Ṣalāh remarked: "But people taking this night, and the night of Raghā'ib as a festival (*mauṣim*) and distinction (*sbi'ān*) is a reprehensible innovation. And what they add to the night, going beyond customary need, such as lighting candles and the like, contravenes the Sacred Law."²⁴ Al-Munāwī quotes the words of al-Majd - Ibn Taymiyyah's grandfather, whose rank in the Ḥanbalī school is like that of al-Nawawī's in the Shāfi'ī school - who stated: "Likewise, marking it out for festivities by preparing different foods and sweet dishes, and putting up decorations comes under the category of celebrations which are newly innovated for which there is no basis."²⁵

Thirdly, some believe that the yearly decree is written down in this night, as per the verse: *We sent it down in a blessed night, for We are warning. In that night every affair is wisely decided.*²⁶ Classical *tafsīr* literature does relate the saying of 'Ikrimah, a famous Successor (*tābi'ī*), that the night in which *every affair is wisely decided* refers to the middle night of Sha'bān.²⁷ However, the vast majority of exegesists (*mufasssīrūn*) conclude that it refers to *laylat al-qadr* - "the Night of Power." Ibn al-'Arabī typifies the general agreement on the topic when he said: "The majority of scholars hold that it refers to *laylat al-qadr*; some have stated that it refers to the night of mid-Sha'bān: this view, however, is futile."²⁸

Having detained ourselves for a while on the mid-Sha'bān motif, let us now turn to the second major consideration of this paper.

VI. THE GOLDEN RULE OF DIFFERING

Islamic legal theory, or *uṣūl al-fiqh*, identifies two spheres of rulings. Issues about which jurists unanimously agree (*mujma' 'alaybi*), and those wherein they differ (*mukbtalif fihī*).

According to this juristic schema, issues in which there is juristic agreement about - because of the proof-texts being decisive in authenticity, as well as univocal and clear-cut in meaning - are referred to as *uṣūl*, or fundamentals. Contravening them opens a person to legitimate censure, as per the famous

hadith: “If anyone of you sees an evil, let him change it with his hand; if he is unable to do so, then with his tongue; and if he is unable to do this, then with his heart - and that is the weakest of faith.”²⁹ Issues wherein the actual proof-texts are inconclusive in their authenticities, or equivocal and open to more than one legitimate reading, are known as *furūʿ*; branches.³⁰ Here, the jurists of Sunni Islam are guided by the legal maxim: “*lā inkār fī masāʾil al-khilāf* - there can be no censure in issues of [legitimate] differing.” One need not spend a great deal of time reading through classical tracts on the duty of commanding good and forbidding evil before encountering an articulation of this famous principle.

Imam Ibn Daqīq al-ʿĪd, the outstanding Shāfiʿī jurist, stipulates: “Scholars only censure what is agreed upon [as being wrong]. As for what is differed over, there is to be no censure of it.”³¹

Ibn Rajab al-Ḥanbalī wrote: “The wrong that is obligatory to reprove is that which is agreed upon. As for what is differed over, one of our colleagues said: “One cannot censure a person who is a *mujtabid* in the issue, or a follower of a *mujtabid* in that which *taqlid* is permitted.”³²

In the technical or religious parlance of scholars, what is meant by the term *mujtabid* is a jurist versed in the canons of jurisprudence (*fiqh*) and Islamic legal theory (*uṣūl al-fiqh*), and who is capable of formulating new points of law which are not explicitly or precisely laid down in the texts of the Qurʾān or Sunnah.³³ Such juristic labours are known as *ijtibād*. Those not qualified to undertake *ijtibād* are known as *muqallids* whose legal obligation is *taqlid*: following the qualified scholarship of a *mujtabid*.

Ibn al-Qayyim asserts: “But if, in the issue, there is no [decisive text from the] Sunnah, nor a juristic consensus, *ijtibād* then becomes permitted. There must be no censuring someone who acts in the issue either as a *mujtabid*, or as a *muqallid*.”³⁴

Najm al-Dīn Ibn Qudāmah, of other than *al-Mughnī* fame, announces the juristic rule of thumb in these terms: “A condition for censuring wrongdoing is that the act being censured must be something whose blameworthiness is not merely known by means of *ijtibād*. Issue that involve *ijtibād* cannot be a cause for rebuke.”³⁵

