

MUSIC

“Music” in English and other European languages may refer to any vocal and instrumental arrangement of sounds into a harmonic rhythm and varying pitches. English distinguishes between music and poetry in that the former is usually more melodic. However, a poem that is turned into a song becomes no longer a mere poem but music. The Arabic language possesses the term “*musiqā*” which is translated as “music”. However, “*musiqā*” is not a general term and thus does not apply to all rhythmic arrangements of sound as the English term “music” does. In fact, it has usually referred to certain types/classes of music which are questionable or even disreputable in Islamic societies¹. (Al-Faruqi, I.R. and Al-Faruqi, L.L., 1986, “Handasah Al-Sawt (or The Art of Sound)”, in *The Cultural Atlas of Islam*. NY: Macmillan, p.441). This paper will insha Allah examine the topic of music according to its broad, inclusive sense (i.e. the English understanding), for the benefit of clarification to all those in English-speaking environments where the issue of the lawfulness of music is debated.

There are different types of music (including only singing) and different opinions by various scholars on the subject of whether these various types are permissible, discouraged, or prohibited in Islam. However, scholars typically have had no debate over the lawfulness of the following forms of music²: reciting the Qur’an with melodious tones (Qur’an 73:4), the call to prayer, pilgrimage chants, chanted poetry or songs with religious or noble themes, family and ceremonial music such as lullabies and music for weddings and ‘*Eid* festivities, occupational music (caravan chants, shepherds’ songs, songs sung by labourers), songs to welcome those returning from a journey, and military band music. These have all been sanctioned by the Prophet (s.a.w.)³ and they are all regarded as *Halal* (legitimate)⁴. Songs which do not evoke sexual desires and which are not accompanied by instruments are also, by consensus, acceptable (Sheikh Yusuf al-Qaradawi, n.d., *Diversion and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.16). All *ulama* consider it permissible for men to be heard singing such songs in a public setting, and for women to be heard singing by men who are *mahram* to her, other women and children⁵. There is also no controversy over sensuous music or those with lewd and immoral themes or lyrics (encouraging wrongdoing) being *Haram* (prohibited).

The only area of argument over the type of music permissible is with regard to vocal/instrumental improvisations, and songs/music related to pre-Islamic or non-Islamic

¹ This fact has sometimes created confusion when the Arabic works of classical and modern scholars on the subject of music has been translated into English. When scholars condemn all “*musiqā*” in Arabic, it is often not all forms of music that is being referred to. (See the second paragraph of this paper).

² Often referred to by proponents of prohibition as “innocent” music

³ Al-Shafi’i (d.820) *Kitab al-Umm*. (1906) Cairo: Bulaq, Vol.6, p.215.

⁴ Al-Ghazali, Abu Hamid (1901-2) *Ihya ‘Ulum al-Din*, section tr. by Duncan B. Macdonald as “Emotional Religion in Islam as Affected by Music and Singing”. *Journal of the Royal Asiatic Society*, Part 1, p.195-252; Part 2, p.705-748; Part 3, p.1-28.

⁵ There is debate over whether men may play certain instruments which were usually performed by women during the Prophet’s lifetime (such as the *duff* – a small hand drum), and whether women may be heard singing by men who are not *mahram* to her.

origins, such as local popular music, folk songs, leisure/entertainment music, national anthems, and music performed on occasions other than those held during the Prophet's lifetime, etc. 0 12 121.99725h 296725 681.36011 Tmer

people who will stay near the side of a mountain and in the evening their shepherd will come to them with their sheep and ask them for something, but they will say to him, 'Return to us tomorrow!' Allah will destroy them during the night and will let the mountain fall on them, and He will transform the rest of them into monkeys and pigs and they will remain so till the Day of Resurrection." (Sahih al-Bukhari Vol.7, Book 69, No.4940 (Vol.7, No.494B in Alim Version 6.0 Software))

The term "*ma'aazif*" is interpreted as referring to all musical instruments or their sounds. Since it has been included among other prohibited acts which the people in the hadith are condemned for considering to be lawful, it is deduced that musical instruments are therefore also prohibited.

- 2) Narrated Abu Malik al-Ash'ari that the Prophet (s.a.w.) said, "*Some people of my nation will drink intoxicants and call it by other names. They will surround themselves with ma'aazif and singers. Eventually, Allah will destroy them and turn them into monkeys and swine."* (Ibn Majah, *Kitab al-Fitan*; al-Baihaqi; authenticated by al-Albani in *Silsilat al-Hadith as-Sahihah*, Vol.1, p.136-139, Hadith No.90)
- 3) Narrated Abu Hurairah that Allah's Messenger (s.a.w.) said, "*When the booty is taken in turn, property given in trust is treated as spoil, zakat is looked on as a fine, learning is acquired for other than a religious purpose, a man obeys his wife and is unfilial towards his mother, he brings his friend near and drives his father far off, voices are raised in the mosques, the most wicked member of a tribe becomes its ruler, the most worthless member of a people becomes its leader, a man is honoured through fear of the evil he may do, singing-girls and stringed instruments make their appearance, wines are drunk, and the last members of this people curse the first ones, look at that time for a violent wind, an earthquake, being swallowed up by the earth, metamorphosis, pelting rain, and signs following one another like bits of a necklace falling one after the other when its string is cut."* (Tirmidhi, No.1447 in the Alim 6.0 Software).
- 4) Narrated Uqbah ibn Amir that the Prophet (s.a.w.) said, "*...Everything with which a man amuses himself is vain, except his shooting with his bow, his training of his horse, and his playing with his wife, for they pertain to what is right."* (Tirmidhi, No.1078 in Alim 6.0 Software, and Ibn Majah).
Since singing and the playing of instruments are not mentioned, it is contended that they cannot be considered as lawful amusements.
- 5) Salam ibn Miskin, quoting an old man who witnessed Abu Wa'il in a wedding feast, said: "*They [at the wedding] began to play, amuse (themselves) and sing. He united the support of his hand round his knees that were drawn up, and said: 'I heard Abdullah (ibn Mas'ud) say: "I heard the Apostle of Allah (s.a.w.) say: 'Singing produces hypocrisy in the heart.'"*" (Abu Dawood, No.2314 in Alim 6.0 Software).
- 6) Nafi' said, "*Ibn Umar heard a pipe, put his fingers in his ears and went away from the road. He said to me, 'Are you hearing anything?' I said, 'No.' (when they had passed the sound). He then took his fingers out of his ears and said, 'I was with the Prophet (peace be upon him), and he heard (a sound) like this and he did like this.'"* (Abu Dawood, No.2313 in Alim 6.0).

- 7) Al-Bazzar transmitted that the Prophet (s.a.w.) said: *“Two sounds are accursed in this world and in the hereafter: the sound of the mizmar⁸ (to celebrate) good fortune, and of moaning aloud when afflicted with a misfortune.”* (Fiqh us-Sunnah Vol.4, No.22 in Alim 6.0).
- 8) Narrated Abu Hurairah that Allah’s Messenger (s.a.w.) said, *“The bell is the musical instrument of the Satan.”* (Sahih Muslim, No.995 in Alim 6.0).
- 9) Narrated Abu Umamah, the Prophet (s.a.w.) said, *“Allah has sent me as a mercy to the universe and as a guidance to the universe, and my Lord, Who is Great and Glorious, has commanded me to annihilate stringed instruments, wind instruments, idols, crosses and pre-Islamic customs. My Lord, Who is Great and Glorious has sworn, ‘By My might, none of My servants will drink a mouthful of wine without My giving him a similar amount of pus to drink, but he will not abandon it through fear of Me without My giving him drink from the holy tanks.”* (Tirmidhi, No.1029 in Alim 6.0; Ahmad).
- 10) Narrated Muhammad ibn Hatib al-Jumahi, the Prophet (s.a.w.) said, *“The distinction between what is lawful and what is unlawful is the song and the tambourine at a wedding.”* (Tirmidhi, No.939 in Alim 6.0; Ahmad; Nasa’i; and Ibn Majah).
- 11) Narrated Abu Umamah that Allah’s Messenger (s.a.w.) said, *“Do not sell, buy or teach singing-girls, and the price paid for them is unlawful.”* (Tirmidhi, No.2780)
- 12) ‘Aisha narrated, *“Abu Bakr came to my house while two Ansari girls were singing beside me the stories of the Ansar concerning the Day of Buath, and they were not (professional) singers. Abu Bakr said protestingly, ‘Musical instruments of Shaytan in the house of Allah’s Apostle!’ It happened on the ‘Eid day and Allah’s Apostle said, ‘O Abu Bakr! There is an ‘Eid day for every nation and this is our ‘Eid.”* (Sahih al-Bukhari Vol.7, No.494v)
This hadith is argued to be evidence that exceptions for the playing of music are made on the Day of ‘Eid but on other days of the year, it is prohibited and Satanic.
- 13) It is reported that Allah’s Messenger (s.a.w.) said, *“Verily, Allah has prohibited for my ummah: wine, gambling, a drink distilled from corn, the drum and the lute (qineen) while He supplemented me with another prayer, the witr.”* (*Al-Musnad* by Imam Ahmad; authenticated by al-Albani in *Sahih al-Jami’ as-Sagheer*, Vol.1-2, p.106, Hadith No.1744).
- 14) Buraydah narrated, *“Allah’s Messenger left for one of his expeditions and upon his return, a black slave-girl came to him saying, ‘Oh Messenger of Allah, verily, I vowed that if Allah returned you safely I would beat the duff and sing in your presence.’ Allah’s Messenger said to her, ‘If you made a vow, then fulfill it by beating the duff, otherwise don’t.’ Upon this she began to beat the hand drum, during which Abu Bakr entered, then Ali, followed by Uthman. Upon Umar’s entering, she threw the duff under her backside and sat on it, whereupon Allah’s Messenger said, ‘Verily, Satan fears you, Oh Umar!’”* (Tirmidhi)
Proponents of the prohibition of music argue that this incident of permission to sing and play the duff was only because the woman had made a vow, and the

⁸ A type of flute. This term is often translated by the proponents of prohibition as “wind instruments”

statement of the Prophet (s) upon Umar's entering indicates that such an action was in fact prohibited.

It is also argued by some proponents of music being prohibited that all four of the well-established schools of thought consider music to be unlawful.

