

Recommended Acts of Worship and Habitual Deeds

One of the grave mistakes is to confuse the recommended acts of worship with habitual deeds and vice versa. What is even worse is to accept and insist on stagnation and rejection of renewal without giving rational justification. Here we clearly state that the original ruling concerning *Al-A'mal Al-Masnunah* (recommended acts of worship) is that whoever does them shall be rewarded in return, and whoever does not do them will not be punished. This is evidenced by the Hadith of the Prophet (PBUH) in which he (PBUH) was asked: 'A person with disheveled hair, one of the people of Najd, came to the Messenger of Allah (PBUH). We heard the humming of his voice but could not fully understand what he was saying, till he approached close to the Messenger of Allah (PBUH). Then I came to know that he was asking about Islam. The Messenger of Allah (PBUH) said: "There are five (obligatory) *Salat* during the day and the night." He said: "Am I obliged to perform any other (*Salat*) besides these?" The Messenger of Allah (PBUH) said, "No, but whatever you observe voluntarily." He (PBUH) added, "There is the *Saum* of Ramadan." The inquirer asked: "Am I obliged to do anything besides this?" The Messenger of Allah (PBUH) said, "No, but whatever you do out of your own free will. You may observe voluntary fasting." And the Messenger of Allah (PBUH) told him about the *Zakat* (obligatory charity). The inquirer asked: "Am I obliged to pay anything besides this?" The Messenger of Allah (PBUH) said, "No, but whatever you pay voluntarily out of your own free will." That man turned back saying: "By Allah! I will neither make any addition to this nor will I decrease anything from it." (Upon hearing this) the Messenger of Allah (PBUH) remarked, "He is successful if he proves truthful (to what he is saying)."¹ He (PBUH) is also reported to have said, "Guarantee for me six things and I will guarantee Paradise for you: tell the truth when you speak, fulfill your promises, be faithful when you are trusted, safeguard your private parts, lower your gaze, and withhold your hands (from harming others)."² Furthermore, when he

¹ See Al-Bukhari, *Sahih*, Book of Belief, Chapter: Zakat is from Islam; Hadith no. 46.

² See Ahmed, *Musnad*, vol. 37, p. 417; Hadith no. 22757.

(PBUH) was asked concerning the deed which will be foremost to lead people to Paradise, he replied, "Fearing Allah and the good conduct."³

In actuality, most of his (PBUH) answers to the questions of those people who used to ask him about the deeds that would lead man to be admitted into the Paradise revolved around the performance of religious duties, refraining away from major sins, and maintain of good conduct and doing what benefits all mankind. In this regard, when he (PBUH) was asked about a man to instruct him to a deed that will lead him to the Paradise, he replied, "Remove harm from people's roads."⁴ He (PBUH) also says: "... and the removal of harm from people's road is counted a charity."⁵ That is because the religion of Islam was mainly revealed to realize the interests of countries and people and to maintain all what secures security, social peace and humanity happiness at the same time.

Even though we stress the undeniable fact that we should adhere to the Sunnah of the Prophet (PBUH) so as to attain reward, we should clearly distinguish between the recommended acts of worship and the habitual deeds. For example, when he (PBUH) urges us to fast during the day of *A'rafa* or *A'shura'*, this comes under the category of the recommended acts of worship, and so is the case when he (PBUH) starts his ablution with washing his hands, rinsing, and sniffing, for all of these come under the category of the recommended acts of worship. But, as for clothes, means of transportation, etc., they are under the category of habitual deeds in light of what was available at his (PBUH) time.

Just as it is not conceivable for a man of sound judgment to say: "I will not travel by cars or planes, and I will travel by camels as the Prophet (PBUH) used to do, it is inconceivable to say that this garment or that is in conformity to the purified Sunnah of the Prophet, as long as it conceals one's private parts.

³ See Al-Tirmidhi, *Sunan*, Book of Al-Birr Wa Al-Silah, Chapter: *Ma Jaa' fi Husn Al-Khuluq*; Hadith no. 2004.

⁴ See Al-Bukhari, *Al-Adab Al-Mufrad* (Beirut: Dar Al-Basha'er Al-Islamiyyah), ed., Muhammad Fu'ad Abd Al-Baqi; Hadith no. 89.

⁵ See Muslim, *Sahih*, Book of Zakat, Chapter: *Bayan Ann Ism Al-Sadaqt Yaq'u 'A'la Kull Anwa' Al-Ma'ruf*; Hadith no. 1009.

People's customs and traditions are based on *u'rf*, and what people believe suitable for their age, environment, and work nature, as long as this is not against the purified Sharia.

