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Application of Qira’at Mudrajah in the Issuance and Practice of Islamic Fiqh Rulings

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ABSTRACT

The present study focuses on Qira’at Mudrajah (recitations with unacknowledged insertions or additions into the text or the isnad) that falls under the category of Qira’at Shadhdhah (isolated or uncommon recitations). Its contribution to the issuance of Fiqh rulings has become a reference among scholars, namely the jurists. These contributions become more meaningful as the rulings are being applied and practiced by the Muslim community in their daily practices. Thereby, this study can assist the Muslim community in exploring some of the primary sources of arguments and evidences of Fiqh rulings which is Qira’at Mudrajah. The present study also utilizes library research method in analyzing all the data obtained. Results of the study confirm that this form of qira’at has a significant role and contribution in the field of Fiqh.

Key words: Fiqh rulings, Qira’at Mudrajah, Qira’at Shadhdhah, issuance, primary source,

Introduction

Science of Qira’at is an important form of knowledge in Islam as it directly relates to the primary source of reference among Muslims which is the Quran. The importance of this science can be witnessed through the dedicated efforts of the Prophet’s companion’s r.a in upholding it until it became their main agenda. These efforts have been continuously sustained by the scholars up till this day.

The implications of the science of Qira’at on various disciplines of knowledge have triggered numerous scientific researches; it has produced a practical community that is based on a strong understanding of the primary source. This research illustrated that the science of Qira’at is a vast science and that it needs to be properly comprehended by the entire Muslim community.

In the light of the present study, Qira’at Mudrajah (that falls under Qira’at Shadhdhah) has been refined, and consequently, it is now mentioned widely by scholars, especially jurists, in the issuance of rulings. Nevertheless, the application of Qira’at Mudrajah is being used by Muslims, although there are those who are not aware of it.

Methods:

Through of qualitative method systematically gathered information on Qiraat mudrajah in the issuance and practice of Islamic fiqh rulings were discussed. Various sources of existing established output of the Qiraat was studied. Based on the information gathered therefore descriptive analysis was done by looking at appropriate sources of qiraat regards to the issues which has been argued.

Definition of Qira’at and Fiqh:

Mastery of the definitions mentioned will facilitate the understanding of this study. Thus the following are some chosen descriptions of the definitions before a more in-depth study can be done.

Qira’at:

Literally, al-Qira’at is the plural form of the infinitive ‘qira’at’ which means the various types of Quranic recitations such as Qira’at Sab’ (Seven styles of Quranic recitations) (al-Mu’jam al-Arabiyy al-Asasiyy 1999, 975). It derives from the root ‘qara’a, yaqra’u, qira’atun’ which mean ‘has read’, ‘is reading’, ‘reading’ (Mu’jam al-Wasit 2002, 750).

The following is the conceptual definitions of Al-Qira’at as given by the scholars:

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Ibn al-Jazariyy explained that Qira’at is the knowledge related to the executionary procedures in reciting words in the Quran and its differences, based on what has been narrated by the narrators/transmitters or qurra’ (Ibn al-Jazariy 1995, 13).

Meanwhile al-Dumyatiyy defined Qira’at as the science which through it, one knows the similarities and differences among the narrators of the Quran in terms of al-hadhaf (omissions), ai-thbat (substantiation), short vowel marks (harakat), sukoon, wasaf (stopping), wasl (joining) as well as other aspects such as pronunciation, ibdal (changing the hamzahs to madd) etc., based on the method of al-sima’ (al-Banna 2001, 6).

Abd al-Fattah al-Qadiyy stated that Qira’at is a science which through it one knows the proper ways to pronounce the words in the Quran and to recite them, whether it is by ittifaq (unanimous agreement) or khilaf (differences among scholars), by attributing each style of reading to its narrators (al-Qadiyy 2004, 51).

Al-Zarqaniyy clarified that Qira’at is a madhhab (school of thought) held by qurra’ (narrators/transmitters) scholars who all have different styles and ways of reciting the Quran, though they share similarities in the narration and method. The differences either lie in the pronunciation of the letters or in the pronunciation of the vowel marks (harakat) (al-Zarqaniy 1998, 1:343).

