

Subject: Fatwa on music by the Grand Mufti and Shaykh of Al-Azhar, Shaykh Jad al-Haq Ali Jad al-Haq

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Playing the tambourine and other musical instruments on special occasions is allowed by unanimous agreement. Listening to music, attending musical gatherings, and studying music of all genres and instruments is allowed as long as it is not accompanied with immoral and sinful acts, or used as a pretext to incite people towards haram (prohibited) behaviour, and it does not preoccupy a person away from observing the obligatory acts of worship (al-wajibat).

Shaykh Jad al-Haq Ali Jad al-Haq was asked a question through a letter published in the magazine *Mimbar al-Islam* (The Muslim Platform/Pulpit) Number 217 year 1980 regarding the Sharia ruling on music which is not associated with all the things that are normally associated with music. This question had initially been presented to a group of experts and religious scholars who met to discuss this issue but they could not agree on a ruling. They were divided into two camps, those who considered it permissible and those who regarded it prohibited (haram).

When the letter was sent to him, his answer was:

Ibn al-Qaysarani has quoted in his book *al-Sama or Listening* (Line 31, p.63 published by the Supreme Council for Religious Affairs in the year 1390AH-1970CE edited by Ustadh Abu al-Wafa al-Maraghi) the statement of Imam al-Shafi (founder of the Shafi school of jurisprudence) that:

The main sources (of Islamic law) are the Quran and sunna. If one cannot find an answer in them then he can employ *qiyas* (analogical deduction) upon them. If a hadith has been transmitted through an unbroken chain from the Prophet and if proved that the chain is also authentic then that hadith qualifies as sunna. *Ijma* (consensus) is greater than a tradition/narration transmitted through a single chain, and the apparent and manifest (*Zahir*) meaning will be taken into consideration over other meanings. In other words, if a hadith has the possibility of more than one meaning then the apparent (or literal) meaning will be considered first and given preference over other meanings. If two or more ahadith are the same then the one with the strongest chain will be considered first. A tradition with a broken chain is not accepted apart from those reported through Ibn al-Musayyib.

It has also been quoted in the same book (Line 31, p. 63 and it was published by the Supreme Council for Religious Affairs in the year 1390AH-1970CE edited by Ustadh Abu al-Wafa al-Maraghi): with regard to the listening of musical instruments (*al-qadid* and *al-awtar*) which are also known as *taghyir* or *taqtaqa*, there is no difference at all between listen to any one of them since we have not found any authentic or even weak evidence in form of tradition (*athar*) to prove whether they are permissible or prohibited. In fact the scholars of the past (the *mutaqadimun*) have considered listening to these musical instruments permissible since as a principle (in Islamic law) all things are considered a prior permissible until there is indisputable evidence from the sharia (Quran and sunna) to prove otherwise.

Thus, the Islamic ruling regarding all forms of musical instruments is the same. There is no single evidence from the sharia to prove that they are either prohibited or allowed. All the traditions which have been transmitted and reported to prove that musical instruments are prohibited (haram) cannot be established and proved to be from the Prophet and this has been the school of thought among and dominant view among the people of Madina (*ahl Madina*) (or the Maliki school). They unanimously agree that listening to musical instruments is allowed. Similarly, the *ahl al-Zahir* (literalists) have based their position on the principle of permissibility (that all things are judged permissible until there is evidence from the Quran and sunna to prove the opposite).