Imām al-Nawawī endorses the maxim in these words: “The one commanding or forbidding must be knowledgeable of what is being commanded or forbidden, which will vary with the differing matters. So if it is from those clear-cut obligations or well-known prohibitions, such as prayer, fasting, adultery, intoxicants, etc., then every Muslim is learned about them. If, though, it is in issues that are not clear-cut, or in issues of *ijtibād*, then the lay people cannot enter into it, nor censure it: instead it is only for the scholars.”³⁶

Thus, although points of legitimate differing cannot be a cause for rebuke, scholars may, nonetheless, clarify what they deem to be errors in *ijtihad*. Ibn Taymiyyah has these words about this: “It is not allowed to censure anyone in issues of *ijtihad*, except by explaining the proofs and clarifying the path. There must be no censuring someone based merely upon *taqlid*. This is the behaviour of ignoramuses and of those following their caprice.”³⁷ Even still, the scholar’s rebuttal will only amount to *an* Islamic view, rather than *the* Islamic view on the issue.

As for the lay people, Shaykh Bakr Abu Zayd writes that, at most, they may only inform others of the school or scholar’s *responsum* they are following. He explains: “There is a consensus among the Muslims that it is not allowed for a *muqallid* to say: ‘This is lawful’ or ‘That is unlawful’ based on *taqlid* of another in matters of *ijtihad*. What he may state is that: ‘This is the ruling in the school of the Imam that I follow,’ or ‘I sought a fatwa from a scholar and this is what he responded with.’”³⁸

There is no doubt that the issue of honouring the night of mid-Sha’bān falls within the ambit of valid differing. So it cannot be a reason for censuring or rebuking others, or of hearts harbouring mutual animosity or disuniting. To do so would be to violate the golden rule of differing which has lent itself to this nation’s balance, strength and stability. Ordains the Qur’an: *Dispute not with each other, lest you falter and your strength departs from you.*³⁹ In a similar vein, the Qur’an enjoins: *Hold fast altogether to the Rope of Allah and be not divided.*⁴⁰ There is also the Divine injunction to *fear Allah and set aright the relationship between each other.*⁴¹

VII. BIGOTRY, BENCHMARKS & BID’AH

Though there have been periodic disruptions of the above rule in the annals of the *ummah*, it would be fair to say that, by and large, ours is a history of mutual respect and tolerance with regards differences of opinion in the area of *furū’*; the non-fundamentals of faith. This was based on the recognition that any opinion supported by a decisive (*qaṭ’ī*) proof, or juristic consensus, justifiably represents *the* Islamic view; whereas opinions based upon proofs that are speculative (*ẓannī*) - i.e. open to more than one legitimate interpretive possibility - represent *an* Islamic view. In our age, ignorance of this vital understanding has almost become ubiquitous to the point where mosques, university prayer rooms and internet discussion forums are now arenas for hostile disputations, vicious invectives and fatwa flinging.

The problem wouldn’t be half as damaging if it were simply a lack of awareness of *lā inkār fi masā’il al-kbilāf*. This, however, tends not to be the case. Instead, bigotry, intolerance and authoritarian attitudes can now be seen in much of the discourse. And though the traffic is two way, the vast bulk of it is directed from those who do not accept the validity of honouring the night

of mid-Sha'bān towards those who do. Accusations of *bid'ab*, deviancy and of 'opposing the way of the *salaf*' are frequently levelled against the practitioners of mid-Sha'bān, despite this being the view of many a distinguished Imam from the *salaf*, and, possibly, even the majority of scholars. Such reckless incriminations form the substance of the following prophetic warning: "Whoever level an untruthful accusation against a believer, he will be made by Allah to dwell in the puss of the denizens of Hellfire until he retracts his statement."⁴² Short of excommunicating a Muslim - that is, to declare him an unbeliever, a *kāfir* - what could be more monstrous than to falsely accuse a fellow believer of being an innovator or deviant?

