

AVERTISSEMENT

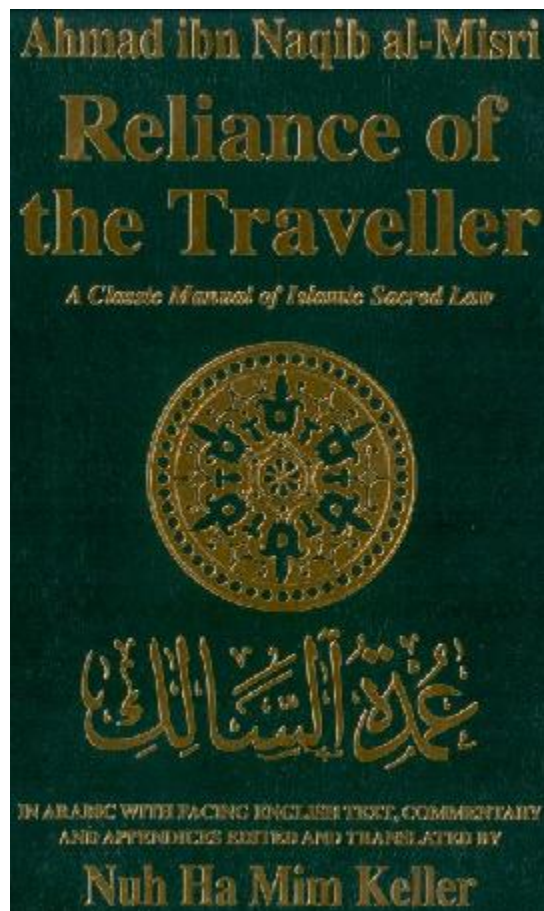
Point de Bascule n'endosse pas le contenu de ce document. Il est archivé sur ce site uniquement à des fins de référence.

WARNING

Point de Bascule does not endorse the content of this document. It is archived on this website strictly for reference purposes.

RULE OF SHARIA

Lying, exaggeration and giving a misleading impression are permissible
(Sections r8.0 – r10.3)



© Nuh Ha Mim Keller 1991 and 1994

*All rights reserved. No part of this publication
may be reproduced, stored in a
retrieval system, or transmitted
in any form or by any means
electronic, mechanical, photocopying,
recording, or otherwise, without the
prior permission of the Copyright owner.*

*Published 1991. Revised edition 1994
Reprinted 1998, 2002, 2005, 2008*

*amana publications
10710 Tucker Street
Beltsville, Maryland 20705-2223 USA
Tel: (301) 595-5777 / Fax: (301) 595-5888
E-mail: amana@igprinting.com
Website: www.amana-publications.com*

*The Arabic calligraphy for this volume was done by
the Syrian calligrapher Salih Nasab. The front cover
ornament is a radial pattern from 4th/10th-century Persia,
by courtesy of Dover Publications, Inc., from Persian Designs
and Motifs for Artists and Craftsmen, by Ali Dowlatshahi*

Library of Congress Cataloging-in-Publication Data

Ibn-al-Naqīb, Aḥmad ibn Lu'lu', d. 1368.
[ʻUmdat al-sālik wa-ʻuddat al nāsik. English & Arabic]
Reliance of the traveller : a classic manual of Islamic sacred law
/ by Ahmad ibn Naqib al-Miṣri ; in Arabic with facing English text,
commentary, and appendices, edited and translated by Nuh Ha Mim
Keller. — Rev. ed.
p. cm.
Includes bibliographical references (pp. 97) and indexes.
ISBN 0-915957-72-8
1. Islamic law—Early works to 1800. 2. Shafiites—Early works to
1800. I. Keller, Nuh Ha Mim. II. Title
IN PROCESS
340.5'9—dc21

97-27651
CIP

Printed in the United States of America

Reliance of the Traveller

Revised Edition

The Classic Manual of Islamic Sacred Law 'Umdat al-Salik
by Ahmad ibn Naqib al-Misri (d. 769/1368) in Arabic with
Facing English Text, Commentary, and Appendices
Edited and Translated by Nuh Ha Mim Keller

amana publications
Beltsville, Maryland U.S.A.