For example,

The Shafi'i school:

Mustafa al-Kanadi in his paper titled "The Islamic Ruling on Music and Singing"⁹ writes, "[Imam al-Shafi'i's] closest and most knowledgeable disciples clearly stipulate that his position on this issue is that of prohibition (*tahreem*) and they rebuke those who attribute its legality to him. (See *'Ownul Ma'bood*, Vol.13, p.274). Furthermore, the statement that singing is *haram* is found in the treatise, *Ash-Sharh Al-Kabeer*, by the authoritative Shafi'ite scholar, Ar-Raafi'ee (d.623 H.). This is further corroborated by the accomplished Shafi'ite jurist, Imam An-Nawawi (d.676 H.) in his *Rowdah*. (Cited in *Kaffur Ra'aa*, p.61)."

The Maliki school:

Al-Qurtubi reports Ibn Khuwayz Mandaad as saying that Imam Malik viewed the study of music as prohibited (*Al-Jami'li Ahkam al-Qur'an*, Vol.14, p.55), but also held that an exception to this general ruling was the type of innocent songs such as those sung to placate the camels during travel, or during hard labor or boredom or during times of festivity and joy, such as the days of *'Eid* and weddings. Al-Qurtubi also states, "As for that which is done in our day, by way of the [blameworthy] innovations (*bid'a*) of the Sufi mystics in their addition to hearing songs to the accompaniment of melodious instruments such as flutes, string instruments, etc., such is *haram*." (*Ibid.*, Vol.14, p.54)

The Hanbali school:

The Hanbali jurist and Qur'anic commentator, Abul-Faraj ibn al-Jawzi (d.597 H.) in his treatise, *Talbis Iblis* ("Satan's deception") states that singing during Imam Ahmad's era consisted primarily of a rhymed, rhythmic chanting of poems whose purpose was to lead people to a pious, abstemious way of life. However, when such chanters began to vary their simple style to one of a throbbing, affected melody, the narrations from Imam Ahmad began to differ. The scholar Isma'il ibn Ishaq Ath-Thaqafi reports that Imam Ahmad was questioned regarding one's listening to those poems, to which he replied, "I despise it, for it is a *bid'a*. Don't sit down to listen to its reciters." Yaqoob al-Haashimi narrates that Imam Ahmad said, "*At-taghyeer*¹⁰ is a recent innovation." (*Talbis Iblis*, p.228)

⁹ Widely available on the internet

¹⁰ A sense of being overcome by the *dhikr* of God in supplication (*du'a*), sometimes being moved to extreme delight or grief by the manner in which such poetry is delivered. It is usually delivered in an affected, throbbing style which moves some listeners to dance and gyrate to its melody.

Arguments of the proponents of the permissibility of (neutral) music:

Advocates of permissibility, including scholars such as al-Shawkani, Ibn Hazm, al-Ghazali argue that there is no categorical statement in the Qur'an which prohibits music, and if Allah had wished to prohibit music outright, He would have made a clear prohibition in the Qur'an or revealed as such to His Messenger. This argument is buttressed by the verse of the Qur'an "...and your Lord is not forgetful." (Qur'an 19:64).

Jurists of Islamic jurisprudence (*usul al-fiqh*) stress that the first principle jurists consider when issuing verdicts is "*Al 'Asl fil ashya'a al-ibaahah*" (The origin of everything is permissibility). Hence, there is nobody who can say something is prohibited (*haram*) unless he has a clear and explicit text from the Qur'an or Sunnah, or a confirmed consensus (*ijma*) of the *ulama* which everybody is sure of and is authentic. If there is no Qur'anic verse or explicit statement from the Prophet (s.a.w.) on an issue, nor any *ijma* about it, or there is a text (*nass*) which is explicit but which is not authenticated, or a *nass* which is authentic but not explicit/categorical on whether is *haram*, then it remains in the wide circle of that which is generally allowed, especially in acts pertaining to social affairs (Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.479)

This principle is supported by the Qur'an: "Verily, We have made it clear to you what is *haram*, unless what you are forced to do out of necessity." (6:119), and the Prophet (s.a.w.) who said, "*Whatever Allah has made halal is lawful and whatever He has made haram is unlawful, and whatever He has been silent over, it is for you. Accept what He has given to you as His favour, for Allah never forgets anything.*" (Then he quoted Surah Maryam 19:64: "...and your Sustainer is never forgetful.")" (Narrated by Abi Darda and related by al-Hakim who said it is *sahih*; Al-Bazzar also authenticated it).

The Prophet (s.a.w.) also said, "*Allah has made certain things obligations (fara'id) for you. Don't forsake/neglect them. And He has given you some limits. Don't violate them. And He is silent over some things out of mercy for you, not out of forgetfulness, so don't enquire/question about them.*" (Related by Daraqutni on the authority of Abi Tha'alaba al-Khashna. The scholar Al-Hafiz Abu Bakr Al-Sam'ani considered it *hasan* in his book *Al-Amaliyya*. And An-Nawawi also mentioned it in his *40 hadith*.)

The proponents of permissibility also note that the Qur'anic verses mentioned by those who prohibit music (ie. 31:6; 28:55; etc.) do not necessarily refer to music in general. They argue that *laghw* (vain talk) can be any form of speech that lacks substance and beneficial meaning, and that *lahw* (distractions) may take the form of any activity, even otherwise permissible activities such as playing sports, and reading Qur'an at the time set for prayers. Moreover, songs and lyrics in musical compositions are not all meaningless and not everyone becomes distracted by them.

Al-Hasan Al-Basri was reported as saying that "*lahw al-hadith*" includes "everything which distracts one from worship and the remembrance of Allah such as whiling the

night away in idle conversation or entertainment, jokes, superstitious tales, songs and the likes thereof" (*Ruh al-Ma'ani*, Vol.21, p.67).

Ibn Hazm commented on verse 31:6 that "Its (full) text explains its meanings. Anyone who wants to lead (people) astray from the Path of Allah and makes it an object of mockery and fun is an unbeliever according to the consensus of all Muslims... Even if someone buys a copy of the Qur'an for the purpose of leading (people) astray from Allah's Path, he is surely an unbeliever." (Cited in Sheikh Muhammad al-Ghazali, 1989, *As-Sunnan Nabawiyya Bayna Ahl al-Fiqh wa Ahl al-Hadith*).

Regarding the statements purportedly made by Ibn Abbas, Ibn Mas'ud and some others that singing was being referred to in the verse, Ibn Hazm says, "There is no proof for them to say this. One of the reasons is that nobody has any authority except Allah and His Messenger to make anything *haram*. Secondly, even if these *sahaba* accept this, other *sahaba* contradict it, and also some *tabi'een*. Thirdly, the text of the verse negates their claim (of it as evidence for their argument). The verse mentions that whoever does this is doing the kind of things done by a *kafir* and there is no argument about this, and (this action) is thereby taking Allah's Way in jest... this is what Allah is blaming in the verse. And Allah has not censured anybody who obtains *lahw al-hadith* to relax himself and bring peace/amusement to his mind without wishing to misguide people from Allah's Path... Whoever doesn't avoid his duties/obligations but who has busied himself with leisurely pursuits is judged as a good person. (*Al-Muhalla* Vol.9, p.60. Published by Al-Muniriyya)

Ibn Zayd also says, "The people referred to (in this verse) are the disbelievers. Don't you see that it says [in the immediately following verse], "And when Our revelations are recited to such a person he turns away in pride as if he hadn't heard them, as if there was a deafness in his ears." (Qur'an 31:7) The people of Islam are not as those described here, although some say the verse refers to Muslims (as well)." (Related by At-Tabari in his *tafsir*, Vol.21, p.63.)

At-Tabari concludes by offering his own weighted preference for the general, inclusive meaning as conveyed above (vs. the elective interpretation of the verse as referring to music). He states, "The most correct view regarding the meaning of "*lahw al-hadith*" is the one which indicates every form of conversation which diverts from Allah's path - the hearing of which has been prohibited by Allah or His Messenger (s.a.w.). This is because the statement by Allah, the Exalted, is general and inclusive, and does not exclude certain forms of conversation. Therefore, His statement remains in its general context unless proof which specifies it appears." (*Jami'ul-Bayan'an Taweeli Aayil-Qur'an*, Vol.21, p.63)

Mustafa al-Kanadi, a proponent of prohibition, also writes, "...this verse is not itself an explicit, unequivocal proof for the prohibition of music, singing, etc. Rather, its prohibition is conditional and incidental as stated above." ("The Islamic Ruling on Music and Singing")

Verse 28:55, similarly, mentions *laghw* as being any talk that is useless/foolish, which has to do with abuse or insult of others. Everything that involves this is condemned. (Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.480). Yet, music does not always involve derogative words expressed towards others.

Others argue that even if singing may involve some unimportant subjects, the verse still does not explicitly make it *haram* (Tariq Ramadan, 1999, *To Be a European Muslim: A Study of Islamic Sources in the European Context*. Leicester: The Islamic Foundation, p.202). Shiekh Yusuf al-Qaradawi concurs, saying that listening to something which has no use to man is not *haram*, provided it does not prevent one from doing justice or from complying with his obligations. He cites a narration that Ibn Jurayj was lenient towards listening to music and it was said to him, "Will this thing you are listening to be among the good or bad deeds on the Day of Judgment?" He replied, "It is neither in the good or bad deeds because it is similar to a diversion/leisure activity, and Allah said, '*Allah will not take you to account for what is unintentional in your laghw...*' (2:225, 5:89)" (1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.481)

Along the same lines, Imam Abu Hamid al-Ghazali says, "If somebody mentioned the name of Allah on something in such a way that he is trying to make an oath and he is not doing it with sincerity and he is not in front of a judge, nobody will hold him to it, so how can he be taken to account for poetry and dancing?" (*Ihya' Ulum al-Din*. "Kitab as-Sama'", pg.1147. Pub. Cairo: Dar as-Sha'ab).

The *ulama* who promote permissibility state that not every singing is *laghw*. Rather, the role of listening to music is based on the intention of listening to it. A bad intention spoils good work, just as in those who on the surface appear to be worshipping but inside are just showing off. Abu Hurairah narrated that the Prophet (s.a.w.) said "*Allah does not look into your shapes or your wealth; He looks into your hearts and your deeds*" (Sahih Muslim, "*Kitab al-Birr was-Salat wal-Adab*")

Ibn Hazm in *Al-Muhalla* Vol.9, p.60 says, "[Those who prohibit singing] stress their point and say 'Is music truth or falsehood?' They never mention the types outside of these categories. And they say Allah said, 'Is there anything other than the truth except loss?' (Yunus:32). Our answer is that the Prophet said '*Indeed, actions are judged according to their intentions, and everyone has what they intended.*' (Sahih Bukhari No.1.) Whoever listens to music to sin against Allah, he is a sinner, and this applies to anything other than music."