On the other hand, Al-Zarkashiyy defined Qira’at as the difference in the words of the Quran, in the writing of the letters or its pronunciation such as tafkheem (heavy/thick), tarqeeq (light/thin) and others (al-Zarkashi 1988, 1:318).

Looking at the descriptions by the above scholars, the definition presented by Ibn al-Jazariyy is the best, as his statement that it is ‘the knowledge related to the executionary procedures in reciting words in the Quran also includes discussions whether there is unanimous agreement or differences among scholars in the style of reciting the Quran. Meanwhile the method of acquiring the science of Qira’at by referring to its narrators/transmitters clearly illustrate the utmost important source of acquisition in the narration of the science of Qira’at, therefore included in the discussion is the various methods of acquisition. Additionally various factors of acceptance and practice of this knowledge resulted in the emergence of madhhab focusing on the application of this knowledge.

**Qira’at Shadhdhah:**

The word Shadh literally originates from ‘shadh, yashadh, shadhdhan’, meaning ‘he was alone, is being alone, alone’. Shadh al-Rajul means he was separated from a large group of people and contradicted them (al-Maṣṣarawiyy 2006, 41).

Based on the definition of shadh given, Qira’at Shadhdhah can be divided into several types (Sha’ban Muhammad Isma’il 1999, 92-93):

1. **Al-Ahad (Isolate):** A form of Qira’at that is valid in its chain of narrators (sanad) although its Rasm in Arabic language is suspect, and is not mutawatir (narrated by a large number of people that they cannot be expected to agree upon a lie).
2. **Al-Shadh:** A form of Qira’at that does not fulfill one or more of the three requirements.
3. **Al-Mudraj:** Insertion or addition in Qira’at for the purpose of interpretation/exegesis.
4. **Al-Mawdu’** A form of Qira’at that is attributed to its narrators without any roots or sources of acquisition.
5. **Al-Mashhur:** A form of Qira’at that has a valid chain of narrators (sanad), though is short of the level of mutawatir, and is in accordance with Arabic language and its Rasm.

This type is considered a form of Qira’at shadh from the viewpoint of majority of qurra’ and scholars.

**Qira’at Mudrajah:**

In the literal sense, the word Al-Mudraj is the object form of the word “adrajā” (to insert), i.e. I have inserted something into something.

The scholars of Hadith explained that the conceptual meaning of al-Mudraj is alteration in the arrangement of the sanad, or insertion in the text (matan) of the Hadith something which is not originally from the text (without any separation). Al-Mudraj can take place either in the sanad or matan (al-Tahhan 1996, 103).

According to scholars, Qira’at al-Mudrajah is a form of insertion or addition in Qira’at with the purpose of providing further explanation/exegesis (al-Jazariyy N.D, 1:32; al-Ma’sarawiyy 2006, 41). However it differs from Al-Mudraj in Hadith, as in Qira’at, it only takes place in the verses (matan) of the Quran, and not in its sanad.

Qira’at Mudrajah is also known amongst scholars as Qira’at Tafsiriyah. Dr. Mahmud Salim ‘Ubaydat mentioned that in the interpretation of Quran with Quran, there is a branch known as: Tafsir of Quran with Qira’at that is in the form of tafsir (Qira’at Tafsiriyah), which means that there are recitations attributed to the companions of the Prophet pbuh that are intended to interpret or provide further explanation to the Quranic verses (Mahmud Salim 1990, 244). It is a form of Qira’at that has a valid sanad and is in accordance with Arabic
language, but contravenes with its Rasm. It cannot be judged as either accepted or rejected due to the possibility that it is considered as a form of Quranic interpretation (Qira‘at Tafsiriyyah) (al-Jazariyy N.D, 1: 19).

Shaykh Bazamul further clarified the meaning of Quranic interpretation that emerged from Qira‘at Shadhdhah which has a valid chain; though it is not considered as the interpretation of Quran with Quran, it could be that it is the interpretation of Quranic verses with the hadith of the Prophet pbuh or the sayings of the companions r.a (Bazamul 1996, 1:376). This form of interpretation is known as al-Mudraj or Qira‘at Tafsiriyyah.