CONTENTS

Introduction	vii
Documents	xiii
Warrant of Sheikh 'Abd al-Wakil Durubi	
Warrant of Sheikh Nuh 'Ali Salman	
Report of the International Institute of Islamic Thought	
Certification of al-Azhar	
Abbreviations	xxii
A. Sacred Knowledge	1
B. The Validity of Following Qualified Scholarship	15
C. The Nature of Legal Rulings	27
D. Author's Introduction to <i>'Umdat al-Salik</i>	47
E. Purification	49
F. The Prayer	101
G. The Funeral Prayer	220
H. Zakat	244
I. Fasting	277
J. The Pilgrimage	297
K. Trade	371
L. Inheritance	460
M. Marriage	506
N. Divorce	554
O. Justice	578
P. Enormities	649
Q. Commanding the Right and Forbidding the Wrong	713
R. Holding One's Tongue	726
S. Delusions	777
T. A Pure Heart	796
U. The Gabriel Hadith	807
V. Belief in Allah and His Messenger	816
W. Notes and Appendices	826
X. Biographical Notes	1019
Y. Works Cited	1116
Z. Indexes	1128

A comprehensive table of contents precedes each section.

"Do not assist one another in sin and aggression" (Koran 5:2).

Giving directions to wrongdoers includes:

(1) showing the way to policemen and tyrants when they are going to commit injustice and corruption;

(2) teaching questions of Sacred Law to those learning it in bad faith (N: i.e. who do not want the knowledge to apply it in their lives, but for some unworthy purpose);

(3) teaching positions in Sacred Law that are rejected (A: meaning those that are not accepted by any of the four schools of jurisprudence (dis: b7.6) or weak (dis: w12.2), or anything else that informs people of how to commit disobedience to Allah Most High;

(4) and permitting or authorizing a person to do something that entails disobedience, for acceptance of disobedience is disobedience.

(Ibid., 159-60)

﴿وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ﴾
ومنها الدلالة للشرطي والظلمة إذا
ذهبوا إلى الظلم والفسق. ومنها تعليم
المسائل للمبطل (ح: وهو الذي لا يريد
العلم للعمل به بل يريد لمقصد فاسد)
وتعليم الأقوال المهجورة والضعيفة ونحو
ذلك من كل ما فيه دلالة على معصية من
معاصي الله تعالى. ومنها الإذن والإجازة
فيما هو معصية، فإن الرضا بالمعصية
معصية. [محرر من المرجع المذكور: 159].

*

r8.0 LYING

r8.1 (Nawawi:) Primary texts from the Koran and sunna that it is unlawful to lie (dis: p24) are both numerous and intersubstantiative, it being among the ugliest sins and most disgusting faults. Because of the scholarly consensus of the Community (Umma) that it is prohibited and the unanimity and amount of the primary textual evidence, there is little need to cite particular examples thereof, our only concern here being to explain the exceptions to what is considered lying, and apprise of the details.

PERMISSIBLE LYING

r8.2 The Prophet (Allah bless him and give

r8.0 الكذب

r8.1 (التسويي:) قد تظاهرت
نصوص الكتاب والسنة على تحريم
الكذب [في الجملة]، وهو من قبائح
الذنوب وفواحش العيوب.
وإجماع الأمة منعقد على تحريمه مع
النصوص المتظاهرة فلا ضرورة إلى نقل
أفرادها.
وإنما المهم بيان ما يستثنى منه والتنبيه
على دقائقه.

ما يباح من الكذب

r8.2 [وعن أم كلثوم رضي الله عنها

him peace) said,

“He who settles disagreements between people to bring about good or says something commendable is not a liar.”

This much is related by both Bukhari and Muslim, with Muslim’s version recording that Umm Kulthum added,

“I did not hear him permit untruth in anything people say, except for three things: war, settling disagreements, and a man talking with his wife or she with him (A: in smoothing over differences).”