Al-Qaradawi expounds, "Whoever does it aiming to bring peace and tranquility to his mind, to make him stronger in worshipping Allah, and make himself active in *birr*, it is considered something good. And whoever has no intention to worship Allah through it but does not intend to go and sin, it is mere play that is forgivable/excused by Allah, just as the action of somebody leaving his house to go to the garden or to stay in front of his door and watch people passing by, or someone dyeing his cloth the colour he wants, or stretching his legs when he sits down. These are considered to be allowed and equal to

listening to music without any particular intention but for leisure.” (1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.482)

In verse 62:11, “*lahw*” has been equated to trade and “*al-lahw al-tijaarah*” is legally allowed. Commentators of this verse note that it was not criticized by Allah until it became a preoccupation taking them away from paying attention to the Prophet (s.a.w.). The context of the revelation was that there were merchants that were entering town beating drums, and the Companions were so happy to hear them that they left the sermon of the Prophet (s.a.w.) and went to listen to them instead, leaving him standing alone, which is why they were blamed (Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.486). *Ulama* who support permissibility contend that this context clearly indicates that Allah's condemnation was not for the music itself but for the act of abandoning the Prophet (s.a.w.) for another pursuit.

Refutation of the hadith evidence provided by the proponents of prohibition:

Ibn Hazm argues that all hadith in support of prohibition are not sound, either due to a fabrication or lack of authenticity. Ibn Tahir in *As-Sama'* goes as far as saying that no single letter that is authentic exists to prohibit music. All the hadith that were used were weakened by many ppl from the Dhahiri, Malikiyya, Shafi'iyya or Hanafiyya. Abu Bakr Ibn Arabi says in *Kitab Al-Ahkam* that there is nothing that is authentic which forbids music. Imam al-Ghazali, and Ibn an-Nahawi in *Al-'Umda* say the same (Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.485). Other *ulama* in favour of permissibility state that even those hadith that are *sahih* are either not clear enough to derive a prohibition, or have an alternative contextual explanation to that of a blanket condemnation of all music.

The following counter-arguments have been provided by the proponents of permissibility in refutation of the hadith evidence provided by the supporters of prohibition¹¹:

Refutation of Hadith (1) above: The first hadith mentioned (recorded in Sahih al-Bukhari) has been criticized on the basis of its status as *mu'allaq* (hanging/incomplete) by admission of Imam Bukhari himself, due to a missing link in the chain of narration in the beginning of the chain and thus no direct link to the Prophet (Al-Qaradawi, n.d., *Diversion and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.24).

Sheikh Yusuf al-Qaradawi also notes that although scholars such as Ibn Hajr made exhaustive efforts to complete the *isnad* and thus verify its status, the principal reporter of the hadith, Hisham ibn Ammar, has been questioned in reliability by such notable scholars as Abu Dawood, Abu Hatim, Ibn Sayyar, and Imam Ahmad (see *Al-Mizan wa Tahdhib at-Tahdhib*, cited by Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.482). Abu Dawood commented that he reported four hundred baseless hadith while Abu Hatim and Ibn Sayyar described him as having once been truthful but having changed for the worse to the extent that he believed and reported everything he was told. Imam Ahmad criticized him as being impetuous. Al-

¹¹ Refutations were found for some of the hadith mentioned by the proponents of prohibition, but not all.

Qaradawi further states that a number of other hadith he reported have been denounced as *munkar* (rejected) because of their contradiction with other authentic hadith, and that traditionalists have condemned his materialism which made him only report hadith if he was paid. (n.d., *Diversion and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.25)

Likewise, the meaning of the hadith is confusing. Some have argued that the meaning of the term “*ma‘aazif*” is ambiguous and does not necessarily refer to all music (Sheikh Yusuf al-Qaradawi, n.d., *Diversion and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.25)¹².

Sheikh al-Qaradawi argues that “If we said that this hadith is complete and authentic, it means everything - including all that is good - may be counted with the *haram* without exception.” (1996, *Fatawi al-Mu‘asira*. Al-Mansura, Egypt: Dar al-Wafa’. Vol.2, p.483) Others argue that if the meaning of this hadith is definitive that music is unlawful, because all other activities referred to in the hadith (eg. *zina*, alcohol consumption) are prohibited, then how could the Prophet (s.a.w.) and many companions have considered it lawful for themselves to hear the singing and instruments of others (such as in the examples found later in this paper). This hadith would in fact be tantamount to condemning the Companions and the Prophet (s.a.w.)!

Imam al-Ghazali wrote that the hadith specifically refers to certain types of instruments associated with drunkenness and are therefore prohibited: “The musical instruments and songs which are typically associated with drunkards are prohibited as they remind of prohibited things and promote the prohibited, such as the consumption of wine and other intoxicants. These prohibited instruments include the *Majamir*, the *Autar* and the *Kubar*, but not the *Duff*, the flute and other musical instruments.” (*Ihya ‘Ulum al-Din*)

Refutation of Hadith (2): Sheikh Yusuf al-Qaradawi notes that the wording of reporters besides Hisham ibn Ammar in this hadith add explicit warning against the consequence of consuming intoxicants, and that the mention of *ma‘aazif* assumed secondary importance as it was merely part of the environment in which the intoxication was occurring (n.d., *Diversion and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.26). Hence, this hadith was not interpreted by the majority of its narrators as referring to the prohibited nature of music.

¹² According to *Lisan al-Arab* (Vol.9, p.244-245), *ma‘aazif* is the plural of *mi‘zaf* or *‘azf*, and indicates objects or instruments of play or leisure which are beat upon for their sound. If the singular form is used (*mi‘zaf*), it specifically means a type of large wooden drum used mainly by the people of Yemen. The noun *‘azf* also stands for the act of playing with *ma‘aazif*, i.e. hand drums (*dufoof*, sg. *duff*) or other instruments which are struck upon. Al-Jawhari, the author of the ancient dictionary, *As-Sihaah* (Vol.4, p.1402), asserts that *ma‘aazif* signifies musical instruments, *al-‘aazif* indicates one who sings, and the *‘azf* of the wind is its voice. In the famous *Taj al-Arus min Jawaahir al-Qaamoos*, besides quoting the above-mentioned meanings, the commentator Az-Zabeedi says that *ma‘aazif* are instruments of leisure which are drummed upon or played, like the lute (*‘ood*), the guitar (*tanboor*), the small hand drum (*duff*) or other such musical objects (*Taj al-Arus min Jawaahir al-Qaamoos*, Vol.6, p.197). And finally, in the famous dictionary, *An-Nihayah fi Ghareeb al-Hadith*, Ibn al-Athir mentions the meaning of *ma‘aazif* as it is used in various hadith. He comments, “By *‘azf* is meant playing with *ma‘aazif*, consisting of *dufoof* [hand drums] or other instruments which are beat upon.”

Refutation of Hadith (3): The third hadith mentioned above is commented on by al-Qaradawi as being judged by consensus as weak (n.d., *Diversion and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.31). Ibn Hazm noted that the transmitters of the hadith, Lahiqa bin Husain, Dirar ibn Ali and al-Himsi are obscure people, and Faraj ibn Fudaalah is renounced (*matrook*). (Cited in Sheikh Muhammad al-Ghazali, 1989, *As-Sunnan Nabawiyya Bayna Ahl al-Fiqh wa Ahl al-Hadith*).

Refutation of Hadith (4): There is confusion over this hadith because music or singing are not among those things that are mentioned. Those who say music is *halal* say this hadith is not authentic (see for example, Tariq Ramadan, 1999, *To Be a European Muslim: A Study of Islamic Sources in the European Context*. Leicester: The Islamic Foundation, p.202). Sheikh Yusuf al-Qaradawi notes that the hadith has failed to reach the status of *hasan* (n.d., *Diversion and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.23). Even if it is authentic, argue the proponents of permissibility, there is no evidence that the word “*batil*” means *haram*. Rather, it indicates that it is something which is not useful.

Sheikh al-Qaradawi states that the fact that the 3 activities were mentioned is not the point that the Prophet (s.a.w.) wanted to stress, for there exists a hadith (mentioned in detail further below in this paper) which describes an expectation the Prophet had of looking at the Abyssinians playing in the mosque. He did not merely stumble across them by surprise, and indeed encouraged them to continue. Yet this form of recreation is also not among the 3 things mentioned. Nonetheless, watching the Abyssinians entertain themselves was indeed allowed. Therefore, if a person is listening to birds on a farm, or a man is playing with anything he likes, it does not make it forbidden, even if it is described as *batil* (1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.482).

Refutation of Hadith (5): The proponents of permissibility argue that this hadith is not authentic. It has only been confirmed as the word of some of the companions¹³, but a companion is not infallible, and other companions disagree with them. Among the early generations of Muslims are also those who say, especially the Sufis, that, (contrary to building hypocrisy) “verily, music softens the heart” and builds up the sensation of repentance and thinking of bad things that one has committed, and it increases one’s longing to be close to Allah. This is why the Sufis take it as a practice to raise/re-awaken their consciousness of Allah. Sufis argue that this effect is something that cannot be understood by ordinary theory, but has to be appreciated through implementation (Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.484).

Imam al-Ghazali said the judgment (of hypocrisy) is on the singer and not the listener i.e. the singer is the one who has potential hypocrisy because the aim of a singer is to forward himself to another, and he beautifies his voice, and may continue to behave hypocritically

¹³ Baihaqi relates “Singing sprouts hypocrisy in the heart just as rain sprouts herbs and greens” to be a statement of Ibn Mas’ud.

in order for others to praise him. Even this does not make it *haram*, because for a person to wear a beautiful dress, riding a fine horse, donning other beautifying things on the body, and being proud of a big farm and one's animals and trees, all build an aspect of hypocrisy in the mind, but it never occurs to anyone to make these things *haram*. In other words, it is not just singing that makes hypocrisy to arise in people. Even those who recite the Qur'an may be building up hypocrisy (*Ihya' Ulum al-Din*, p.1151). Ghazali further states that the main cause for hypocrisy is not due to committing sins but by excessively indulging into what is permissible in life.