Fiqh:

Fiqh or as referred to by the Malays as Fekah, carries two meanings (Mustafa al-Khin 2000, 1:7); the literal meaning and conceptual meaning of this word.

Literal Meaning:

Literally, the word Fiqh means ‘al-Fahm’ or comprehension (al-Zuhailiyy 1998, 18), from the word ‘faqaha, yafqahu’ which carries the same meaning as ‘fahama, yafhamu’ i.e. he understood and he understands or he comprehended and he comprehends (Mustafa al-Khin 2000, 1:7). Allah swt said:

“But what hath come to these people that they fail to understand a single fact (advice and lesson)?” (al-Quran, al-Nisa’ 4: 78). The word ‘yafqahu’ here means ‘yafhamu’ i.e. understands (al-Khin 2005, 1:7).

It also carries the meaning of ‘comprehending a thing which is very subtle or vague’ (al-Shiraziyy 1995, 34).

Conceptual Meaning:

The meaning of fiqh differs according to the definition given by various madhhabs. The following illustrates some of the selected definitions:

Imam Abu Hanifah r.h defined fiqh as: "Knowing (certain parts based on the evidence) the self / soul such as what is needed and why" (al-Zuhailiyy 1998, 19).

Al-Kasaniyy explained that fiqh is: “The knowledge related to what is halal (permissible) and haram (prohibited), the knowledge that is related to sharicat (Islamic law) and its rulings” (al-Zuhailiyy 1998, 19). Meanwhile, Imam al-Shiraziyy mentioned that fiqh is “Knowing shar‘iyy rulings through the act of ijtihad” (al-Shiraziyy 1995, 34).

In the book of al-Fiqh al-Manhajiyy (al-Khin 2005, 7-8), it is mentioned that the conceptual meaning of fiqh can be divided into two: firstly, “Knowing the shar‘iyy rulings that are related to the actions and sayings of a mukallaf (accountable muslim). These rulings were derived from detailed evidences from the Quran, Sunnah and other sources such as ijma’ and ijtihad”. The other conceptual meaning of fiqh is: “The very shar‘iyy rulings themselves”.


The purpose of studying fiqh is to apply these shar‘iyy rulings to the actions of people. Fiqh itself serves as a source of reference for scholars to learn about rulings related to the actions and behaviours of people, apart from a source of reference for qadiyy (judge) before passing a sentence and mufti in the issuance of a fatwa (al-Zuhailiyy 1998, 29).

Results and Discussion

Jurists’ Stand Towards Qira‘at Mudrajah:

Jurists’ stand or perspective about the usage of Qira‘at Mudrajah depends on their opinion towards the evidence and validity of Qira‘at Mudrajah itself. Nevertheless there are scholars who do not agree that Qira‘at Mudrajah be made a source of reference, but then still use it due to its validity. This study will detail the opinion of scholars from the four respective madhhabs.

Scholars agree to accept Qira‘at Shadhdhah (including Qira‘at Mudrajah) on the ground that it has a valid chain of narration, as a style of Qira‘at that lacks this cannot be accepted as a form of evidence regardless (al-Qawiyy 1997, 331).
Opinion of Shafi’iyy Scholars:

Scholars in the Shafi’iyy madhhab use Qira’at Shadhdhah as a source of evidence (hujjah) and argument if it has a valid chain of narration. In the case where it does not, they will not use it.

Al-Balqiniyy stated that al-ashab (supporters of the Shafi’iyy madhhab) once discussed about Qira’at Shadhdhah, saying that: If it is for tafsir (interpretation) and explanation, it is used and practiced. However if it is not for the purpose of tafsir, and it contradicts khabar marfu’, then priority should be given to khabar marfu’, or in the case if it contradicts with qias, then there are two opinions about using it (al-Qawiyy 1997, 342).