This is an explicit statement that lying is sometimes permissible for a given interest, scholars having established criteria defining what types of it are lawful. The best analysis of it I have seen is by Imam Abu Hamid Ghazali, who says: “Speaking is a means to achieve objectives. If a praiseworthy aim is attainable through both telling the truth and lying, it is unlawful to accomplish through lying because there is no need for it. When it is possible to achieve such an aim by lying but not by telling the truth, it is permissible to lie if attaining the goal is permissible (N: i.e. when the purpose of lying is to circumvent someone who is preventing one from doing something permissible), and obligatory to lie if the goal is obligatory. When, for example, one is concealing a Muslim from an oppressor who asks where he is, it is obligatory to lie about his being hidden. Or when a person deposits an article with one for safekeeping and an oppressor wanting to appropriate it inquires about it, it is obligatory to lie about having concealed it, for if one informs him about the article and he then seizes it, one is financially liable (A: to the owner) to cover the article’s cost. Whether the purpose is war, settling a disagreement, or gaining the sympathy of a victim legally entitled to retaliate against one so that he will forbear to do so; it is not unlawful to lie when any of these aims can only be attained through lying. But it is religiously more precautionary (def: c6.5) in all such cases to employ words that give a misleading impression, meaning to intend by one’s words something that is literally true, in respect to

أنها سمعت [رسول الله ﷺ] يقول:
ليس الكذاب الذي يُضلِّح بين الناس
فتنمي خيراً أو يقول خيراً. هذا القدر في
صحيحهما، وزاد مسلم في رواية له:
وقالت أم كلثوم: ولم أسمع به يرخس في
شيء مما يقول الناس إلا في ثلاث: يعني
الحرب والإصلاح بين الناس وحديث
الرجل امرأته والمرأة زوجها.

فهذا حديث صريح في إباحة بعض
الكذب للمصلحة وقد ضبط العلماء ما
يباح منه. وأحسن ما رأته في ضبطه، ما
ذكره الإمام أبو حامد الغزالي فقال:
الكلام وسيلة إلى المقاصد، فكل مقصود
محمود يمكن التوصل إليه بالصدق
والكذب جميعاً، فالكذب فيه حرام لعدم
الحاجة إليه. وإن أمكن التوصل إليه
بالصدق ولم يمكن بالصدق فالكذب فيه
مباح إن كان تحصيل ذلك المقصود مباحاً
(ح: أي إن كان الكذب لدفع من يريد
منعه من فعل مباح) وواجب إن كان
المقصود واجباً.

فإذا اختفى مسلم من ظالم وسأل عنه
وجب الكذب بإخفائه.

وكذا لو كان عنده [أو عند غيره] ودیعة
وسأل عنها ظالم يريد أخذها وجب عليه
الكذب بإخفائها، حتى لو أخبره بودیعة
عنده فأخذها الظالم قهراً، وجب ضمانها
على المودع المخبر.

وكذلك لو كان مقصود حرب أو
إصلاح ذات البين أو استمالة قلب
المجنى عليه في العفو عن الجناية لا
يحصل إلا بالكذب، فالكذب ليس
بحرام، وهذا إذا لم يحصل الغرض إلا
بالكذب.

والاحتياط في هذا كله أن يورثي
ومعنى التورية أن يقصد بعبارة مقصوداً
صحيحاً ليس هو كاذباً بالنسبة إليه، وإن

which one is not lying (def: r10.2), while the outward purport of the words deceives the hearer, though even if one does not have such an intention and merely lies without intending anything else, it is not unlawful in the above circumstances.