Refutation of Hadith (6): The full text of the hadith reads that, "Nafi' said, 'Ibn Umar heard a pipe, put his fingers in his ears and went away from the road. He said to me, "Are you hearing anything?" I said, "No." (when they had passed the sound). He then took his fingers out of his ears and said, "I was with the Prophet (s.a.w.), and he heard (a sound) like this and he did like this.'" Abu Ali al-Lu'lu said, 'I heard Abu Dawood say, "This is a rejected tradition.'" (Abu Dawood, No.2313 in Alim 6.0, 4906 in Alim 4.5).

Sheikh al-Qaradawi explains that Abu Dawood's rejection is due to the fact that the chain contains a weak narrator. Furthermore, if it is at all authentic, it would actually be evidence against those who wish to prohibit music. If listening was *haram*, the Prophet (s.a.w.) would not have allowed Ibn Umar to listen to it, and Ibn Umar would not have allowed Nafi' to listen to it. The Prophet (s.a.w.) would also have ordered for it to be stopped as it would be against his mission to witness a sin without attempting to change it. Ibn Umar's account indicates that

narration or an unreliable narrator within the chain (1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.483).

Imam Al-Ghazali said the meaning of a singing girl (in this hadith) is a slave lady that sings only for men where they drink alcohol, or who sings to men who are not her *muhrim* and there is fear of *fitnah*. Violations of alcohol and seduction were regular in pre-Islamic musical gatherings and festivals where singing slave girls were present. Hence, the hadith may have been prohibiting an immoral use of slaves and also purifying the behaviour of a promiscuous society. If a slave girl sings in front of her owner, there is nothing prohibited in that, and even if somebody is not her owner, he could listen to her, provided there is no *fitnah* – just as in the example of the two ladies who were singing in the house of 'Aisha in the presence of the Prophet¹⁵ (*Ihya 'Ulum al-Din*, pg.1148).

Purchase and enjoyment of musically-trained slave girls was common in the pre-Islamic and early Islamic periods (L. L. al-Faruqi, 1982, "The Shari'ah of Music and Musicians", in *Islamic Thought and Culture: Papers presented to the Islamic Studies Group of the America Academy of Religion*. Edited by Isma'il R. al-Faruqi. IIIT, p.44). This practice continued during the lifetime of the Prophet (s.a.w.) and Companions (see examples in the appropriate section of this paper), though measures of morality were introduced to their use so as not to condone the associated activities mentioned above. Jurists of the four schools also legislated on the issue, such as permitting the buyer of a slave girl to return her if he discovers her training and is not desirous of such 'property' (al-Ghazali, n.d., *Ihya 'Ulum al-Din*. Cairo: Matba'ah al-Istiqamah. Vol.2, p.269). Imam al-Shafi'i says, "If he does not collect or bring others to listen to them [the slaves who are trained to sing], I would wish that he doesn't do it, but his testimony cannot thereby be repudiated... Also, the man who visits the houses of singing or is visited by singers – if this is a chronic habit of his, and if he proclaims it and if the society knows and testifies that he is of that kind, then it is tantamount to lowliness which vitiates his testimony. But if he does this infrequently, then his testimony cannot be rejected because it is not a clearly prohibited thing." (1906, *Kitab al-Umm*. Cairo: Bulaq, Vol.6, p.215).

Refutation of Hadith (12): *Ulama* who advocate a general permissibility of music state that there is no act that is *haram* and Satanic that is permitted on special occasions for pleasure and entertainment only¹⁶. What is legally prohibited is prohibited because of its impurity or harmfulness – features which do not dissipate during festivals. At times, prohibitions may be relaxed due to necessity but never due to mere enjoyment. This point is demonstrated in the example of the Prophet (s.a.w.) in maintaining the prohibition of silk on 'Eid day:

Narrated Ibn Umar, "Umar saw a silk cloth being sold in the market and he brought it to Allah's Apostle and said, 'O Allah's Apostle! Buy this cloak and adorn yourself with it on the 'Eid festivals and on meeting the delegations.' Allah's Apostle replied, 'This is

¹⁵ See the full text of this hadith further below in this paper

¹⁶ *Haram* actions may only be permitted in cases of necessity and duress.

the dress for the one who will have no share in the Hereafter.” (Sahih al-Bukhari Vol.4, No.289)

Another version of Hadith 12 reads: Narrated ‘Aisha, “Allah’s Apostle (s.a.w.) came to my house while two girls were singing beside me the songs of Buath [a story about the war between the two tribes of the Ansar, the Khazraj and the Aus, before Islam]. The Prophet (s.a.w.) lay down and turned his face to the other side. Then Abu Bakr came and spoke to me harshly saying, ‘Musical instruments of Satan near the Prophet (s.a.w.)?’ Allah’s Apostle (s.a.w.) turned his face towards him and said, ‘*Leave them.*’ When Abu Bakr became inattentive, I signalled to those girls to go out and they left. It was the day of ‘*Eid*, and the Black people were playing with shields and spears; so either I requested the Prophet (s.a.w.) or he asked me whether I would like to see the display. I replied in the affirmative. Then the Prophet (s.a.w.) made me stand behind him and my cheek was touching his cheek and he was saying, ‘Carry on! O Bani Arfida,’ till I got tired. The Prophet (s.a.w.) asked me, ‘*Are you satisfied (Is that sufficient for you)?*’ I replied in the affirmative and he told me to leave.” (Sahih al-Bukhari Vol.2, No.70)

Ibn Hajr writes in *Fath al-Bari*, “Ibn as-Siraj related from Abu az-Zinad on the authority of ‘Urwah from ‘Aisha that the Prophet said that day, ‘*Let the Jews of Madina know that our religion is spacious [and has room for relaxation] and I have been sent with an easy and straightforward religion.*’” (Fiqh us-Sunnah Vol 2, No.153 in Alim 6.0). Hence, the reason for the Prophet’s permission for the girls to play was not just due to it being an ‘*Eid* but because Islam is a religion of ease and provides ample opportunities for enjoyment and relaxation.

The proponents of permissibility also argue that the action of the Prophet (s.a.w.) in turning his face away from the girls while they were playing is an indication that they were mature and so were not to be gazed upon. The stern words of Abu Bakr have also been taken by some to be an indication of the grown age of these girls, contrary to those who say they were children who could not be blamed (Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu’asira*. Al-Mansura, Egypt: Dar al-Wafa’. Vol.2, p485). Had the act been prohibited and the Prophet (s.a.w.) only permitted them because they were children, he would have given this as an explanation for why he was listening to them and not the reason he gave above. Had they been mature women and the act prohibited, the Prophet (s.a.w.) would have stopped them, for it would have been unbecoming for him to condone a sinful act and allow them to continue even when Abu Bakr was trying to stop them.

Refutation of Hadith (14): Another version of Hadith 14 reads: Narrated Abdullah ibn Amr ibn al-‘As, “A woman came to the Prophet (s.a.w.) and said, ‘Apostle of Allah, I have taken a vow to play the tambourine over you.’ He said, ‘Fulfil your vow.’ She said, ‘And I have taken a vow to perform a sacrifice in such a such a place, a place in which people had performed sacrifices in pre-Islamic times.’ He asked, ‘For an Idol?’ She replied, ‘No.’ He asked, ‘For an image?’ She replied, ‘No.’ He said, ‘Fulfil your vow.’” (Abu Dawood, No.1464 in Alim 6.0) This narration does not indicate that the Prophet (s.a.w.) permitted the woman to play merely because she made a vow but because she

was doing so for a permitted purpose and not for a prohibited purpose such as a sacrifice , idol or image.

Furthermore, Mustafa al-Kanadi also states in his footnote to Hadith 14, within his work "The Islamic Ruling on Music and Singing" (section on "The Arrival of a Respected Personality"): "A vow made by a person must be fulfilled by him as long as the vow relates to a permissible act or deed, otherwise it is not to be carried out." It would be improper for the Prophet (s.a.w.) to permit a prohibited action merely to fulfil a vow. Hence, the action must have been viewed by him to be permissible.

A related issue is the question of whether a woman's voice may be heard by non-*mahram* men. This is also an argument advanced by some proponents of prohibition, in order to prohibit women from singing in the presence of men. However, numerous scholars have noted that there is no evidence in the Qur'an or Sunnah to support this claim. Women frequently asked the Prophet (s.a.w.) questions in the presence of his Companions. Companions themselves also engaged women in discourse, particularly the wives of the Prophet (s.a.w.) who were specifically asked in Verse 33:53 to be veiled and not speak in a suggestive way but to speak in a customary manner. None of this verbal interactivity between men and women was condemned by Allah or the Prophet (s.a.w.). Women's singing was also heard by the Prophet (s.a.w.) and several Companions, and the Prophet (s.a.w.) never stated that their melodious voices were not appropriate to be heard. (See below also for examples of Companions who permitted the hearing of female singers).

Additional hadith evidence put forward by the proponents of permissibility:

- 1) Narrated Abu Musa that the Prophet said to him, "*O Abu Musa! You have been given one of the musical wind-instruments of the family of David (the Prophet Dawood).*" (Sahih al-Bukhari Vol.6, No.568 in Alim 6.0)
The proponents of permissibility contend that it could not be possible for the Prophet Dawood to have played or condoned the playing of an instrument of Shaytan. Hence, his wind instruments could not have been evil or prohibited. It was not the convention of Islam to prohibit practices earlier permitted to the People of the Book but in fact to lift some of the restrictions of the Jews.
- 2) Narrated 'Aisha, "I had a girl of the Ansar whom I gave in marriage, and Allah's Messenger (s.a.w.) said, '*Why do you not sing, 'Aisha, for this clan of the Ansar like singing?*'" Ibn Hibban transmitted it in his Sahih. (Tirmidhi, No.940 in Alim 6.0)
- 3) Abu Mas'ud al-Ansari narrated that Amir ibn Sa'd said, "Going in and finding Qarazah ibn Ka'b and Abu Mas'ud al-Ansari at a wedding where girls were singing, I said, 'Is this being done in the presence of you two who are companions of Allah's Messenger (s.a.w.) and were present at Badr?' They replied, 'Sit down if you wish and listen along with us, or go away if you wish, for we have been given license for amusement at a wedding.'" (Tirmidhi, No.943; an-Nasa'i and al-Hakim also transmitted it.)
- 4) Ibn Hazm related from Ibn Sirin that a man came to Madina with slave ladies (*jariyah*), and he came to Abdullah ibn Jafar and showed him the ladies. He