As far as wind instruments (*mazamir*) and other musical instruments (*malahi*) are concerned, a number of authentic traditions (*ahadith*) have been reported to prove that listening to them is permissible (see the same

source from p.71 onwards). The permissibility of listening to such instruments can also be proved through the verse: And when they see tijara (merchandise) or lahw (amusements with musical instruments) they break up for it, and leave you standing. Say: What is with God is better than lahw and (better) than merchandise, and God is the best of Sustainers. Sura Al-Juma: verse 11. The commentary of this verse has been provided through a narration recorded by Imam Muslim (in his Sahih) in the chapter of Friday Prayers (bab al-juma) on the authority of Jabir Ibn Samra that the Prophet used to deliver sermons standing and then he would sit down before standing again to continue with the sermon. Whoever tells you that the Prophet used to deliver sermons while seated is a liar. For indeed I prayed more than a thousand prayers with the Prophet! In a tradition reported on the authority of another companion Jabir Ibn Abdullah: once the Prophet was delivering a sermon on Friday while standing and suddenly a caravan approached from Sham (Levant). The congregation went towards the caravan and only 12 men remained with the Prophet. Immediately after that this verse was revealed. Al-Tabari has also reported the same hadith from Jabir but in his version he has the following addition: Whenever they (the people of Madina) celebrated a wedding they used to play musical instruments and this would distract the Prophets congregation and some members of the congregation would leave to join the celebration. Thus the Prophet would always stand when delivering sermons. In this verse God is scolding them for their actions.

Ibn al-Qushayri also states (from p. 72 in the same source): In this verse God has joined lahw (amusements with musical instruments) together with tijara (business or trade) using the grammatical particle wa (and) which means that the law and ruling that applies to one of them must apply to the other since they are joined together. We know that Muslims unanimously agree that tijara (business or trade) is permissible. Thus, in this verse the Quran is maintaining the status quo as far as the ruling regarding musical instruments is concerned since they were part of the Arab customs and culture before Islam. It is implausible to suggest that the Prophet might have prohibited musical instruments (before this incident took place) and yet when the musical troupe passes by the door of the Masjid God chooses not to reveal a single verse at that very moment clearly and finally stating that musical instruments and music are prohibited (haram) but instead He chooses to merely scold and reprimand (itaab) the people who left the Prophet standing while they went to listen to the musical troupe. It is also impossible to imagine that the Prophet would choose not to clearly state through sunna his ruling regarding music after this Friday incident.

Therefore, the ruling regarding music or musical instruments will be based on the principle of permissibility (in other words we know that Music was permissible and we do not have any verse or sunna to prove that this changed). This can further be supported by the tradition reported by Aisha that she got one of her Ansari maids married to an Ansari man and upon hearing this, the Prophet suggested, why did you not all go to the wedding accompanied by lahw (amusement with instruments) as you know that the Ansari people love lahw. This tradition has been recorded by al-Bukhari in his Sahih under the chapter of marriage (Sharh Umdat al-qari ala sahih al-Bukhari 20/146 in the footnote of the previous source). In his Ihya ulum al-din (p.1150, vol.6, published by the Organisation for the Propagation of Islamic Culture 1356AH) al-Ghazzali included the 8th book dealing with listening, particularly musical instruments. He writes: If the instruments are devices used by people to incite others to drink and engage in vice such as wind instruments (mazamir) stringed instruments (awtar) and drums[1] (tabl al-kuba) then they will not be allowed. Apart from that, all other instruments such as the tambourine (duff) even if it has jingles or bells (jalajil), drums[2] (tabl), and others, are permitted.

Al-Qurtubi has mentioned in his al-Jami li ahkam al-Quran (vol.14, p.54) a statement from al-Qushayri[3]: Musical instruments were played in front of the Prophet (to welcome him) during his first arrival in Madina and Abu Bakr wanted to scold and reprimand those who were playing the instruments but the Prophet stopped him saying: leave them alone O Abu Bakr so that the Jews (of Madina) will also learn and know that our religion is relaxed and accommodating! Thus, the women of Madina continued to play the instruments singing we are the daughters of Najaar! How excellent and wonderful it will be to have Muhammad as a Jaar (neighbour)! Al-Qurtubi goes on to say: It has been said that the ruling regarding the use of drums (tabl) in wedding celebrations is the same as the use of tambourine (duff). The same applies to all other forms of instruments used in wedding celebrations. It is permissible (yajuz) to use them as long as the lyrics or verses of the song are not offensive or profane (rafath) (see Ahkam al-quran of Ibn Arabi vol.3, p.1494).