Nor may issues of *ijtibād* and legitimate differing be used to test others, in that those who agree with your view are esteemed and brought close, while those who do not are deemed 'dodgy', warned against and boycotted. Such an *imtibān*, "test" or "inquisition", that plagues our unity and *da'wab* is, in actual fact, a disfigurement of the prophetic teachings. Imam Ibn Taymiyyah, in offering these reconciliatory remarks in the confusion that has historically surrounded the personality of Yazīd b. Mu'āwiyah, wrote:

"It is incumbent to be balanced in this and refrain from mentioning Yazīd b. Mu'āwiyah and to test the Muslims with it. Doing so is among the innovations that contravene *Ahl al-Sunnah wa'l-Jamā'ah*."⁴³

Thus, using the mid-Sha'bān issue - or any other issue of legitimate differing, for that matter - as a benchmark to determine right guidance from misguidance is itself fallacious and at variance with the path of the predecessors and Sunni orthodoxy. That such inquisitions are frequently launched by many of today's 'vanguards of authentic Islam' only highlights the dire ignorance and impudence that is prevalent among such circles. Not only are these tests and inquisitions an innovation that flies in the face of authenticity, it also reveals the bigotry and indoctrination that many of these 'vanguards' are regrettably steeped in.

At this point, some may well ask: are the lay people required to know about the juristic differences between the scholars; and if not, why should they be taken to task for simply following those whose learning and piety they trust? The simple reply. No, they are not obliged to learn about juristic differences. And rather than be taken to task, their acting upon scholarly teachings is an admirable act and one for which they shall - *insba'llāb* - be duly rewarded. The problem occurs, though, when the fatwa of the scholar or shaykh is elevated to more than just *an* opinion. Bigotry gives it the status of being something decisive, cut and dry, and infallible; mutating it into *the* opinion against which loyalty and enmity is then measured. Here begins the menace to the Muslims and their decent into discord and division.

We shall let Shaykh al-Islam Ibn Taymiyyah, may Allah sanctify his soul, have the final word on the matter:

“It is not for anyone to set-up for the *ummah* a specific individual, calling to his way, and basing one’s loyalty and enmity around him - except, of course, if it be the Prophet, peace be upon him. Nor must any speech be set-up for them, around which loyalty or enmity is based, except if it be the Speech of Allah; or that of His Messenger; or that which the *ummah* has agreed upon. Rather, this is from the practice of the innovators (*abl al-bid’ah*); those who affiliate themselves to a specific individual or opinion with which they cause divisions in the *ummah*, forming loyalties and enmity around such opinions and affiliations.”⁴⁴

CONCLUSION

It was not the aim of this paper to analyse what is or is not the preferred view in respect to venerating the 15th night of Sha’bān. Instead, it was to demonstrate that the two opinions concerning mid-Sha’bān are both valid interpretations, and that such a difference, or *kbilāf*, must not be the cause for any ill-will or schism to arise between Muslims. Those qualified in the canons of jurisprudence and legal interpretation are required to follow their scholarly conclusions in the issue, whilst those not versed in such matters must follow the legal conclusion of a qualified scholar. Under no circumstance must the lay people test or be tested in such matters, in a way in which loyalties are formed or fractured.

END NOTES

* Many thanks to Abu Rumaysah who helped in translating some of the passages for this article, and also to Abdullah Muhammad who read through the draft paper and offered valuable comments and suggestions for its improvement.

1. Ibn Ḥibbān, *Ṣaḥīḥ*, no.1980; Ibn Mājah, *Sunan*, no.1390; Ibn Abi ‘Āsim, *al-Sunnah*, no.512. After documenting various chains for this hadith, al-Albānī offers this conclusion: “The hadith, with these collective routes of transmission, is authentic (*ṣaḥīḥ*) without a doubt.” Cf. *Silsilat al-Aḥādīth al-Ṣaḥīḥah* (Riyadh: Maktabah al-Ma’ārif, 1979), nos.1144, 1563. Al-Mubārakpūrī, in his magisterial commentary to al-Tirmidhī’s *Sunan*, said: “Know that a number of hadiths have been related about the merit of the middle night of Sha’bān which collectively prove it has a basis.” He then says after recording a number of them: “Collectively, these hadiths constitute proof upon those who alledge nothing is confirmed with regards the merits of the middle night of Sha’bān.” *Tuḥfat al-Aḥwādī bi Sharḥ Jāmi’ al-Tirmidhī* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 1990), 3:365, 367.

2. Ibn Ḥanbal, *Musnad*, no.6642. Al-Albānī said: “There is no problem in using this chain as a support [to the above narration].” Cf. *Silsilat al-Aḥādīth al-Ṣaḥīḥah*, 3:136.

3. Ibn Mājah, no.1389; al-Tirmidhī, *Sunan*, 736, who noted after recording it: “I heard Muhammad [i.e. al-Bukhārī] grading the hadith weak.”