- asked one of them to sing and she sang, and Ibn Umar was listening. Ibn Jafar bought her after bargaining. The man (later) went to Ibn Umar and said “O father of Abdurrahman, you have cheated me of 700 dirham on this (by facilitating the sale).” Ibn Umar went to Abdullah ibn Jafar, and said to him that he had cheated the man of 700 dirham, advising, “You can either give it (the 700 dirham) to him or return the item (the lady).” Abdullah ibn Jafar said “We will give it to him.” Ibn Hazm further commented, “This is Ibn Umar (the Companion) who listened to the singer and he was quick to act in the purchase of the female slave singer. This is an authentic hadith with a continuous *isnad*, and is not comparable to those hadith with weak *isnad*.” (Cited in Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.486)
- 5) Narrated Salamah, “We went out with the Prophet to Khaibar. A man (from the companions) said, ‘O ‘Amir! Let us hear some of your *Huda* (camel-driving songs.)’ So he sang some of them (i.e. a lyric in harmony with the camels walk). The Prophet said, ‘*Who is the driver (of these camels)?*’ They said, ‘‘Amir.’ The Prophet said, ‘*May Allah bestow His Mercy on him!*’ The people said, ‘O Allah’s Apostle! Would that you let us enjoy his company longer!’ Then ‘Amir was killed the following morning. The people said, ‘The good deeds of ‘Amir are lost as he has killed himself.’ I returned at the time while they were talking about that. I went to the Prophet and said, ‘O Allah’s Prophet! Let my father be sacrificed for you! The people claim that ‘Amir’s good deeds are lost.’ The Prophet said, ‘*Whoever says so is a liar, for ‘Amir will have a double reward as he exerted himself to obey Allah and fought in Allah’s Cause. No other way of killing would have granted him greater reward.*’” (Sahih al-Bukhari Vol.9, No.29 in Alim 6.0) This hadith is an indication that a man was praised by the Prophet (s.a.w.) for his performance before both men and women, and his good deeds were not erased by such an act. Hence, it could not have been a sinful action.
- 6) Narrated Abdullah ibn ‘Abbas, “‘Aisha gave a woman relative of hers among the Ansar in marriage and Allah’s Messenger (s.a.w.) came and said, ‘*Have you escorted the girl to her husband?*’ On being told that they had, he asked whether they had sent someone along with her to sing, and when she replied that they had not, he said, ‘*The Ansar are a people who give a place to love songs. I wish you had sent with her someone to say, “We have come to you, We have come to you; so may Allah preserve us and preserve you.”*’” (Tirmidhi, No.941 in Alim 6.0; Ibn Majah also transmitted it)
- 7) When Prophet Muhammad (s.a.w.) reached Madina from Makkah with Abu Bakr, the Ansar (including both men, women and children) played music and sang the famous song “*Talaa al-Badru Alayna*” (*Muntaqan Nuqool*, p.329; *Ar-Raheeq Al-Makhtoom*, p.193). In the ninth year A.H., the people of Madina also welcomed him in a similar way on his return from Tabuk (*Zaad al-Ma‘aad*, Vol.3, p.551).
- 8) Narrated Ar-Rubai bint Muauwidh, “The Prophet came to me after consuming his marriage with me and sat down on my bed as you (the sub-narrator) are sitting now, and small girls were beating the tambourine and singing in lamentation of my father who had been killed on the day of the battle of Badr. Then one of the girls said, ‘There is a Prophet amongst us who knows what will happen

tomorrow.' The Prophet said (to her), '*Do not say this, but go on saying what you have spoken before.*'" (Sahih al-Bukhari Vol.5, No.336).

Proponents of permissibility state that this hadith indicates that the Prophet (s.a.w.) encouraged the girls to continue performing, and that it was the content of their song that was more important to him than concern that the act of playing music was prohibited.

- 9) It was narrated that Abdullah ibn Zubayr had slave ladies that played beautifully, and Ibn Umar entered his place one day when he had some type of stick beside him and Ibn Umar asked him "What is this?" Then he gave it to him (Ibn Umar). It was a kind of flute. Abdullah ibn Zubayr said, "This is what we measure the performance for sale with." Ibn Umar said, "Is this a measure from (the region of) ash-Sham?" Abdullah ibn Zubayr replied, "This is how we measure the intelligence of the mind." (Imam al-Haramain in *al-Nihayah* says together with Ibn Abi Dunya that this was narrated from trustworthy historians).
- 10) Ibn Sireen said that "A man came to Ma

mind is always the same as it is at the time of remembrance of Allah, the Angels would shake hands with you and would greet you on the path by saying: As-Salamu-Alaikum.” (Sahih Muslim, Book of Repentance, No.6624)

The hadith above also indicates that there is nothing wrong with some light talk and play (which the proponents of prohibition define music to be), and there is no conflict between piety and moderate entertainment and leisure in Islam, since all human beings cannot do without a little play and relaxation. Ali ibn Abi Talib is related to have said, “Please (or relax) the minds from time to time, for if a mind is forced in one direction it will become blind. Verily, minds may be weary just as bodies may be weary. Find something that is wise (and removes weariness).” (Cited in Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.488). Abu Darda also said, “I relax myself with something of *lahw* (play) so that I will be stronger to do what is more serious.” (*Ibid.*, p.489)

Imam al-Ghazali, when asked if singing was nothing but play, said it is true, but that the whole world is *lahw* as described by the Qur'an (Surah Hadid), and any kind of play with one's wife is *lahw*, except when one aims at conceiving children. He also said that the Prophet (s.a.w.) said even a joke that has nothing forbidden in it is *lahw* but lawful (*Ibid.*, p.489).

Proponents of permissibility argue that there are few amusements greater than the *lahw* engaged in by the Abyssinians (in the hadith narrated by 'Aisha above¹⁷) within the confines of the Prophet's mosque itself. *Nass* (text) has made it clear that they did something good and were encouraged to continue doing so.

Ulama that favour this view thus make a point of stating that play such as listening to music is something that softens the mind and relieves one from the burden of excess thinking and work. It also may provide more courage to exercise patience and persevere. The Day of *Jumu'ah* is provided by Islam as at least one day a week to rest and be social. Holidays, through providing opportunities for leisure, assist the body to be active in other days. It is also discouraged to be in *nawafil* (voluntary acts of worship) all the time as the body and other people also have a right to be served. Imam al-Ghazali states that this is even the reason why *salah* is forbidden in some periods of the day. (Cited in al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.489).

Mustafa al-Kanadi agrees that “innocent” singing to relieve loneliness or boredom, soothe children, or encourage Muslims towards good deeds is generally permissible. He also elaborates in a footnote to his article that “songs of this noble nature may be sung spontaneously. They need not be restricted to the above-mentioned occasions specified by the texts of the *sunnah*. However, they should not be rigidly and habitually tied to certain dates or occasions such as before or after every *Jumu'ah* prayer. Such a regimented, habitual performance would then become a *bid'a*, a blameworthy innovation

¹⁷ 'Aisha is also reported to have said, “The Prophet covered me with his cloth while I was watching the Abyssinians playing in the mosque, until I became tired. They measured up to the standard of what is desirable for a young girl who is fond of play.” (Sahih Muslim, No.1940)

in *deen*.” (“The Islamic Ruling on Music and Singing”, section titled “Other Occasions Agreed Upon by the Scholars”)

Imam al-Ghazali notes that while *al-lahw* is the medicine of the mind from the sickness of tediousness, and it is necessary and should be permissible, believers should also be careful not to overdose themselves and let it become a way of life, since medicine should not be taken all the time or make people dependent on it. If someone listens to music that brings his mind closer to Allah, it may even be an act of worship. This is the case for somebody that only listens to that which is good and whose heart is not negatively affected by what he hears. This type of *lahw* for this type of person has nothing in it except to give his mind a little rest and peace. Al-Ghazali also states that whoever knows the medicine of a disturbed mind, finds a way of softening it and pushing it towards that which is good, will certainly know that giving his mind this is something which is useful, not useless (*Ihya 'Ulum al-Din*, “Kitab as-Sama”, p.1152-3).

Ulama upholding the spiritual view of Islam and its rulings contend that there is nothing in music that is unique except that it is one of the beauties of the world that is enjoyable to the senses and likeable to the *fitrah* of man; an enjoyment of the ear, just as tasty food is an enjoyment for the stomach, beautiful scenes are for the eye, and beautiful perfume is enjoyment for the nose. Yet these things are all *halal*. (Cited in al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.486).

The fact that appreciating a beautiful voice is instinctual to mankind is supported by evidence of the behaviour of small children. Babies and toddlers, who are closest to their *fitrah*, cease crying through hearing a sweet voice and entertaining nursery rhymes. This is why mothers and the teachers of children normally sing to their young ones, and this practice has been occurring throughout the world since the early days of man (*Ibid.*, 487).

The *ulama* who support the permissibility of music further contend that even animals are motivated through beautiful voices. Imam al-Ghazali in *Ihya 'Ulum al-Din* said, “Whoever is not stirred from listening to a beautiful voice is somebody who is incomplete/deficient, and even his spiritual aspect may not be complete. Such a person will continue to be in a low condition... Because even if we examine [the behaviour of] a camel, it is attentive when it listens to music sung to it, and the music makes its burden very light, as well as making a very long distance seem closer. It enjoys it so much that when it hears such music, it elongates its neck and moves its ears closer to where the music comes from. You will even see the loads shaking because it is walking very fast.” Likewise, man tends to forget the difficulty of the burdens he carries and long distances he travels when he listens to uplifting songs.

The late Azhari scholar, Sheikh Mahmud Shaltut, also maintains that listening to and performing music is as natural and instinctive as enjoying good food, soft cloth, pleasant odours, beautiful sights, etc. These are all attributes of man given by God Himself for good objectives, and have the effect of calming the mind when it is disturbed, relaxing and refreshing oneself from exhaustion, and energizing an individual. He argues, therefore, that it is against the Shari'ah to counter these positive instincts, but only to

guide them towards their true purposes and higher moral ends. (Cited in L.L. al-Faruqi, 1982, "The Shari'ah of Music and Musicians", in *Islamic Thought and Culture: Papers presented to the Islamic Studies Group of the America Academy of Religion*. Edited by Isma'il R. al-Faruqi. IIIT, p.46). This reasoning is strengthened by Ibn Taymiyyah's saying, "The Prophets were sent to complete the *fitrah* of man and to make it greater, not to change it or to remove it from man." (Cited in Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.486).

The proponents of permissibility also argue that even after the Prophet's death, numerous Companions of the Prophet (s.a.w.) and their followers permitted listening to music – evidence that there was no gradual abolition of music in the Islamic lands nor an abrogation of earlier permissibility.