"This is true of every expression connected with a legitimating desired end, whether one's own or another's. An example of a legitimating end of one's own is when an oppressor intending to appropriate one's property inquires about it, in which case one may deny it. Or if a ruler asks one about a wicked act one has committed that is solely between oneself and Allah Most High (N: i.e. it does not concern the rights of another), in which case one is entitled to disclaim it, such as by saying, 'I did not commit fornication,' or 'I did not drink.' There are many well known hadiths in which those who admitted they deserved punishment were given prompting (A: by the Prophet (Allah bless him and give him peace)) to retract their confessions. An example of a legitimating desired end of another is when one is asked about another's secret and one disacknowledges it. And so on. One should compare the bad consequences entailed by lying to those entailed by telling the truth, and if the consequences of telling the truth are more damaging, one is entitled to lie, though if the reverse is true or if one does not know which entails more damage, then lying is unlawful. Whenever lying is permissible, if the factor which permits it is a desired end of one's own, it is recommended not to lie, but when the factor that permits it is the desired end of another, it is not lawful to infringe upon his rights. Strictness (A: as opposed to the above dispensations (rukhsa, def: c6.2)) is to forgo lying in every case where it is not legally obligatory."

r8.3 The position of Ahl al-Sunna is that *lying* means to inform another that something is otherwise than it really is, whether intentionally or out of ignorance. One is not culpable if ignorant of it, but only if one lies intentionally, the evidence for which is that the Prophet (Allah bless him and give him peace) made intentionality a condition when he said,

"Whoever lies about me intentionally shall

كان كاذباً في ظاهر اللفظ.
ولسولم يقصد هذا بل أطلق عبارة
الكذب فليس حرام في هذا الموضع
[قال أبو حامد الغزالي:] وكذلك كل
ما ارتبط به غرض مقصود صحيح له أو
لغيره
فالذي له مثل أن يأخذ ظالم ويسأله
عن ماله ليأخذه فله أن ينكره، أو يسأله
السلطان عن فاحشة بينه وبين الله تعالى
ارتكبها، فله أن ينكرها ويقول: ما
زيت، أو ما شربت مثلاً. وقد اشتهرت
الأحاديث بتلقين الذين أقرؤوا بالحدود
الرجوع عن الإقرار.
وأما غرض غيره فمثل أن يسأل عن سر
أخيه فينكره ونحو ذلك.
وينبغي أن يشابه بين مقسدة الكذب
والمقسدة المترتبة على الصدق، فإن
كانت المقسدة في الصدق أشد ضرراً فله
الكذب، وإن كان عكسه، أو شك حرم
علم الكذب.
ومتى جاز الكذب فإن كان المبيح
غرضاً يتعلق بنفسه فيستحب أن لا
يكذب. ومتى كان متعلقاً بغيره لم تجز
المسامحة بحق غيره.
والحزم تركه في كل موضع أبيض إلا إذا
كان واجباً.

r8.3 [واعلم أن] مذهب أهل السنة
أن الكذب هو الإخبار عن الشيء بخلاف
ما هو، سواء تعمدت ذلك أم جهلته لكن
لا يأتى في الجهل وإنما يأتى في العمد.
ودليل أصحابنا تقييد النبي ﷺ: ومن
كذب علي متعمداً فليتبسوا مقسداً من

take a place for himself in hell.”

(*al-Adhkar* (y102), 510–12)

الشارع. [محضّر من الأذكار المشخبة من كلام سيد الأبرار: ٥١٠-٥١٢].

*

r9.0 EXAGGERATION

r9.1 (Nawawi:) Ghazali says: “Among the forms of lying that are unlawful but not serious enough to stigmatize their perpetrator as legally corrupt (dis: o24.3) is the customary exaggeration of saying, ‘I’ve told you a hundred times,’ or ‘asked after you a hundred times,’ and so forth, since one does not thereby intend to inform the other how many times it has been, but only to indicate that it has been too many. In such cases, if the speaker in fact has only asked after the other but once, he is lying, though if he has asked after him a number of times considerably more than what is generally accepted, he is not committing a sin by saying it, even if it has not been ‘a hundred times.’ There are intermediate degrees between these two at which the exaggerator becomes a liar.”

r9.2 The proof that exaggeration is sometimes permissible and not considered lying is the hadith related by Bukhari and Muslim that the Prophet (Allah bless him and give him peace) said,

“... As for Abul Jahm, his stick never leaves his shoulder, while Mu’awiya does not own a thing,”

it being understood that the latter owned the garment he was wearing, and the former set his stick aside when he slept and at other times. And Allah alone gives success (ibid., 515–16).