Al-Shawkani (the Salafi scholar) mentioned the views of those scholars who consider music and musical instruments as haram as well as those who consider them as permissible in his *Nayl al-Awtar* (vol.8, p.104-105) under the chapter The Instruments of Amusement. He also cited the evidence and proofs advanced by each camp to support its position. After the following hadith: any form of amusement is invalid (batil) for a believer except in three cases: when a man plays with and amuses his wife and family, when he trains his horse, and when he practices shooting with his arrow, al-Shawkani followed it with a commentary from al-Ghazzali: When the Prophet says it is invalid (batil) it does not mean or imply that it is haram. Rather, it simply means that there is no benefit (faida) at all in such actions. Al-Shawkani goes on to say: This (statement from al-Ghazzali) is a correct interpretation and response to this tradition because those things that have no benefit (faida) fall under the category of the permissible things (mubah). Al-Shawkani goes on to cite other proofs including the following hadith: A lady made a vow (nadhar) to God that if God would cause the Prophet to return from one of the battles safe she would celebrate by playing the tambourine (duff) in front of the Prophet. The Prophet allowed her to fulfil her vow to God by playing the tambourine. This permission from the prophet proves that what she did was not in any way sinful (see the same source vol.8, p.104-105). Al-Shawkani then refers to his own treatise written under the title *Ibtal dawa al-ijma ala tahrim mutlaq al-sama* (the destruction of the claims that there is consensus that makes all forms of listening to instruments haram).

Ibn Hazam (of the literalist school and a respected Salafi scholar) writes in his *al-Muhalla* (vol.9, p.60) that the Prophet said: All actions are judged according to intentions and every person will get what he has intended for. Thus, (Ibn Hazm argues) a person who listens to music with the intention of disobeying God will be judged a sinner. This applies to all other things apart from music. However, if a person listens to music with the intention of relaxing himself so that he can be strong and active enough to engage in the obedience of God he will be judged as a good and obedient person and his action (of listening to music) is valid. If a person intends neither obedience nor disobedience he will be judged as a person who has engaged in *laghw* (pointless action) which is excused and overlooked (by God). It will be treated in the same way as a walk in the park (*tanazzuh*).

Bukhari included a section in his *Sahih* (vol.9, p.171 towards the end of the chapter of seeking permission. Published by Amiriya Press, years 1305 on the margins of *Sahih Muslim*) as a chapter under the title every form of amusement is invalid (batil) if it keeps an individual away from the obedience of God. In *al-Rashad al-Sari* he (Imam Bukhari) adds the following statement after the title: even though it would have been permissible under other circumstances just like a person who becomes so pre-occupied with performing optional prayers, recitation of the Quran, *zikr*, or studying the meaning of the Quran that he deliberately misses the time of obligatory prayers.

According to the Hanafi school of jurisprudence, it has been mentioned in the book *al-Badai* (vol.6, p. 269) of al-Kasani under the discussion dealing with that person whose testimony is accepted and credible in a court of law and the one whose testimony is not accepted (considered unreliable): With regard to the testimony of a person who plays musical instruments, the court will see if the instruments he plays are like the tambourine and others which do not incite one to engage in sinful acts. In such cases his testimony will be accepted and the fact that he plays such musical instruments will not affect his reliability. However, if he is known to play instruments like the flute (*al-ud*) or others which incites a person to engage in abominable acts, his testimony will not be considered as reliable because such instruments are not allowed under any circumstances.

In *Mujma al-Anhar* (vol.2, p.198) under the same discussion it is stated that a person's testimony will not be credible in court if it is discovered that he plays the *tanbur* (stringed instrument resembling the mandolin) since it is considered as *lahw*. What is meant by *tanbur* here is any instrument that incites evil actions among people. However, playing all other forms of instruments which do not have the same evil effect on people will not affect a person's reliability in court unless if he plays the instruments while engaging in indecent forms of dancing^[4] since that is a major sin.