Ibn an-Nahawi¹⁸ said that narrations on listening to singing were made on the authority of several *sahaba*, *tabi'un*, and *tabi' tabi'un*¹⁹. Among those *sahaba* he listed were:

- Umar, as related by Ibn Abd al-Barr and others;
- Uthman, as related by Mawardi and the writer of *Al-Bayan* and Rafi';
- Abdur-rahman ibn Awf, as related by Ibn Abi Shayba;
- Abu Ubayda ibn Jarrah as authenticated by Baihaqi;
- Sa'd ibn Abi Waqqas, as authenticated by Ibn Qutayba;
- Abu Mas'ud al-Ansari, as related by Baihaqi.
- Bilal al-Muezzin, Abdullah ibn Arqam, and Usama ibn Zayd, as related by Baihaqi;
- Hamza, as related by the *Sahih* collections;
- Ibn Umar, as related by Ibn Tahir;
- Barra ibn Malik, as related by Abu Na'im;
- Abdullah ibn Jafar²⁰, as related Ibn Abd al-Barr;
- Abdullah ibn Zubayr, as related by Abu Talib of Makkah;
- Hasan, as related Abul-Faraj al-Asbahani;
- Abdullah ibn 'Amr, as related by Zubayr ibn Bakkar;
- Qurza ibn Ka'b, as related by Ibn Qutayba;
- Khawat ibn Jaybar and Rabah al-Mu'taraf, as related by the writer of *Al-Aghani*;
- Mughira ibn Sha'ba, as related by Abu Talib of Makkah;
- Amr ibn al-'As, as related by Mawardi;
- 'Aisha and Rubayah, as related in Sahih Bukhari and others.

¹⁸ Cited in Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.491-492

¹⁹ All these examples were also mentioned in *Nayl al-Awtar* by Imam Shawkani, Vol.8, p.264-266.

²⁰ Abu Mansur Al Baghdadi ash-Shafii in his book also said "Abdullah ibn Jafar said he did not see any harm in singing and he composed the tunes of singing/voices of his own slave girls, and he made them to sing before him whenever he liked. This happened during the time of Ali." Imam Shawkani said the same thing from Qadi Sharih and Sa'id ibn Musayyab and Ata' ibn Abi Rabah and al-Zuhri and Ash-Sha'abi. (Cited in Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.490).

Mawardi narrated from Muawiya and Amr ibn Al-'As that both of them had a flute from Abu Jafar. (Cited in Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.490).

Abul Faraj al-Asbahani related that Hasan ibn Thabit heard one of his own songs being played by Izzat ibn Mila'iy. (*Ibid.*)

Among the *tabi'un*²¹ reported to have listened to, and authorized listening to, singing are:

- Sa'id ibn Musayyab;
- Salim ibn Abdullah ibn Umar;
- Ibn Hasan, Kharija ibn Zayd;
- Sharaih al-Qadi;
- Sa'id ibn Jubayr;
- Amr ash-Sha'bi;
- Abdullah ibn Abi Attiq;
- Ata' ibn Abi Rabah;
- Muhammad ibn Shihab az-Zahiri;
- Tawwoos, as relayed by Ibn Sam'aani
- Umar ibn Abdul Aziz²²; and
- Sa'd ibn Ibrahim az-Zahiri.

And among the *tabi' tabi'un*, numerous reports on the permissibility of singing were made on the authority of the four Imams (see details below), Sufyan ibn Uyayna, and the majority of the Shafi'iyya. Sheikh Yusuf al-Qaradawi, quoting other scholars, mentioned that the *salaf* of Madina who were very pious and God-fearing, the Dhahiriyya who were very literal in interpretation of textual proofs, and those Sufis who strictly avoided that which is forbidden and even some of the permissions Allah bestowed upon Muslims, all narrated that singing is allowed (1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.490). Al-Taj al-Farazi and Ibn Qutayba reported that there was a consensus among the jurists of Makkah and Madina that singing was acceptable. Al-Mawardi also said that the jurists of the Hijaz used to accept it even on the days when worshipping or *dhikr* is enjoined (eg. days of Ramadan). (Cited in Sheikh Yusuf al-Qaradawi, n.d., *Diversion and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.45).

The Maliki school and the jurists of Madina:

Imam Shawkani in *Nayl al Awtar* said, "The people (jurists) of Madina and those that agree with them from among the *ulama* and the *jam'aat* of the Sufis say that singing is allowed, even if there are 3 items of music (such as the lute and reed instruments) in it."

²¹ The writer of *Al-Imta'* also related from the Judge of Madina, Sa'd ibn Ibrahim ibn Abdurrahman Az-Zahari, that the *tabi'een* permitted it.

²² Al-Adfawi mentioned that Umar ibn Abdul Aziz used to listen to his slave girls singing before he became a caliph. Ibn Qutayba also related the same. (Cited in Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.490).

Abu Talib from Makkah mentioned in the book *Qoot-al-qulub* from Sha'aba that he heard the sound of *attanboor* (strings/local guitars) from the house of Ibn 'Amr, the popular *muhaddith*.

Abu Ya'li al-Khalili in his *Al-Irshad* reported that Abdul-Azeez ibn Salma, the Mufti of Madina, permitted the use of the flute. (Cited in Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.491)

Madinan scholars following Ibn Jafar and Abdullah ibn Umar also considered singing and the use of instruments as permissible (Tariq Ramadan, 1999, *To Be a European Muslim: A Study of Islamic Sources in the European Context*. Leicester: The Islamic Foundation, p.203)

Abu Fadl ibn Tahir narrated in his book *Al-Sama'* that there was no dispute between jurists of Madina on the allowance of playing the lute. Ibn an-Nahawi in his book *al-Umda* reported that Ibn Tahir said that the permissibility of the lute was the consensus of jurists of Madina.

Sheikh Yusuf al-Qaradawi (1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.491) states that Maliki jurists accept singing as permissible, including with *maa'azif* (instruments). Abu Mansur al-Furani narrated from Imam Malik himself that he accepted use of the flute in musical compositions.

The writer of "*Al-Imta'*" narrated from the well-known Maliki scholar, Abi Bakr Ibn Arabi, that he also held strong support for the permissibility of playing the lute.

The Dhahiri school:

Ibn an-Nahawi in his book *al-Umda* states that Ibn Hazm, one of the most respected of the Dhahiri scholars, considers music (with instruments) as lawful. This is also the opinion of the majority of the Dhahiri people, according to al-Adfawi.

Imam Ahmad ibn Hanbal:

Ibn al-Jawzi in *Talbis Iblis* mentions some narrations related by Abu Bakr Al-Khallaal (d.311 A.H.) and Imam Ahmad's son Salih which indicate that he (Imam Ahmad) was not averse to poetry and singing sessions. For example, it is related that the Imam heard a singer (*qawwal*) and didn't reproach him, whereupon Salih said to him, "Oh father, didn't you used to criticize and censure such a thing?" The Imam replied, "That was because I was told that they were doing reproachable things, so I despised it; as for this, I do not dislike it." On this point, Ibn al-Jawzi comments, "Some of the scholars of our [Hanbali] school mention that Abu Bakr Al-Khallaal and his disciple, Abdul-Azeez, permitted singing. Such a statement refers to the virtuous poems (*qasaa'id zuhduyyaat*) which were prevalent during their time. This is precisely the type of singing which was not disliked by Ahmad."

It is reported by the jurispudent Al-Mirwazi that Ahmad bin Hanbal was opposed to the type of singing that contained ignoble themes. For example, he is narrated as having said, "The earnings of the effeminate (*mukhannath*) singer are foul because he doesn't sing spiritual poems, but rather, he sings erotic poetry in a licentious, cooing manner."

Ibn al-Jawzi concludes that it is obvious from the varying narrations of Imam Ahmad that his dislike of (*karaahah*) or permission for singing depended upon the type of singing that was being done (*Talbis Iblis*, p.228-229).

The Shafi'i school:

Al-Mawardi related that the lute is allowed by some of the Shafi'i *ulama*, and Abu Fadl narrated the same thing from Abi Ishaq al-Shirazi.

Al-Adfawi also narrated from the renowned Sheikh al-'Izz al-Deen ibn Abd al-Salam that it was permissible.

Al-Isnawi related in his book *Al-Muhimmat* the permissibility of the lute from the authority of Mawardi, while Ibn-Nahawi related it from Abi Mansur, and Ibn Malakan narrated so in *Al-Umda* from Ibn Tahir.

Al-Adfawi related that Imam al-Ghazali said in some of his *fiqh* books that simple music without instruments is accepted, though in *Ihya 'Ulum al-Din*, al-Ghazali writes that some instruments which have pleasant sounds should not be forbidden just as the sound of a nightingale should not be forbidden, but that instruments associated with wine, homosexuality and other prohibited things should be forbidden (n.d., Cairo: Matba'ah al-Istiqaamah. Vol.2, p.271-272; 1901, *Ihya 'Ulum al-Din*, section tr. by Duncan B. Macdonald as "Emotional Religion in Islam as Affected by Music and Singing". *Journal of the Royal Asiatic Society*, Part 1, p.210-215).

In summary, many of the above-mentioned jurists of various schools have accepted that listening to singing and certain conventional instruments (viewed by custom as being innocent and not particularly associated with degrading behaviours) is permissible.

In addition to the arguments above, the proponents of permissibility typically stress that there is need for the proponents of prohibition to take caution in using the label "*haram*" too freely in their verdicts. Sheikh Yusuf al-Qaradawi writes as a conclusion to his treatise on the subject of singing, "They should observe that Allah is watching over them in all that they say or do. They should also know that this word "*haram*" is very dangerous. It means that Allah's Punishment is due on a certain act or saying, and should not be based upon guessing, whims, weak hadith; not even through an ancient book²³. It has to be supported by a clear, well established text or valid consensus. If these last two are not found, then we revert the given act or saying to the original rule of permissibility that governs things. We have a good example to follow from one of our earlier pious scholars. Imam Malik, may Allah be pleased with him, says, 'It was not the habit of those

²³ i.e. the writing of a scholar who lives many centuries ago.

who preceded us – the early pious Muslims who are set good examples for the following generation – to say, “This is *halal*, and that is *haram*. But, they would say, ‘I hate such and such, and maintain such and such’, but as for *halal* and *haram*, this is what may be called inventing lies concerning Allah. Did not you hear Allah’s Statement that reads, “*Say: Have you considered what provision Allah hath sent down for you, how you have made of it lawful and unlawful? Say: Has Allah permitted you, or do you invent a lie concerning Allah?*” (Yunus: 59), for the *halal* is what Allah and His Messenger made lawful, and the *haram* is what Allah and His Messenger made unlawful.” (Cited in Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu’asira*. Al-Mansura, Egypt: Dar al-Wafa’. Vol.2, p.494-495).