4. Al-Bayhaqī, *Sbu’ab al-Īmān* (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2000), no.3824, after which he said, “*bādba mursal jayyid*.” Meaning, that its narrators are all trustworthy and reliable; however a Companion is missing in its chain of transmission. In other words, a Successor (*tābi’ī*) is reporting directly from the Prophet, upon whom be peace, without an intermediary.

5. *Aḥkām al-Qur’ān* (Beirut: Dār Iḥyā al-Turāth al-‘Arabī, n.d.), 4:1690; whilst dis-

cussing the verse [44:3-4]: *We sent it down in a blessed night, for We are warning. In that night every affair is wisely decided.*

6. *Kitāb al-Mawḍū'āt* (Riyadh: Aḍwā al-Salaf, 1997), 2:440-445.

7. *Al-Mughnī 'an Ḥamlī'l-Asfār* (Riyadh: Maktabah al-Tabariyyah, 1995), 1:157.

8. Al-Tartūshī, *al-Ḥawādith wa'l-Bida'*, ed. Muḥammad al-Tālibī (Jeddah: Dār al-Asfahānī, n.d.), 112.

9. *Iqtīdā' al-Ṣirāṭ al-Mustaqīm li Mukbālafat Aṣḥāb al-Jabīm* (Beirut: Dār Ibn Ḥazm, 2003), 412-3.

10. *Majmū' Fatāwā* (Riyadh: Dār 'Ālam al-Kutub, 1991), 23:131. At another place in this collection (3:388), Ibn Taymiyyah is seen reserving judgement on the authenticity of the hadiths under discussion: *in ṣaḥḥu'l-ḥadīth* - "if the hadith is authentic." However, the above two passages from him seem to demonstrate no ambivalence whatsoever about the night's merit; and Allah knows best.

11. Cited in al-Ṣuyūṭī, *al-Amr bi'l-Ittibā' wa'l-Naby 'ani'l-Ibtidā'* (Riyadh: Dār Ibn al-Qayyim, 1995), 169-70.

12. Jewish lore (Ar. *isrā'iliyyah*, pl. *isrā'iliyyāt*). Prior to Islam when the bedouins or some of the illiterate strata of Arabian society wanted to learn more about subjects such as the origins of creation, the end of days, trials and seditions, etc., they would ask the learned of the Jews and Christians who had knowledge of such matters from their scriptures and lore. On converting to Islam, such learned men brought some of this lore to bear on Islam - particularly if it was descriptive and not prescriptive; not touching upon any point of practice or law (*ahkām*). Thus, such narratives and lore eventually found their way into the overall body of Quranic commentary. 'Abd Allāh b. Salām, Ka'b al-Aḥbār and Wahb b. Munabbih were pious scholars noted for their reliance on *isrā'iliyyāt* lore. Cf. Kamali, *A Textbook of Ḥadīth Studies* (Markfield: The Islamic Foundation, 2005), 73.

As for the use of the *isrā'iliyyāt* genre for expounding matters of religion, this is governed by the hadith recorded in al-Bukhārī (no.3461): "Convey from me, even if it be one sentence; and relate from the Israelites, for there is no harm in doing so. And whosoever intentionally lies about me, let him take his place in the fire of Hell." Ibn Kathīr, after citing the hadith, comments: "However, the *isrā'iliyyāt* narratives should only be used as supporting evidence, not as evidence in and of themselves. And they are of three types: Firstly, a type which we know to be authentic, because we have in our religion something that affirms its truth. Secondly, what we know to be false, for we have in our religion something that belies it. Thirdly, that for which our religion is silent; not being of the previous two types. [In this case] we neither [catagorically] believe it nor reject it, though it is allowed to relate such accounts due to the preceeding hadith." *Tafsīr Qur'ān al-'Azīm* (Beirut: Dār al-Ma'rifah, 1987), 1:5.

13. This seems to be at odds with the above cited statement of Ibn Taymiyyah: "And this is what is indicated by the words of Aḥmad [b. Ḥanbal] in light of the many hadiths transmitted about it."

14. *Laṭā'if al-Ma'ārif fīmā li Mawāsīm al-'Ām min al-Wazā'if* (Beirut: Dār Ibn Ḥazm & Mu'assasah al-Rayyān, 1996), 152-3.

15. *ibid.*, 154.

16. *Majmū' Fatāwā*, 23:131.

17. *Al-Asrār al-Marfū'ab fi'l-Akbbār al-Mawḍū'ab* (Beirut: Maktabah al-Islāmī, 1986), 439-40.