A similar view has been expressed in the book *al-Durr al-Mukhtar* (vol.4, p.398) of al-Haskafi and in the marginal notes (*hashiya*) of *Radd al-Mukhtar* by Ibn Abidin, as well as in *al-Mughni* by Ibn Qudama (vol.10, p.240-242): Instruments are of three types: the first type is of those that are classified as haram and

these are awtar[5], the wind instruments (mazamir), ud (flute), tanbur, al-mazifa, al-ribaab, and others. A person who frequently plays these instruments will have his testimony rejected as unreliable in court. The second type of instruments is allowed, for example the tambourine (duff) because the Prophet said: announce your marriages publicly by playing the tambourine. Recorded by Muslim in his Sahih. Our companions and those of al-Shafii mentioned that playing the tambourine on any other occasion apart from weddings is discouraged/disliked (makruh), it is also discouraged/disliked (makruh) for men to play the tambourine under any circumstances. The third type of instruments is those which are classified as makruh (disliked) when they are associated with haram acts such as erotic dance, clapping, and al-ghinaa etc. If it is not associated with such acts then it will not be makruh since they are not primarily designed for that purpose. The school of Shafii in this case hold the same view as our school.

According to the dictionary Lisan al-arab the word al-lahw refers to anything that has the potential to amuse and pre-occupy a person such as music, as well as other things. The term malahi is used to refer to musical instruments (instruments of lahw). It is stated in al-Misbah al-munir that the original meaning of lahw is tarwih (relaxation and amusement) in a way that renders oneself beyond hikma (wisdom). It has been mentioned in the fatwa of Imam al-Akbar[6] (the great leader) (see p.375-385 in Fatawa Shaykh Shaltut Published in year 1379AH/1959ce by the Department of Culture at Al-Azhar) – the late Shaykh Mahmud al-Shaltut – on the topic of learning music and listening to it that: God created a human with a natural impulse/instinct (ghariza) to appreciate the beautiful and pleasant things that impresses him. Thus, through this natural impulse he is able to calm himself, stimulate himself, and relax his body. For example, a human being by his very nature is always pleased by beautiful sceneries such as a well-arranged garden, the dancing waves of clear seawater, and is delighted by the sight of a beautiful face as well as pleasant aromas. Sharia does not in any way try to suppress these human impulses and instincts, rather, it regulates them. Moderation and adopting the middle ground is the great and golden principle of Islam that has been clearly stated in the Quran in many places, for example: O children of Adam! Adorn and beautify yourselves at every place of worship (masjid) and eat, drink but do not be extravagant. Al-Araf: verse 31. Thus, the sharia expects the human being to adopt the middle path whenever he is responding to his natural impulses/instincts. It also provides guidelines to ensure the human instinct great love for beautiful scenery and lovely sounds is moderated and does not lead to harm or evil.

While on the same topic, the Imam al-Akbar (Shaykh al-Azhar Mahmud Shaltut) also added that he once read a treatise titled Idah al-dalalat fi sama al-alat (an explanation of the evidence on listening to musical instruments) by one of the 11th century great scholars known for his piety Shaykh Abdul Ghani al-Nabulusi al-Hanafi who declared that the traditions (ahadith) used by those who consider music to be haram, if we accept them to be authentic, their meaning is always qualified (muqayyad) by the fact that they mention that type of music which is accompanied by immoral acts, alcohol consumption, fornication, and other vices. In fact, we do not know of any hadith condemning music that has not mentioned these vices. Thus, according to him, music is not haram per se but only when it is associated or accompanied by vices or when it becomes a means towards immoral behaviour. If it is free from such problems and vices, then it will be allowed to listen to it, study it, and participate in musical events.