Additionally, there is the opinion that Shafi’iyy scholars accept Qira’at that is in the form of explanation and utilize it if there is no khabar or qias that contradicts it. However if there is clash between Qira’at and khabar marfu’, scholars will consider them both as balanced (equal) from the khabar aspect, and will then strive to integrate the two as much as it is possible. On the other hand, if this form of explanation-based Qira’at is found to clash or differ with qias, thus the Qira’at will be prioritized instead (al-Qawiyy 1997, 341).

As an example of this issue, Imam Shafi’iyy mentioned that whoever is obligated to fast, and that (the type of fast) is not made compulsory in the Quran, he or she can carry out the fast either consecutively or on separate days by inference (qias) to replacing the days one missed fasting during Ramadhan on other days (Qada’), whether due to sickness, old age, travel (al-Shafi’iyy 1991, 7:94). Allah swt said:

“Observing fasts for a fixed number of days, but if any of you is ill or on a journey, the same number (should be made up) from other days” (al-Quran, al Baqarah 2: 184).

Imam Shafi’iyy also made the condition that if the fast is carried out consecutively, but then the person breaks the fast due to an acceptable excuse (uzr) or without one, he or she has to fast anew, except for menstruating women who do not have to do so (al-Shafi’iyy 1991, 7:94).

In addition, he also stated that fasting with the intention of kaffarah al-yamin (expiation for breaking an oath) has to be carried out consecutively (al-Shafi’iyy 1991, 2:154). Even though Imam Shafi’iyy did not make consecutiveness of fast as a requisite in the previous problem, but in the issue of fasting due to kaffarah al-yamin, he clearly stated that it needs to be carried out consecutively, based on the Shadhhdah recitation or known as Qira’at Ubayy in: “fa siyam thalathat ayyam mutatabi’at”.

Indirectly, Imam Shafi’iyy was using the evidence from a style of Qira’at that has been abrogated and built a fiqh ruling from it. The same applies to al-ashab al-Shafi’iyy who openly made Qira’at Shadhdhah as a source of evidence in various rulings (al-Qawiyy 1997, 342). Thus it can then be said that Shafi’iyy scholars use Qira’at Shadhdhah as a source of evidence.

Opinion of Hanafiyy Scholars:

Hanafiyy scholars maintain that when a particular Qira’at Shadhdhah has a valid chain of narration, it is made a hujjah and it is a compulsory to practice it. These scholars require that for a Qira’at Shadhdhah to be thought of as authentic and for it to be practiced, it must be on the condition that it possesses a valid chain of narration.

The scholars further strengthened their argument by stating that Qira’at Shadhdhah is either a part of the Quran that has been abrogated or it is a khabar that serves as tafsir.

The Prophet’s companions r.a were the very individuals who listened from the Prophet pbuh and learned from him recitations that then becomes a source hujjah for others (al-Hindiyy 1998, 2:21). As have been mentioned earlier, the reason Qira’at Shadhdhah is taken as a source of evidence or hujjah is because of its strong chain of narration. Thus it can be said that Hanafiyy scholars regard Qira’at Shadhdhah as a hujjah when considering evidences and arguments in shar’iyyah rulings (al-Qawiyy 1997, 333).

For example, the scholars use the recitation of Abdullah bin Mas’ud r.a to the verse “fa siyam thalathat ayyam mutatabi’at” as a hujjah. They strengthen their argument by saying that Qira’at Shadhdhah is a part of the Quran that has been abrogated or a khabar that serves as tafsir, and thus what is a part of the Quran or a valid khabar makes a particular deed compulsory (al-Qawiyy 1997, 332).

Opinion of Hanbaliyy Scholars:

When studying the Hanbaliyy madhhab, it becomes apparent that many of its scholars use Qira’at Shadhdhah in their arguments. Imam Ahmad bin Hanbal himself agreed with other scholars in permitting the use of Qira’at Shadhdhah. As has been mentioned by Imam Ibn Kathir that Hanabila scholars obligate consecutive fasting in the issue of kaffarah al-yamin (Ibn Kathir 1998, 2:633).