Proponents of permissibility also quote the following verse: “*Say: ‘Who has forbidden the beautiful (gifts) of God, which He has produced for His servants, and the things clean and pure (which He has provided) for sustenance?’ Say: ‘They are, in the life of this world, for those who believe, (and) purely for them on the Day of Judgment.’ Thus do We explain the signs in detail for those who understand. Say: ‘The things that my Lord has indeed forbidden are shameful deeds, whether open or secret, sins and trespasses against truth or reason, assigning of partners to God, for which He has given no authority, and saying things about God of which you have no knowledge.’” (Qur’an 7:32-33)*

Lois Lamy al-Faruqi points out that many in recent times who have deduced blanket prohibitions of music on the basis of the writings of classical scholars have made serious methodological errors in their analyses. “The first one... involves the fallacy that a condemnation of those specifically condemned practices with which music has sometimes been associated necessitates or implies a condemnation of music itself. The truth is that those legitimate sources speaking for Islam the religion... as well as those which can rightfully be considered to speak for the Muslims, have been consistently careful to condemn those associated activities rather than to make a sweeping condemnation of music per se. Secondly, we should be aware that there have been many overhasty critics, both Muslims and non-Muslims, who have overlooked the associative causes for the qualified disapproval of musical activities and presented the writings of their predecessors in isolation from the original context in which they were given. By doing so, these writers have grossly distorted the original intent of the authoritative sources.” (1982, “The Shari’ah of Music and Musicians”, in *Islamic Thought and Culture: Papers presented to the Islamic Studies Group of the America Academy of Religion*. Edited by Isma’il R. al-Faruqi. IIIT, p.29)

Since no punishment has ever been inflicted on a person listening to or playing music, nor can any evidence be found in the primary sources (the Qur’an and Sunnah) for such penalties, al-Faruqi explains that the subject is not discussed by classical scholars under a question of legality (i.e. *halal* or *haram*) but only as a matter of ethics. Various forms of music were either approved of or disapproved of; accepted or rejected; praised or condemned (L.L. al-Faruqi, 1982, “The Shari’ah of Music and Musicians”, in *Islamic Thought and Culture: Papers presented to the Islamic Studies Group of the America Academy of Religion*. Edited by Isma’il R. al-Faruqi. IIIT, p.29, 42-43). This may

explain why music has never ceased to be composed and performed across the Muslim world.

Musical traditions throughout Islamic history:

In Arabia, prior to, during, and after the Prophet's lifetime, the prevalent musical forms are described as follows: "Throughout the Arabian Peninsula, the voice was the driving force and centerpiece of Bedouin music. Bedouins sang poetry (*al-shi'ir al-nabati*) and told stories in song to the accompaniment of the *rabâba*. They sang with traditional percussion instruments (primarily the *târ* or frame drum) to celebrate weddings and other rites of passage. Other musical genres include the camel drivers' songs (*hidâ' or taghrud*) and the folk dance/songs of solidarity and war preparation such as the '*arda* and *ayyâla*'" (Kay Hardy Campbell, "Recent Recordings of Traditional Music from the Arabian Gulf and Saudi Arabia", in *Middle East Studies Association Bulletin*, July 1996, Boston, MA.)

With the advent of the Revelation, music took a new religious dimension, identifying Muslims with a unique art-form. Although recitation of the Qur'an (*qiraa'ah*) with *tarteel* has never been regarded by Muslims as "*musiqâ*", it is an unmistakable rhythmic and melodious performance which falls under the English concept of music. Throughout the Muslim world, its relationship to musical art is such that it has been the primary influence on other forms of improvised musical expression. (Al-Faruqi, I.R. and Al-Faruqi, L.L., 1986, "Handasah Al-Sawt (or The Art of Sound)", in *The Cultural Atlas of Islam*. NY: Macmillan, p.457).

Islamic history has had several well-renowned scholars who have been recorded as developing musical/melodic theories and compositions. These include Ibn Surayj, al-Hasan ibn Ahmad, Ibn al-Tahhaan, al-Khalil ibn Ahmad, al-Mawsli, Ziryaab, al-Kindi, Ahmad ibn Muhammad al-Sarakhsi, and al-Farabi, among others.

The most common instruments played in the Muslim world, from the early days of the Prophetic mission, are:

- 1) the psaltery (*qaanoon*),
- 2) the short-necked lute ('*ood*),
- 3) the frame drum / tambourine,
- 4) the end-blown flute, and
- 5) the long-necked lute

(Al-Faruqi, I.R. & Al-Faruqi, L.L., 1986, "Handasah Al-Sawt (or The Art of Sound)", in *The Cultural Atlas of Islam*. NY: Macmillan, p.443-447).

Despite widespread propagation in the Arab world of the arguments of those who favour prohibition, music has continued to be permitted by Islamic legislation in these countries. The following quote describes the use of music by women in present-day Arabia: "Women of the Gulf and Saudi Arabia still sing among themselves and their families to celebrate rites of passage much as they have for centuries. Women's ensembles play for traditional women's parties in Saudi Arabia and the Gulf, such as the *haflat al-zaffâf*, the wedding celebration. Headed by a *mutriba*, a lead singer/instrumentalist who is often an

'ood player, these groups perform both traditional women's songs as well as the latest popular music hits. In Saudi Arabia these ensembles are made up of women musicians only, while in neighboring Gulf countries many ensembles are mixed." (Kay Hardy Campbell, "Recent Recordings of Traditional Music from the Arabian Gulf and Saudi Arabia", in *Middle East Studies Association Bulletin*, July 1996, Boston, MA.)

Contemporary appreciation of lawful musical art has increased throughout Muslim nations, and "the governments of the Gulf have actively fostered preservation of folk music traditions. The Gulf Folklore Center in Qatar is prime among the region's folklore institutions, with research facilities, periodicals and a museum dedicated to folklore. Saudi Arabia's colossal annual Festival at Janadiriyya outside Riyâdh also spotlights folk music."²⁴ (Kay Hardy Campbell, "Recent Recordings of Traditional Music from the Arabian Gulf and Saudi Arabia", in *Middle East Studies Association Bulletin*, July 1996, Boston, MA.)

In the last sections of his treatise on music in Islam, Sheikh Yusuf al-Qaradawi mentions the prevalence of other neutral forms of music found across the Islamic world, such as those performed in small towns and the countryside which describe life, justice and injustice, national heroes, harvest, promotion of goods on sale, and motivation to be patient in hard work. He notes that since religion for a Muslim is a way of life, such folk songs are a combination of spirituality, morals and worldly affairs, and that Muslim scholars throughout history have never been against them (n.d., *Diversion and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.52-55).

Limitations and conditions of permissibility:

²⁴ A publication of the Saudi Embassy in the United States makes mention of the government's efforts to preserve and enhance awareness of traditional music that its *ulama* have no problem legally sanctioning: "When King Abdulaziz bin Abdulrahman Al-Saud founded the modern Kingdom of Saudi Arabia in 1932, he did more than form a state that extended over approximately 80 percent of the landmass of the Arabian Peninsula. More importantly, he united the different tribes and people that inhabited this vast region into one nation, but in the process endeavored to keep intact the cultures and traditions that they had developed over millennia. This was easier said than done, since these distinct cultures had developed in relative isolation in the fastness of the deserts and mountain ranges of the peninsula. As modern roads were built throughout the Kingdom and travel became common, these regional cultures were threatened with gradual disappearance.

"To prevent that, the Kingdom has introduced annual exhibits of regional crafts, art, architecture, music and dance that are hugely popular and attract hundreds of thousands of visitors, young and old alike. Cultural organizations have been established to ensure that age-old crafts that are no longer in demand in a modern country are not lost forever.

"To their credit, the people of Saudi Arabia tenaciously adhere to age-old customs and traditions. While living in a thoroughly modern world and enjoying the conveniences it offers, Saudis have refused to be absorbed into the monoculture of global business and finance. They wear the same clothes and dresses as their forebears, enjoy traditional music and arts, and whenever possible, venture into the deserts on family picnics to maintain their ties with the past.

"This solid foundation of Islamic beliefs and ancient culture has allowed the people of the Kingdom to successfully face the vicissitudes of the rapidly changing world around them, wisely picking from it that which is of benefit to them and discarding that which runs counter to their traditions and beliefs, and in the process remaining Saudi Arabians to the core." ("Cherishing a Rich Cultural Heritage" in *Saudi Arabia*, Summer 2001, Vol.18, No.2, <http://saudiembassy.net/Publications/MagSummer01/Cherishing.htm>)

Ulama who favour permissibility have, notwithstanding, described certain conditions and restrictions which apply to the act of listening to music.

Lois Lamy al-Faruqi (1982, "The Shari'ah of Music and Musicians", in *Islamic Thought and Culture: Papers presented to the Islamic Studies Group of the America Academy of Religion*. Edited by Isma'il R. al-Faruqi. IIIT, p.41) argues that varying statements in the hadith on music occur because of the differences in contexts and various features of the music itself which alter its level of permissibility. Mustafa al-Kanadi, on behalf of the proponents of music as generally prohibited, also expresses this point with respect to the songs listened to by the Companions. He states, "In reality, they only listened to particular types, as specified lawful in the *sunnah*. These types are restricted as to who may sing and who may listen, on what occasions they are allowed and in what manner they are to be delivered" ("The Islamic Ruling on Music and Singing"). Conditions which may affect permissibility are mentioned below:

1) Lyrical content:

Content of the words in the musical piece must not contradict the teachings of Islam or evoke attitudes that are contrary to Islamic ethics and morality (Tariq Ramadan, *To Be a European Muslim: A Study of Islamic Sources in the European Context*, 1999, Leicester: The Islamic Foundation, p.203). This includes songs that praise tyrants and wrong-doers, which describe characteristics of the *'awrah*, mock Islamic rites, or cast doubt on the fundamentals of faith, creation, Prophethood and the Hereafter (Sheikh Yusuf al-Qaradawi, n.d., *Diversion and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.47)

Not all music is concerned with sexual passions, and even songs of love are not necessarily directed at women only. Hence, believers may be encouraged to select music which conveys a more balanced approach to life, and is in line with the dignity and responsibilities Islam confers upon its followers. Preferred music should have to do with day to day affairs and be something that assists improvement in religion. Care should be taken so that the content chosen to listen to regularly does not inadvertently cause neglect or interference with the relationship between believers and their spiritual development, as well as between believers and the rest of mankind (Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.493).