18. Al-Ṣuyūṭī, *al-Amr bi'l-Ittibā' wa'l-Naby 'ani'l-Ibtidā'*, 176.

19. i.e. the nights of mid-Sha'ban, and the night of the first Friday of Rajab that some call *laylat al-ragbā'ib* - "the Night of Wishes" wherein they pray the prayer known as *ṣalāt al-ragbā'ib*. This prayer is a reprehensible innovation according to the majority of jurists and hadith masters. They include: Ibn 'Ābidīn, *Radd al-Muḥtār* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1994), 2:469-70; Ibn Rajab, *Laṭā'if al-Ma'ārif*, 131; al-Nawawī, *Fatāwā* (Allepo: Maṭba'at al-'Arabiyyah, 1971), 59-60; and Ibn Taymiyyah, *Majmū' Fatāwā*, 2:2.

The stance of Ibn al-Ṣalāḥ, however, is less than consistent here. When al-'Izz b. 'Abd al-Salām authored a verdict that declared as invalid *ṣalāt al-ragbā'ib*, Ibn al-Ṣalāḥ penned

a counter-response to it arguing in favour of its performance. This prompted a further tract from al-'Izz b. 'Abd al-Salām entitled *al-Targhib 'an Ṣalāt al-Raghā'ib al-Mawḍū'ah*, which was followed by a further counter-refutation from Ibn al-Ṣalāh. These *responsa*, from these two leading Shafi'ite jurists, have been published in a slim monograph entitled, *Musājalab 'Ilmiyyah Bayna'l-Imāmāyīn al-Jalīlayn al-'Izz b. 'Abd al-Salām wa Ibn al-Ṣalāh Ḥawla Ṣalāt al-Raghā'ib al-Mubtadā'ah*; editors, al-Albānī and al-Shāwīsh (Beirut: al-Maktab al-Islāmī, 1985). Al-Nawawī also rebuts his Shafi'ite colleague, Ibn al-Ṣalāh on this very issue; but without directly naming him. Cf. *al-Majmū' Sharḥ al-Mubadhabab* (Cairo: Maṭba'at al-'Āshimah, 1970), 3:549.

20. Cited in al-Ṣuyūṭī, *al-Amr bi'l-Iṭtibā' wa'l-Nahy 'ani'l-Ibtidā'*, 170.

21. Ibn Mājah, *Sunan*, no.1388.

22. Cf. al-'Irāqī, *al-Mughnī 'an Ḥamli'l-Asfār*, 1:157, no.634; Ibn Rajab, *Laṭā'if al-Ma'ārif*, 151.

23. *Iqtiḍā' al-Ṣirāṭ al-Mustaqīm*, 413. Some scholars hold that fasting on the 15th day of Sha'bān is recommended, as they deem the above hadith to be sound. Others, still, hold it to be permitted - even if they believe the hadith to be weak - following the principle of *faḍā'il* or *targhib wa tarbib*. Cf. Mufti Taqī 'Uṭhmānī, *Sba'bān: Merits, Do's and Dont's*, at www.albalagh.com.

24. Cited in al-Ṣuyūṭī, 170.

25. Cited in 'Abd al-Ra'ūf al-Munawī, *Fayḍ al-Qadīr Sharḥ al-Jāmi' al-Ṣagbīr* (Beirut: Dār al-Ma'rīfah, n.d.), 2:317.

26. Qur'an 44:2-3.

27. Cf. Ibn al-Jawzī, *Zād al-Masīr fī 'Ilm al-Taḥsīn* (Beirut: al-Maktab al-Islāmī & Dār Ibn Ḥazm, 2002), 1287, where two contradictory reports are ascribed to 'Ikrimah: the first saying that the night in question refers to that of mid-Sha'bān; the second, that it refers to *laylat al-qadr*.