Additionally, Ibn Qudamah in his book al-Mughniyy quoted the opinion of scholars in regard to the number of times a woman can continue nursing before marriage between them (among the one nursing and the person being nursed) is then forbidden; it was first stated as 10 times before being changed to 5 times, based on an abrogated Qira’at that was narrated by Imam Muslim, narrated by A’ishah, “‘unzila fi al-Quran ‘ashtara rada’at
ma‘lumat yuhrima” fa tifiya Rasulullah SAW wa al-amr ‘ala dhalik’. Ibn Qudamah then mentioned that this verse serves as an interpretation and explanation to the hadith as it specified the number of times for nursing that would then prohibit a marriage relationship (Ibn Qudamah 1997, 9:194). This clearly shows that the scholars use a shadh as evidence and argument in some of their rulings.

Al-Hanabilah scholars also mentioned that it is allowed to use Qira‘at Shadhdhah as hujjah in regard to shar‘iyyah rulings based on the grounds that it is a part of the Quran or khabar marfū‘ where it was assumed by its narrator to be a verse or part from the Quran. Khabar can then be considered as no less than an interpretation by the Prophet pbuh towards Quranic verses, thereby both of these (khabar and the Prophet’s interpretation) can be used as hujjah (al-Qawiyy 1997, 344).

The acceptance or rejection of Qira‘at Shadhdhah requires further research and investigation, it is not directly used or practiced, but only when there emerges the need for its use. The most obsolete type of shadh from khabar is the shadh that does not serve as tafsir, apart from the one that contradicts khabar marfū‘. There are two opinions to whether it should be prioritized or overridden when this type of shadh clashes with qias (al-Qawiyy 1997, 344).

**Opinion of Al-Malikiyyah Scholars:**

Malikiyyah scholars explained that Qira‘at Shadhdhah functions as khabar ahad (isolated report) that has not been clearly decided upon; this type of khabar is attributed to Allah swt (al-Qawiyy 1997, 333).

Imam Malik r.a is among the scholars who were found to use Qira‘at Shadhdhah as a source of evidence and argument, as in the verse ‘wa lahu akh aw ukht min umm’, where he attributed it to the recitation of Abi Dawud, who attributed it to ‘imāda not as a type or style of reading (al-Qawiyy 1997, 335). However, this verse is more widely known as Qira‘at Shadhdhah that is attributed to the mushaf of Sa‘ād bin Abi Waqqas.

Imam Malik’s action proves that Malikiyyah scholars use Qira‘at Shadhdhah as a source of evidence and argument in several of his shar‘iyy rulings, thus confirming that Qira‘at Shadhdhah is used as hujjah by Maliki scholars (al-Qawiyy 1997, 334).

In conclusion, based on the opinion of the scholars and followers from each of the four madhhabs, it can thus be said that Qira‘at Shadhdhah, especially Qira‘at Tafsiriyyah, is used and practiced as a source of hujjah by scholars in the issuance of rulings.

**The Ruling of Practicing and Using Qira‘at Murdajah:**

The ruling of practicing and using Qira‘at Shadhdhah, which also encompasses Qira‘at Murdajah, can be divided into two; ruling about reciting it in prayer, and ruling about using or practicing it. Reciting verses that are considered as Qira‘at Shadhdhah in prayer is permissible, based on the opinion of ashab al-Shaf‘iyy and Abi Hanifah, as well as based on the narration by Imam Malik and Ahmad (al-Hadiyy 1999, 209). However it is prohibited by the majority of scholars and most jurists (al-Hadiyy 1999, 209). According to Imam Nawawiyy (1985, 94), al-Sakhawiyy (al-Zarkasyiyy 2000, 1:384) and others, this is the consensus among scholars.

Shaykh Abd Halim bin Muhammad al-Hadiyy stated that the first view (reciting Qira‘at Shadhdhah in prayer is permissible) is weak and therefore cannot be used (al-Hadiyy 1999, 210). His opinion is in accordance with the consensus view of scholars and most jurists.

The ruling of using Qira‘at Shadhdhah, and therefore Qira‘at Murdajah, as hujjah can be understood by looking at the aspect of its usage in various fields. The following illustrates the application of Qira‘at Murdajah in these fields:

**Applying Qira‘at Murdajah in Fiqh:**

The contributions of Qira‘at Murdajah in the issuance of fiqh rulings by jurists can be witnessed through the examples presented. These contributions are made more significant when they are applied by the Muslim community in their daily practices.