It has been reported from the Prophet and many of his companions (sahaba), their successors (tabiun), the great leaders of the schools of law and jurisprudence that they used to listen to and attend musical events which were not accompanied by vices or prohibited acts. This is the view held by many of the scholars of Islamic jurisprudence (fuqaha). Their fatwa concluded that listening to musical instruments cannot be considered haram simply because they have a melody and sound. However, it only becomes haram for a person to listen to them when they become a tool to incite people towards immoral and prohibited behaviour or when they prevent a person from fulfilling his obligatory religious duties. It becomes clear while reading the texts and book of the schools of law, the texts dealing with verses of legal injunctions (ahkam al-quran), and lexicography (lughah) that playing the tambourine as well as other instruments is allowed by general agreement (ittifaq) of the scholars particularly when encouraging the army in a battle field, celebrating the wedding, welcoming a guest or a person returning from a journey, and when motivating people engaged in difficult and important manual labour. The only point of difference among the doctors of law (fuqaha) whether music is haram or allowed, as far as we can tell from their books, is when music is associated and accompanied with haram and immoral behaviour such as drinking intoxicants, erotic dances, fornication, and other vices.

This appears to be the position of the Hanafi scholars (see the previously mentioned Hanafi sources). They hold the view that playing musical instruments will be allowed when it does not lead to immoral behaviour (ghayr al-mustashni) and it will not affect a person's testimony or his reliability in a court of law. They defined immoral behaviour (al-mustashni) as those forms of dancing that are categorised as major sins. The Maliki scholar Ibn Arabi (not Ibn Arabi the Sufi but the hadith scholar) also expresses a similar view in his Ahkam al-quran (see the previously mentioned Maliki sources) that it is just as permissible to use a drum as it is allowed to use a tambourine to celebrate weddings, similarly all other instruments used to announce and celebrate weddings are allowed as long as the singers do not use offensive lyrics.

It is clear after reading Ibn Qudama (the Hanbali scholar) in his al-Mughni when he cites the two jurists al-Shafii and Ahmad Ibn Hanbali that he does not disagree or oppose the Hanafi and Maliki position with regard to the conditions attached to the permissibility of listening to Music (that it should not be accompanied by haram).

Whenever the jurists have ruled the use of some musical instruments to be allowed while prohibiting others, it is because the prohibited instruments have always been used to incite the listener to engage in immoral behaviour. This does not mean that the instrument itself is haram. We see this clearly in the way the Hanafi, Shafii, and Hanbali jurists as well as the Maliki scholar Ibn Arabi have explained their positions that musical instruments should not be accompanied by immoral acts and vices.

Thus, after a detailed and thorough study of all the evidence for and against music, the author of the book al-Sama (listening) Muhammad Ibn Tahir Ibn Ali Ibn Ahmad Ibn Abi al-Hasan al-Shaybani Abu al-Fadl al-Maqdisi well-known as Ibn al-Qaysarani a great expert in the field of hadith declared that there is no difference at all between listening to one type of instrument or another since there exist no single textual evidence, whether authentic or inauthentic, for or against the use of instruments. Early scholars such as Shaykh Abdul al-Ghani al-Nabulusi al-Hanafi who has been mentioned previously ruled that the use of such instruments was allowed since there was no evidence to prove otherwise. He also argues that the traditions used by those who are opposed to the use of musical instruments, if we assume that they are authentic, they have only condemned music when accompanied and associated with intoxicants, fornication and other immoral behaviour. Almost all such traditions mention these vices as the reason behind the condemnation of music. This is also the view of Ibn Hazm who holds the view that the verdict whether music is allowed or not rests on the intentions of the people involved. Thus, if a person listens to music with the intention to relax and motivate himself before engaging in the obedience of God then he will be considered as a righteous person. However, if he does not make any intention whether good or bad, he will not be taken to account for his action and will be treated just like a person taking a walk in the park or sitting outside his house for fresh air.

