Introduction

It is reported that when the Prophet Muḥammad decided to fight the Jewish tribe of the Banū Qurayẓah, he said to his Companions: “Do not pray the afternoon prayer except in the abode of the Banū Qurayẓah.”¹ The Companions understood this command variously. Some of them took it to mean that they should pray the afternoon prayer only when they reached the Banū Qurayẓah, even if this meant praying it after its prescribed time. Others inferred that what the Prophet actually meant was that they should not waste any time in setting off to the battlefield. According to this understanding, the Companions were being requested to hurry, but they were nonetheless supposed to pray the afternoon prayer at its due time. The Prophet, it is reported, was silent on the matter. He did not reprimand either group, nor did he endorse one understanding over the other. Surprisingly, or perhaps unsurprisingly, the report does not mention the time at which the Prophet himself prayed.²

This report is in fact a classical example to which medieval Muslim scholars have regularly referred to demonstrate two points. The first is that differing conclusions could ensue from sound ijtihād, the effort made by jurists to discover God’s law in a given case. Since the Prophet did not tell either group that they were wrong, it must have been the case that neither was. Secondly, this report illustrates the difference between “literalists,” viz. those who adhere to the “letter” of written or verbal commands, and those who pay more attention to the objectives (maqāṣid) which commands, and laws in general, seek to realize. Arguably, the latter understanding fared much better in Islamic legal history than the former; however, the former has not been categorically dismissed, for a report like the one mentioned above lends credence to this mode of thinking. Just as some Companions were more interested in the objectives of the Prophet’s command, others were more interested in obeying its letter. Both groups were sincere, even if they proceeded along differing lines.

For a Ṭāhirī scholar like Ibn Ḥazm al-Andalusī (d. 456/1064), however, this report does not support either of the two views that other scholars sought to prove. In his view, all other scholars erred when they thought that the difference between the two groups was due to the way in which they construed the Prophet’s command. They also erred when they thought that the Prophet’s reported silence meant that both groups were right. How is that so? Ibn Ḥazm

¹ Lā yuṣalliyanna aḥad al-ʿaṣr illā fī bani Qurayṣah.
² For a discussion of this well-known report, see, for instance, Ibn Qayyim al-Jawziyyah (d. 751/1350), Alām al-Muwaqqiʿīn ‘an Rabb al-ʿĀlamīn, vol. 1, p. 203.
argues that what the Prophet’s Companions were dealing with here was a case of *taʿāruḍ al-adillah*, when conflicting evidence exists as to a specific issue.³ The Companions knew that there was a general, unqualified command that prayers must be said at their prescribed times. That day, the Prophet gave them a command that could not be reconciled with the general command. A group of them decided to adhere to the original general command, preferring to pray the afternoon prayers at their prescribed time. The other group, however, followed the Prophet’s new command and prayed after sunset when they had reached the Banū Qurayzah. Both, Ibn Ḥazm stresses, were following religious commands. Furthermore, the fact that the Prophet did not reprimand either group only indicates that whereas one of them was right and the other wrong, both were sincerely seeking to obey the Prophet and did not intend to disobey him, for which reason he did not need to reprimand either of them. Those Companions who understood his command rightly, therefore, were rewarded twice, once for practicing *ijtihād* and again for reaching the right conclusion; those who got it wrong were rewarded only once for practicing *ijtihād*.

Ibn Ḥazm points out that had he been among the Prophet’s Companions that day, he would have prayed in the abode of the Banū Qurayzah, for the Prophet’s command on that specific day indicates that it was a special case. In other words, had the Prophet wanted his Companions to pray at the prescribed time of the afternoon prayers, he would not have needed to say anything to them and they would have prayed at the appointed time as they normally did. The fact that he said something must indicate that he intended to say something exceptional for that particular day. When making this argument, Ibn Ḥazm had three objectives. He was obviously seeking to resist understanding this disagreement between the Companions in terms of their hermeneutics, a view that would legitimize multiple readings of a single text. He was also seeking to demonstrate his view that religious commands, in the absence of valid evidence to the contrary, must be taken to indicate absolute obligation. Thirdly, he was dismissing the validity of using this report to demonstrate that legal diversity was tolerated by no less a religious authority than the Prophet Muḥammad himself. The beliefs that only one legal view on any issue is correct, that only one reading of any text is valid, and that commands are to be taken to indicate absolute obligation are all pillars of Ẓāhirism, as will be discussed later.⁴

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³ For Ibn Ḥazm’s discussion of this report, see his *Iḥkām fī Uṣūl al-Aḥkām*, vol. 3, pp. 190–193.

⁴ On the question of why the Prophet did not order those who prayed *ʿāṣr* in the afternoon to repeat it upon reaching the Banū Qurayzah in the evening, Ibn Ḥazm argues that we simply do not know when news about this disagreement reached him. It is possible, he surmises,