**Consecutive Qada’ Fasting as Fulfillment of Missed Days During the Month of Ramadhan:**

“(Observing fasts) for a fixed number of days, but if any of you is ill or on a journey, the same number (should be made up) from other days” (al-Quran, al-Baqarah 2: 184).

The Qira‘at Murdajah here as found in the mushaf or attributed to Ubayy bin Ka‘b is: ‘ja iddat min ayam ukhar mutatabi‘at’ (al-Qurtubiyy 2002, 1:664; al-Hadiyy 1999, 216) involves the qada’ fasting for days missed during Ramadhan. Among those who believe that it is obligatory to fast consecutively for the missed days are ‘A’ishah, ‘Ali bin Abi Talib, Ibnu ‘Umar, al-Nakhâ‘iyy, al-Sha‘biyy, some of ahl al-zahir and one of the views
of Imam Shafi’iyy r.h. Their argument is based on the Qira’at of Ubayy that ‘fa iddat min ayam ukhar mutatabi’at’ (the replaced days should be in a consecutive manner) (al-Hadiyy 1999, 216).

However, the majority of scholars hold that it is not obligatory to replace (Qada’) one’s fast consecutively, as the verse does not imply any obligatory ruling. Nevertheless, to fast consecutively in fulfilling the missed days is thought to be the best (way of qada’ fasting) (Ibn Qudamah 1996, 4:233).

Imam al-Nasafiyy clarified that the reason scholars mainly believe that it is not obligatory to replace one’s fast consecutively is due to the fact that it is not masyhur [famous i.e. narrated by 3 or more but not considered mutawatir]) i.e being mutatabi’at. This is in contrast with the Qira’at of Ibn Mas’ud ‘fa siyam thalathat ayyam mutatabi’at’ (al-Quran, al-Ma'idah 5:89) where it is masyhur, thus the addition/insertion of the word mutatabi’at’ is permissible. There is no doubt that this recitation is famous as ahad; it is one of the branches of mutawatir to the point that some say that it is actually one of the two parts of mutawatir. This kind of addition/insertion happened to the verse before it was abrogated (al-Nasafiyy, N.D., 1:18).

This is the reason why Hanafiyy scholars differentiate between this issue and the issue of kaffarah al-yamin, because the Qira’at involved in the issue of kaffarah al-yamin reaches the stage of masyhur, whereas Qira’at of Ubayy in regard to qada’ fasting did not reach that stage (al-Hadiyy 1999, 216).

This issue has received widespread attention from fiqh scholars that some of them even made it a hujjah in determining that replacing missed days during Ramadhan should be in a consecutive manner, even though the Qira’at supporting this view is not as masyhur as the Qira’at in the case of kaffarah al-yamin.

**Nafkah (Maintenance) For Children:**

“An heir shall be chargeable in the same way” (al-Quran, al-Baqarah 2: 233).

In this issue involving the ruling of providing nafkah to one’s child, the Qira’at Mudrajah attributed to Ibn Mas’ud here is: ‘wa ‘ala al-warith dhi al-rahm al-mahram mithla dhalik’ (al-Andalusiyiyy 1993, 2:226). This is one of the examples that highlight the implications of Qira’at Mudrajah and its application on the issuance of rulings among fiqh scholars.

Imam Hanafiyy r.h used this Qira’at as the basis of his argument that providing nafkah is not only obligatory on the parents of the child, but also on every single individual who has blood ties with the child. This is based on the addition/insertion ‘dhi al-rahm al-mahram’ in the Qira’at of Ibn Mas’ud ‘wa ‘ala al-warith dhi al-rahm al-mahram mithla dhalik’ (al-Hadiyy 1999, 215).