*

r9.0 المبالغة في الكلام

r9.1 (النسوي:) قال الغزالي: ومن الكذب المحرم الذي لا يوجب الفسق ما جرت به العادة في المبالغة كقولها: قلت لك مائة مرة، وطلبك مائة مرة ونحوه فإنه لا يراد به تفهيم المرات بل تفهيم المبالغة، فإن لم يكن طلبه إلا مرة واحدة كان كاذباً. وإن طلبه مرات لا يعناد مثلها في الكثرة لم يأنم، وإن لم يبلغ مائة مرة. وبينهما درجات يتعرض المبالغ للكذب فيها.

r9.2 [قلت:] دليل جواز المبالغة وأنه لا يعدّ كذباً ما [رويساه] في الصحيحين أن النبي ﷺ قال: «أما أبو جهنم فلا يضع العصا عن عاتقه. وأما معاوية فلا مال له، ومعلوم أنه كان له ثوبٌ بلبسه، وأنه كان يضع العصا في وقت النوم وغيره. وبالله التوفيق [نقل من المرجع المذكور: ٥١٥-٥١٦].»

r10.0 GIVING A MISLEADING IMPRESSION

r10.1 (Nawawi:) Giving a misleading impression is among the most important topics, being frequently met with and often abused. It befits us to examine the matter closely, and whoever learns of it should reflect upon it and apply it. Having previously mentioned that lying is severely prohibited, and the danger that exists in saying something without any particular intention, what follows below shows a safe alternative to these.

r10.2 *Giving a misleading impression* means to utter an expression that ostensibly implies one meaning, while intending a different meaning the expression may also have, one that contradicts the ostensive purport. It is a kind of deception.

(A: It often takes the form of the speaker intending a specific referent while the hearer understands a more general one, as when a person asks a householder, "Is So-and-so here?" to which the householder, intending the space between himself and the questioner rather than the space inside the house, replies, "He is not here.")

r10.3 Scholars say that there is no harm (def: p8.2(A:)) in giving a misleading impression if required by an interest countenanced by Sacred Law that is more important than *not* misleading the person being addressed, or if there is a pressing need which could not otherwise be fulfilled except through lying. When neither of these is the case, giving a misleading impression is offensive though not unlawful unless used as a means for wrongful gain or suppressing another's right, in which case it becomes unlawful. The above determine its permissibility. As for the hadith evidence, some of which permits it and some of which does not, it is to be interpreted in the light of the above criteria (*al-Adhkar* (y102), 514).

r10.0 التعريض والتورية

r10.1 (النسوي: [اعلم أن] هذا الباب من أهم الأبواب، فإنه مما يكثر استعماله وتعم به البلوى. فينبغي لنا أن نتعنى بتحقيقه، وينبغي للواقف عليه أن يتأمله ويعمل به. وقد قدمنا ما في الكذب من التحريم الغليظ، وما في إطلاق اللسان من الخطر، وهذا الباب طريق إلى السلامة من ذلك.

r10.2 [واعلم أن] التورية والتعريض معناهما: أن تطلق لفظاً هو ظاهر في معنى وتريد به معنى آخر يتناول ذلك اللفظ، لكنه خلاف ظاهره، وهذا ضرب من التعرير والخداع.

r10.3 قال العلماء: فإن دعت إلى ذلك مصلحة شرعية واجبة على خداع المضاطب أو حاجة لا مشدوحة عنها إلا بالكذب فلا بأس بالتعريض. وإن لم يكن شيء من ذلك فهو مكروه وليس بحرام إلا أن يتوصل به إلى أخذ باطل أو دفع حق فيصير حينئذ حراماً. هذا ضابط الباب. فأما الآثار الواردة فيه فقد جاء من الآثار ما يبيحه وما لا يبيحه وهي محمولة على هذا التفصيل الذي ذكرناه [نقل من الأذكار: ٥١٤].