28. *Abkām al-Qur'ān*, 4:1690. Others who concur with this view include: al-Baghawī, *Ma'ālim al-Tanzīl* (Beirut: Dār Ibn Ḥazm, 2002), 1174; Ibn Kathīr, *Tafsīr Qur'ān al-Azīm* (Beirut: Dār al-Ma'rīfah, 1987), 4:148; al-Qurṭubī, *al-Jāmi' li Abkām al-Qur'ān* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1996), 16:84-85; Ibn 'Ādil al-Ḥanbalī, *al-Lubbāb fī 'Ulūm al-Kitāb* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1998), 17:308-9; al-Ṣāwī, *Hāshiyah al-Ṣāwī 'alā Taqḍīr al-Jalālayn* (Beirut: Dār al-Kutub al-'Ilmiyyah, 2000), 5:261; Ṣiddīq Ḥasan Khān al-Qunūjī, *Fatḥ al-Bayyān fī Maqāṣid al-Qur'ān* (Beirut: Dār al-Kutub al-'Ilmiyyah, 1999), 6:257; and Ibn 'Āshūr, *al-Taḥrīr wa'l-Tanwīr* (Beirut: Mu'assasah al-Tārikh al-'Arabī, 2000), 25:308, where he says about the view of 'Ikrimah: "It is a weak position."

29. Muslim, no.49.

30. Cf. Ibn Taymiyyah, *Majmū' Fatāwā*, 24:172; al-Manāwī, *Fayḍ al-Qadīr*, 1:209; al-Sa'dī, *Tanbīhāt al-Laṭīfah* (Riyadh: Dār Ibn al-Qayyim, 1989), 93.

31. *Sharḥ al-Arba'in al-Nawawiyyah* (Beirut: Dar Ibn Ḥazm, 1997), 120.

32. *Jāmi' al-'Ulūm wa'l-Ḥikam* (Beirut: Mu'assasah al-Risālah, 1998), 2:254. The passage continues: "Qāḍī [Abu Ya'lā], in *al-Abkām al-Ṣulṭāniyyah*, exempts from this censure those differences that are juristically weak (*mā ḍa'uḍa fībi'l-kbilāf*)."

Needless to say, those opinions deemed to be weak according to the canons of Islamic jurisprudence are not easy to ascertain. One would have to be a seasoned *mutafaqqih*; a student of Islamic jurisprudence, if not an outright jurist, to truly know such matters. It is certainly not something a layman could determine for himself.

33. Cf. al-Shirāzī, *al-Lum'a fī Uṣūl al-Fiqh* (Beirut: Dar al-Kutub al-'Ilmiyyah, 2001), 129; al-Shanqīṭī, *Natḥ al-Wurūd 'alā Maraḳī al-Su'ud* (Jeddeh: Dar al-Manarah, 1999), 622, 642.

34. *I'lām al-Muwaqqi'in* (Dammām: Dār Ibn al-Jawzī, 2003), 5:243. Ibn al-Qayyim's words on this issue have birthed certain misunderstandings, since he starts the passage by stating (p.242): "Their statement that, 'Issues of Differences cannot be a cause for rebuke' is not correct." This had led some to believe that he outrightly rejects the maxim. However, this is to ignore the end of the passage, cited above, where he clearly endorses the maxim. It is also to read the statement out of context, since he follows-up his apparent 'rejection'

by explaining that there is a distinction between issues of *ijtihad* and issues of differing. For not all differences are actually valid: especially if they contravene a text of the Sunnah that is decisive in its authenticity and its meaning. He says (p.243): "What is correct is that which the Imams are upon, namely that issues of *ijtihad* wherein there is no evidence that requires acting upon in a clear-cut manner - like an authentic hadith which is not opposed by anything from its type - then *ijtihad* is permitted due to the absence of any clear proof that requires acting on; or because they are conflicting or unclear."

35. *Mukhtaṣar Minbāḥ al-Qāṣidīn* (Cairo: Dār Ibn al-Haytham, 2003), 121.

36. *Sharḥ Ṣaḥīḥ Muslim* (Beirut: Dār al-Kutub al-'Ilmiyyah, 2001), 2:21.

37. *Majmū' Fatāwā*, 35:212-3.

38. *Al-Madkhal al-Mufassal ilā Fiqh al-Imām Aḥmad bin Ḥanbal* (Riyadh: Dār al-'Āṣimah, 1997), 1:73.

39. Qur'an 8:46.

40. Qur'an 3:103.

41. Qur'an 8:1.

42. Abu Dāwūd, *Sunan*, no.3597. Its chain of transmission is *ṣaḥīḥ*, as per al-Albānī, *Silsilat al-Aḥādīth al-Ṣaḥīḥah*, nos.437, 1021.

43. *Majmū' Fatāwā*, 3:414. Al-Dhahabī explains that, "Yazīd is from those whom we neither curse nor love." *Siyar A'lām al-Nubalā* (Beirut: Mu'assasah al-Risālah, 1998), 4:36.

44. *Majmū' Fatāwā*, 20:164.