Whereas, the Hanbaliiyy madhab is of the opinion that providing nafkah is obligatory on the relatives who are beneficiaries, except if he or she is blocked from receiving the inheritance from the recipients who are in the main lineage (nasab), or because they are poor, thus the responsibility of providing nafkah then falls on the other relatives. The same applies if the father of the child is poor while the grandfather lives a good life, the responsibility then would be transferred to the grandfather as he is from the main lineage (nasab) (Ibn Qudamah 1997, 9:258-259). Meanwhile Shafi’iyy and Malikiyy scholars maintain that providing nafkah is not obligatory except on the parents and children (al-Hadiyy 1999, 216).

**Inheritance of Uterine Siblings:**

“If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth” (al-Quran, al-Nisa’ 4: 12).

The Qira’at Mudrajah in this case relating to the inheritance of uterine siblings (siblings that share the same mother with the deceased, but different father) as attributed to Sa’ad bin Abi Waqas is: ‘wa lahu akh aw ukht min umm’ (al-Andalusiyiyy 1993, 3:198). The debate surrounding this verse revolves around the distribution of the deceased’s inheritance in the case where he or she is al-kalalah (does not leave behind any ascendants or descendants). The verse states that the right of the uterine siblings to the deceased’s inheritance is 1/6 or 1/3. In the case where the uterine sibling is alone and does not have any descendants, he or she would then receive 1/6, whereas when there are 2 or more uterine siblings, they would receive 1/3, on the condition that they do not have any heir (al-Qawiyiyy 1997, 374).

The consensus among scholars is that the siblings mentioned in this verse are uterine siblings, based on the recitation of Ubayy and Sa’ad bin Abi Waqas (al-Andalusiyiyy 1993, 3:198). This is also the view endorsed and held by companions of the Prophet pbuh (Ibn Qudamah 1997, 7:24). From the above, we can see that all the jurists have taken this Qira’at Shaddah and agreed upon it as their hujjah in this issue of inheritance of uterine siblings (al-Qawiyiyy 1997, 376).

The addition/insertion in this recitation is the words ‘min umm’ which are not found in the Uthmaniyy mushaf that has been agreed upon by the companions r.a., which is why this recitation is considered a shadh (al-Qawiyiyy 1997, 374). Nevertheless, as have been mentioned before, scholars unanimously agree that the verse applies only to uterine siblings based on the recitation ‘wa lahu akh aw ukht min umm’ (Ibn Rushd 1997,
2:513). Both recitations of Ubayy and Sa‘ad, as per their narration from Rasulullah pbuh, that serve as explanation and interpretation to this verse (al-Qawiyy 1997, 376).

Thus it can be said that the Qira‘at Mudrajah attributed to the companions r.a definitely strengthens the hujjah for the scholar’s consensus in this issue, as there is a big possibility that it has been narrated from the Prophet pbuh.

**Cutting off the Right Hand of Thieves:**

“As to the thief, male or female, cut off his or her hands: a punishment by way of example, from Allah, for their crime: and Allah is Exalted in power” (al-Quran, al-Ma‘idah 5:38).

In the issue regarding severing or cutting off the hand of a thief, the Qira‘at Mudrajah as attributed to ‘Abdullah bin Mas‘ud is: ‘wa al-sariqun wa al-sariqat faqta‘u aymahuma’ (al-Andalusiyy 1993, 3:488; al-Tabarayy 1999, 4:311). This verse states that Allah swt ordains the hand of a thief be cut off as punishment for his deed. Scholars agree that stealing is haram based on evidence from the Quran, hadith and consensus of scholars.

Jurists have all agreed that it is the right hand of the thief that must be cut off, based on the recitation of Ibn Mas‘ud: ‘wa al-sariqun wa al-sariqat faqta‘u aymahuma’ (al-Qurtubiyy 2002, 3:539; al-Qawiyy 1997, 396). The jurists used this recitation as their argument that it was originally a verse from the Quran which was then abrogated, though its ruling remains and this is evident in this Qira‘at Shaddhah that has been used for justification in shar‘iyah rulings (al-Qawiyy 1997, 396).

Other narrated khabars (reports) do not have any contradictions with this particular Qira‘at Shaddhah, thereby making it a powerful hujjah for shar‘iyah rulings, even though it is considered an abrogated part of the Quran (only in its text but not ruling) or also known as Qira‘at Tafsiriyyah (al-Qawiyy 1997, 397).