Several scholars have noted in recent times that the modern music industry is materialistic and has a powerful influence over many youth who become addicted to popular music. There is a need to provide Islamic alternatives to feed the need of young people to entertain themselves through music while at the same time exerting a more positive influence over them and encouraging them towards the doing of good and Islamic values. Many other faith-based music alternatives have emerged among all faith groups which encourage the development of stronger commitment to faith and greater remembrance of Allah.

2) Manner of performance:

Sheikh al-Qaradawi points out that while the music in itself may not be immoral in content, the way in which the singer presents his or her voice, dresses provocatively, or makes suggestive actions that are meant to awaken the base sensations turn it from being permissible to being prohibited. Music that is regularly displayed through the mass media is often performed in this way, and incessantly aims to draw the attention of consumer youth towards sexual and aggressive subjects (1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.492)

3) Association with and conduciveness to prohibited activities:

Association of music with prohibited activities such as drinking alcohol and the promiscuous mixing of sexes is condemned. Some scholars also strongly condemn the use of certain instruments considered effeminate in some communities (such as wood and string instruments)²⁵. Ibn Taymiyyah and Ibn al-Qayyim make harsh criticism against the use of music by Sufis for religious purposes, stating that the use of music is purely for worldly amusement and that it is an unwholesome innovation to use it for worship.

However, it may not be assumed that music (and various individual instruments) are always associated with such activities. Classical authors who condemned music that was performed in unlawful situations permitted the same type of music in occasions attended by the Prophet (s.a.w.) or his Companions. For example, playing the *duff* was sanctioned when women played it at weddings but condemned when associated with homosexual activity²⁶. Similarly, percussion instruments such as drums and tambourine were well-established in military music but rejected in other contexts (Lois Lamy al-Faruqi, 1982, "The Shari'ah of Music and Musicians", in *Islamic Thought and Culture: Papers presented to the Islamic Studies Group of the America Academy of Religion*. Edited by Isma'il R. al-Faruqi. IIIT, p.40). The late scholar Mahmud Shaltut cites in his *Al-Fatawa* the work of the 17th century Hanafi jurist, Sheikh 'Abd al-Ghani al-Nabulusi, who states that almost every prohibition of music in the hadith literature is paired with or conditioned by the mention of alcohol, professional singing girls, dissoluteness or adultery. Therefore, any prohibition does not result from the condemnation of the music per se but of its immoral associations (1960, Cairo: Dar al-Shuruq, p.355-359).

The context of a musical performance is also a major determinant of its approval or disapproval. Abu Hamid al-Ghazali, for instance, mentioned three contextual factors that may determine the contextual lawfulness of music: the time it is performed ("*zamaan*"),

²⁵ These instruments were also described by Imam al-Ghazali to be associated with the use of alcohol and drunken gatherings in the same communities. Hence, their prohibition by some scholars was not on the basis of their inherent sound qualities but on their use as precursors to corruption, though there is no authentic revealed text which prohibits these instruments per se (Sheikh Yusuf al-Qaradawi, n.d., *Diversions and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.62-63).

²⁶ Ibn Abidin, M.A. (1882) *Haashiyah Radd al-Mukhtaar 'alaa al-Durr al-Mukhtaar*. Cairo: Bulaq. Vol.4, p.530; An-Nawawi (1884) *Minhaj al-Taalibeen*. Transl. L.W.C. Van Den Berg. Batavia: Imprimerie du Gouvernement. Vol.3, p.401; Ibn Taymiyyah (1966) "Kitab al-Sama' wal-Raqs," *Majmoo'ah al-Rasa'il al-Kubra*. Cairo: Matba'ah Muhammad 'Ali Subayh. Vol.2, p.301

the place (“*makaan*”), and its associates (“*ikhwan*”)²⁷ or what it is done in the company of, such as drinking alcohol or sensuous dancing.

4) Time:

Life in Islam is considered purposeful and valuable, and an active Muslim’s life allows little time for wastage or frivolity. Therefore, al-Ghazali argued that if a Muslim spent too much time listening to music as entertainment, the act becomes detrimental and no longer an innocent pastime.²⁸ Islam has declared excessiveness prohibited in everything, even in acts of worship. The same rule thus applies for excessiveness in leisure and recreation even though these things are permissible. It has been mentioned earlier that music can help to fill the vacuum of one’s mind and steer it away from loneliness, fatigue or boredom. However, filling an individual’s mind too much can also steer him away from his responsibilities and from giving others their due rights (Sheikh Yusuf al-Qaradawi, 1996, *Fatawi al-Mu’asira*. Al-Mansura, Egypt: Dar al-Wafa’. Vol.2, p.493-494).

5) Place of performance:

Music in Islam, including recitation of the Qur’an, *adhan*, chanted poetry, and other vocal improvisations, may be performed in places where lewdness and other condemnable behaviour is not simultaneously going on. (See Refutation to Hadith 11 above where it is explained that the listening to singing slave-girls may be prohibited if they are performing in immoral environments.) Sheikh al-Qaradawi explains that in earlier times, listening to music implied going to where the music was being performed, and being in the company of those singing and those listening to them, but today it is possible for an individual to listen to music while being far away from the unlawful environments where it may be played (1996, *Fatawi al-Mu’asira*. Al-Mansura, Egypt: Dar al-Wafa’. Vol.2, p.492).

6) Impact on an individual:

How music effects a person varies from individual to individual. Proponents of permissibility state that the types of music which are likely to deter a person from remembrance of Allah or cause imbalance of responsibility, and the types of people who are most likely to be affected by music in such a way should be refrained from pursuing it to their own detriment. Tariq Ramadan sums up this point by saying, “It is appropriate for the musician and the one who listens to him to measure, in full conscience, the impact and place that this art really takes in their lives. It is a question of establishing a balance of conscience which cannot be but personal and individual.” (1999, *To Be a European*

²⁷ Al-Ghazali, Abu Hamid. (n.d.) *Ihya ‘Ulum al-Din*. Cairo: Matba’ah al-Istiqamah, Vol.2, p.301; *Ihya ‘Ulum al-Din*, 1902, section tr. by Duncan B. Macdonald as “Emotional Religion in Islam as Affected by Music and Singing”. *Journal of the Royal Asiatic Society*, Part 3, p.1-2.

²⁸ Al-Ghazali, Abu Hamid. (n.d.) *Ihya ‘Ulum al-Din*. Cairo: Matba’ah al-Istiqamah, Vol.2, p.283, 301; *Ihya ‘Ulum al-Din*, 1901, section tr. by Duncan B. Macdonald as “Emotional Religion in Islam as Affected by Music and Singing”. *Journal of the Royal Asiatic Society*, Part 1, p.240-241, 251.

Muslim: A Study of Islamic Sources in the European Context. Leicester: The Islamic Foundation, p.203)

Imam al-Ghazali states that, "...music and dancing do not put into the heart what is not there already, but only fan into a flame dormant emotions. Therefore if a man has in his heart that love to Allah which the law enjoins, it is perfectly lawful, nay, laudable in him to take part in exercises which promote it. On the other hand, if his heart is full of sensual desires, music and dancing will only increase them, and are therefore unlawful for him. If he listens to them merely as a matter of amusement, they are neither lawful nor unlawful, but indifferent, for the mere fact that they are pleasant does not make them unlawful any more than the pleasure of listening to the singing of birds or looking at green grass and running water is unlawful." (*The Alchemy of Happiness*, Chapter 5: Concerning Music and Dancing as Aids to Religious Life).

The permissibility of awakening beneficial emotions or calming the mind through music is also testified, he says, by the examples of "the pilgrims who celebrate the glories of the House of Allah at Mecca in song, and thus incite others to go on pilgrimage, and of minstrels whose music and songs stir up martial ardour in the breasts of their auditors and incite them to fight against infidels. Similarly, mournful music which excites sorrow for sin and failure in religious life is lawful; of this nature was the music of David. But dirges which increase sorrow for the dead are not lawful, for it is written in the Qur'an, '*Despair not over what you have lost.*' On the other hand, joyful music at weddings and feasts and on such occasions as a circumcision or the return from a journey is lawful." (Abu Hamid al-Ghazali, *The Alchemy of Happiness*, Chapter 5: Concerning Music and Dancing as Aids to Religious Life)

Concerning the varying impacts of various forms of music on a person, Sheikh Yusuf al-Qaradawi notes that earlier scholars who did not permit the testimony of a person who listened to music were referring to those that made it an excessive preoccupation such that they were frowned upon as foolish (n.d., *Diversion and Arts in Islam*. Trans. Rawaa al-Khateab. Islamic Inc. Publishers, p.61). He advises that, "There are some things in which one is to be his own judge and Mufti. If there is some kind of singing that arouses his own lust or desire, and takes him away from the real life, he should avoid it then and block that very gate from which the winds of trial and seduction may come and erase his religion, morals and heart. If he does this, he will live in peace and tranquility" (1996, *Fatawi al-Mu'asira*. Al-Mansura, Egypt: Dar al-Wafa'. Vol.2, p.493).

Conclusion:

Proponents of prohibition argue that the instances of listening to and performing music during the life of the Prophet (s.a.w.) and the *sahaba* were exceptions to a general prohibition. Proponents of permissibility argue that such instances were not rare exceptions but, in fact, the norm and thus there is a general permissibility with some attached restrictions and conditions. This difference of opinion is primarily one of legal semantics. The latter expression (held by the proponents of permissibility) is more

accurate according to the standards of *usul al-fiqh*. However, there is clear evidence to support both the protagonists and antagonists of music.

The hadith literature contain varying reports suggesting both the permissibility and condemnation of various forms of musical performance. This contradiction may be accounted for by factors related to the environment in which the music was performed, and/or various features of the music itself (such as its content themes, instruments associated by custom with illicit behaviours, etc). It is probable that the Prophet (s.a.w.) and his Companions judged each instance of musical performance on its own merit, based on the complex sum of all its technical features as well as the context in which it was performed. Such significant factors may determine the permissibility or otherwise of musical expression in various circumstances, rather than a whole-scale permission or a whole-scale prohibition.