We know that man's *A'wara* includes what is between his navel and his knees, so all what conceal this part of the body is lawful and cannot be denied, whether he puts on a suit or a garment, for ruling on this point is based on the people's customs and traditions. Scholars of the Principles of Jurisprudence believe that "custom is the basis of judgment."

In truth, there is no harm at all if clergymen have their own garments that distinguish them from others, and so is the case for doctors, lawyers, army men, policemen, and judges. Yet, to declare wearing a particular garment as a religious action has nothing to do with the religion, nor is it accepted by any of scholars.

Here we must know that some scholars made some rulings in light of the customs of their people, time, and place. For example, Imam Al-Shaf'i, may Allah have mercy upon him, viewed man's turban as one of the requirements of virility,⁶ because he considered the conditions of his environment and time. Accordingly, we in the past decades knew about some contemporary environments that did believe that not to cover one's head is something that compromises one's virility, in accordance with the customs of this particular group of people. Yet, to regard this as part of the religion or a sign proving one's righteousness and piety and accusing anyone who does not do that as disobedient, or to try to compel people to do that on grounds that it is a religious act, a recommended act, or an opinion of a jurist that must be carried out, this is actually the essence of ignorance and stagnation.

Stressing the fact that the entire matter has to do with customs, environment, and time, Imam Al-Shatibi, may Allah have mercy upon him, said in his *Muwafaqat*: "The ruling on man's unveiling of his head differed from one particular place to another. That is why people of eastern countries view it as something bad, while those of the western countries view it as something normal. As such, the Sharia ruling differed

⁶ See Abu Ishaq Al-Shirazi, *Al-Adab Al-Mufrad* (Beirut: Dar Al-Kutub Al-'Ilmiyyah), vol. 3, p. 438.

based on the customs of each region; that is to say that what may be reprehensible in the view of the people of the east may not be so in the view of the people of the east."⁷

There is no doubt that Imam Al-Shatibi, may Allah have mercy upon him, himself took into account the conditions of his time, not ours, a point upon which he laid emphasis "the original ruling on customs is based on knowing about the meanings. Depending on induction, we found that the Lawgiver intends to bring about the benefits of people, and that normal rulings are revolving around that whenever it is, to the extent that something may be declared prohibited because it does not entail an interest for people, yet when the interest is assured, then it is declared lawful."⁸

In the same connection, Imam Al-Qarafi, may Allah have mercy upon him, cast light on that point, saying: "Rulings based on people's customs shall be made in light of that; otherwise they will be against *Ijma'* (consensus), and ignorance of religion. If I come out from this country to another of different customs, I shall judge among them based on their own customs, not paying any attention to those of the country we were in. Accordingly, if someone came to us from a country whose customs are against those of ours, we shall not judge him except on the customs of his own country, not ours."⁹

Ibn Al-Qayyem, may Allah have mercy upon him, said: "Whoever makes legal verdicts to people based only on what is recorded in books, irrespective of their *u'rf*, customs, times, places, circumstances, and surroundings, he has gone far away from the Right Path and even caused others to get astray."¹⁰

Ibn A'bdin,¹¹ may Allah mercy upon him, said: "Jurisprudential issues are either proven by clear text or personal reasoning, and most of them are based on people's

⁷ See Al-Shatibi, *Al-Muwafaqat*, 2/489.

⁸ Ibid., vol. 2, p. 50.

⁹ See Al-Qarafi, *Al-Ihkam fi Tamiyz Al-Fatawa A'n Al-Ahkam*, p. 218.

¹⁰ See Ibn Al-Qayyem, *I'lam Al-Muwqqi'in*, vol. 3, p. 16.

¹¹ He is Muhammad Amin ibn U'mar ibn Abd Al-A'ziz Abdin Al-Dimishqi. He was the most prominent scholar in Al-Sham and the Imam of the Hanafi School of Law at his time. The list of his most important writings includes *Radd Al-Muhtra A'la Al-Durr Al-Mukhtar* known as *Hashyat Ibn Abdin* and *Rafa' Al-Anzar A'mma Awradahu Al-Halabi A'la Al-Durr Al-Mukhtar*, as well as a number of treatises. He died in 1252 A.H.

See Al-Zirikli, *Al-A'lam*, vol. 6, p. 42

customs, to the extent that if new customs had been emerged, he would have to change his previous judgment accordingly. For this reason, they believe that one of the stipulations for *Ijtihad* is that: the *Mujtahid* must be fully aware of people's customs, and that is why most rulings differ as a result of the change of the customs of a particular time."¹²

¹² See Ibn Abidin, *Rasa'el Ibn Abidin: Risalat Al-U'rf* (Beirut: Dar Al-Kutub Al-Ilmiyyah), vol. 2, p.172.