In conclusion, the first time a thief is caught stealing, his right hand must be cut off based on the consensus of scholars who relied on the Qira‘at Shaddhah mentioned above. This Qiraat does not contradict the other types of khabar, and in fact, the other khabars and consensus of companions further strengthen it. A khabar that does not face or have any contradictions with others is considered a hujjah.

**Fasting Consecutively as Kaffarah:**

“If that is beyond your means, fast for three days” (al-Quran, al-Ma‘idah 5:89).

The Qira‘at Mudrajah related to this verse, as attributed to Ibn Ibn Mas‘ud, is: ‘fa siyam thalathat ayyam mutatabi‘at’ (al-Qurtubiyy 2002, 621). The issue behind this verse revolves around the ruling of fasting consecutively as kaffarah (atonement or expiation) for those who break their oath intentionally. The kaffarah for those who commit this offence is to feed 10 poor people, or to provide them clothes, or to free a slave. For those who cannot afford these three things, Allah swt has made it obligatory for them to fast, as mentioned in this verse about kaffarah al-aymin.

Scholars unanimously agree that for those who cannot afford to feed or clothe the poor, they have to perform the fast as their kaffarah. However they disagree whether fasting consecutively is a condition in performing this kaffarah (al-Qawiyy 1997, 401). According to Imam Malik r.h. and Imam Shafi‘iyy r.h, it is not obligatory to fast consecutively, although it is preferred to do so (Ibn Rushd 1997, 2:530).

Hanafiyyah scholars have a different view; stating that it is obligatory to fast consecutively based on the recitation of Ibn Mas‘ud: ‘fa siyam thalathat ayyam mutatabi‘at’ . This view is narrated from Ibn ‘Abbas and Mujahid (Ibn Rushd 1997, 2:530). Meanwhile scholars of Hanabilah differ in their opinion about this matter, though they generally consider consecutiveness as a condition to kaffarah fasting (al-Qawiyy 1997, 401).

Imam Malik and Imam Shafi‘iyy argue that the command to fast is absolute, thus there is no need to bind or tie it with a condition unless there is evidence supporting it. Thereby it is not obligatory to fast consecutively, as in the case for those who are commanded to fast three days in hajj tamattu‘ (al-Qawiyy 1997, 402).

Those who support consecutiveness in fasting based their argument on the recitation of Abdullah bin Mas‘ud, stating that if it was a part of the Quran, then it serves as a hujjah because no words of Allah swt is considered batil (invalid). And if it was not a part of the Quran, then it is a narration or hadith by the Prophet pbuh which actually was an interpretation of a verse, but was mistaken for Quran instead (al-Qawiyy 1997, 402).

Meanwhile according to Imam Abu Bakr al-Jassas who maintained that Ibn ‘Abbas, Mujahid, Ibrahim, Qatadah and Tawuss stated that fasting in this matter should be carried out consecutively and it is not preferred to be done separately. This is based on their statement that even though the recitation of Abdullah bin Mas‘ud has been abrogated, however its ruling still remains. This is the view of our ashab (al-Jassas N.D, 2:461).

This particular Qira‘at Mudrajah attributed to this sahabi r.a. is masyuhur as mentioned by Imam al-Nasafiyy (N.D, 1:18), giving witness to the fact that insertion/addition in the recitation helps contribute to the
issuance of fiqh rulings by Muslim scholars, which thus proves that Qira‘at Mudrajah plays an important role in the issuance and development of fiqh rulings.

Conclusion:

Qira‘at Mudrajah serves as a primary source of evidence in the argumentations of fiqh scholars, thus proving that it has its own unique value that needs to be further explored and understood by scholars. The present research illustrates that Qira‘at Mudrajah has its own focus and scope, and plays a significant role in understanding the commands of Allah S.W.T. The implication of using Qira‘at Mudrajah can be witnessed in the process of issuing rulings by fiqh scholars as have been analyzed above. This contribution becomes more meaningful when it serves as a hujjah behind some of the daily practices of Muslims.

References

Al-Quran al-Karim.