Similarly, the view held by al-Ghazzali (see previously cited sources) quoted by al-Shawkani in the interpretation of the hadith every lahw (amusement) in which the believer engages in is invalid does not in any way prove or mean that lahw is prohibited (haram) even if we assume that the chain of the hadith is authentic. The Quran states: And, for what your tongues describe, do not utter the lie, (saying) This is lawful and this is unlawful, in order to forge a lie against God; surely those who forge the lie against God shall not prosper (al-Nahl: verse 116).

The argument that is often presented that listening to music, studying it, and attending musical functions is haram based on the legal principles of sadd al-dharia (lit. blocking the ways/ precaution) or that of dar mafasid muqaddam ala jalb al-masalih (prevention of corruption is given preference over the acquisition of benefit) is neither acceptable nor valid because although music is sometimes associated with corruption, this is not usually the case. Therefore, in this case it will be equated to (the early Arab habit of) sitting on the sides of the streets (or street corners). In a tradition recorded by Muslim in his Sahih on the authority of Abu Saïd al-Khudri, the Prophet said: Beware of sitting by roadsides! The companions then responded saying, O Prophet of God! We do not do any harm apart from just talking important matters. The Prophet then said, if at all you must sit by the roadside then make sure that you give the street its right. They asked him, what is the right of the street/road O messenger of God? Lowering your gaze, removing harmful objects from the street, returning salam (greetings) to those who pass by, and enjoying good while

prohibiting from evil (see Sharh al-sunna of al-Baghawi, 12/3338). From this tradition we can deduce that sometimes lawful acts can become prohibited when they are accompanied or associated with immoral and haram behaviour. In such cases the prohibition (hurma) will be contingent upon the existence of such immoral and haram behaviour. In other words, it will not be a purely independent and original ruling. Thus, adopting the middle ground in such cases in the best position (see al-Muwafaqat of al-Shatibi, vol.4, p.258). For this reason, we are in favour of the ruling that listening to music, attending musical gatherings, studying music of all genres and all types of instruments is allowed as long as it is not accompanied by immoral and haram acts, or used as a tool to incite people to engage in sinful behaviour, and it does not preoccupy a person away from observing the obligatory acts of worship as stated in the chapters of al-Bukhari (see Irshad al-Sari, vol. 2, p.171, the marginal notes of Sahih Muslim). In such cases, it will become haram just like sitting on the side of the road without observing the rights of the road mentioned in the hadith. We take this position because only God and then his messenger have the responsibility to declare things halal (permissible) and haram (prohibited) (see Ilam al-muwaqin of Ibn al-Qayyim, vol. 1, p. 32). God also states, Say: Who has prohibited the embellishment of God which He has brought forth for His servants and the good provisions? Say: These are for the believers in the life of this world, purely (theirs) on the resurrection day; thus do we make the communications clear for a people who know. Say: My Lord has only prohibited indecencies, those of them that are apparent as well as those that are concealed, and sin and rebellion without justice, and that you associate with God that for which He has not sent down any authority, and that you say against God what you do not know (al-Araf: verses 32-33). Ibn Arabi states (see his Ahkam al-Quran, vol.2, p.782) that the words embellishment of God (zinat Allah) in the above verse refer to the beauties of worldly life such as beautiful clothing and its other pleasures because God says, And he makes lawful to them the good things and makes unlawful to them impure things (al-Araf: verse 157). Al-Shawkani wrote (see Nayl al-awtar, vol.8, p.105) that the term good things (tayyibat) in the verse includes all types and forms of good things. The term tayyib (good thing) is usually used to refer to sources of pleasure. This is the meaning that immediately comes to mind when the term is used unless if there is textual context to suggest that this is not the intended meaning. Moreover, this term also denotes generality (umum) and that means it includes all meanings of good. Even if we were to apply it only to some and not all of its included meanings, that meanings that immediately comes to mind when the term is used would be the most suitable. Al-Izz Ibn Abd al-Salam also stated that the meaning of al-tayyibat (good things) in this verse are sources of pleasure.