

**IBN HALDUN UNIVERSITY
ALLIANCE OF CIVILIZATIONS INSTITUTE**

PhD THESIS

**SILENCE ACTS: PRAGMATICS OF SILENCE IN
COMMUNICATION**

MARIA TAI AI

**THESIS SUPERVISOR:
PROF. DR. RECEP ŐENTÖRK**

ISTANBUL, 2022

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ISTANBUL, 2022

APPROVAL PAGE

This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Doctor of Philosophy in Civilization Studies.

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ABSTRACT

SILENCE ACTS: PRAGMATICS OF SILENCE IN COMMUNICATION

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Silence, like speech, is an act. Even though silence is more ambiguous than speech, its contextual effects enable it to carry an illocutionary force, as much as speech does. Silence that carries an illocutionary force is referred to as eloquent silence and is often equivalent to speech acts. This study attempted to build on the existing literature by investigating pragmatics of silence in a tradition where it plays an important role in communication, namely Islam. It is firmly based on an examination of the relevant texts in two sources which are the basis for the Muslim way of life: the Qur'ān and the Sunnah. To investigate pragmatics of silence in communication in the selected texts, we first identified the main elements of communication, namely speaker (S), message, addressee (A), and response. Second, we tried to answer the following questions: 1) What did S or A do with silence? and 2) Why did S or A remain silent? The answer to the first question helped us understand functions of silence and the answer to the second question helped us identify its motives. Each chapter ends with a discussion of pragmatics of silence in light of communication theory in general, and speech act theory, in particular. We concluded from our analysis that silence is not only equivalent to a performative but may, in some communication settings, be equivalent to a transformative act. We referred to silence that has a performative effect as *performative silence* and to silence that has a transformative effect as *transformative silence*.

Keywords: Communication ; Performative Silence; Pragmatics ; Silence Acts; Speech Acts; Transformative Silence.

ÖZ

SESSİZLİK EDİMLERİ: İLETİŞİMDE SESSİZLİĞİN PRAGMATİĞİ

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Sessizlik, konuşma gibi, bir eylem olarak kabul edilmektedir. Sessizlik, konuşma eyleminden daha belirsiz olarak nitelense de, bağlamsal etkileri itibariyle konuşma kadar edimsel bir güç taşıyabilmektedir. Edimsel bir güç taşıyan sessizliğe belagatli sessizlik denir ve genellikle söz edimlerine eşdeğerdir. Bu çalışmada, İslam geleneği içerisindeki iletişimde önemli bir rol oynayan sessizliğin pragmatliğini araştırarak mevcut literatürü geliştirmeye çalıştık. Çalışma, Müslüman yaşam tarzının temeli olan iki kaynaktaki ilgili metinlerin incelenmesine dayanmaktadır: Kur'an ve Sünnet. Seçilen metinlerde, iletişimde sessizliğin pragmatliğini araştırmak için öncelikle iletişimin ana unsurlarını *konusmacı (S)*, *mesaj*, *muhatap (A)* ve *cevap* olarak belirledik. İkinci olarak şu soruları yanıtlamaya çalıştık: 1) konuşmacı (S) veya muhatap (A) sessizlikle ne yaptı? ve 2) konuşmacı (S) veya muhatap (A) neden sessiz kaldı? İlk sorunun cevabı, sessizliğin işlevlerini anlamamıza, ikinci sorunun cevabı ise, amaçlarını belirlememize yardımcı oldu. Her bölüm, genel olarak iletişim teorisi ve özel olarak söz edimleri teorisi ışığında, sessizliğin pragmatığının tartışılmasıyla sona ermektedir. Analizimiz sonucunda, sessizliğin yalnızca performatif bir eyleme eşdeğer olmadığı, aynı zamanda bazı iletişim ortamlarında dönüştürücü bir eyleme eşdeğer olabileceği sonucuna vardık. Performatif etkisi olan sessizliğe *performatif sessizlik*, dönüştürücü etkisi olan sessizliğe ise *dönüştürücü sessizlik* adını verdik.

Anahtar Kelimeler: Dönüştürücü sessizlik; İletişim; Performatif Sessizlik; Pragmatik; Sessizlik Edimleri; Söz Edimleri.

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CHAPTER I

INTRODUCTION

Speech is the typical means of communication; however a good deal of human communication takes place nonverbally. Nonverbal communication guru Ray Birdwhistell states that 65% of human communication during face-to-face interactions occurs nonverbally and that only 35% of it takes place using explicit words and symbols.¹

Judee Burgoon defines nonverbal communication as “those behaviors other than words themselves that form a socially shared coding system—that is, they are typically sent with intent, typically interpreted as intentional, used with regularity among members of a speech community, and have consensually recognizable interpretations”.² In other words, nonverbal communication is a means through which interlocutors communicate their feelings and thoughts through body language including touch (haptics), eye contact (oculesics), facial expressions (kinesics), and paralanguage.³

Communication scholars developed various nonverbal communication models. Silence in those models is often put under paralanguage, also referred to as vocalics. Paralanguage is mainly concerned with the use or non-use of voice in communication including articulation, pronunciation, rate, quality, duration, loudness, pitch, regularity, and silence.⁴ Leathers states:

Silence is not an attribute of vocal cues because silence assures that none of the eight defining attributes of vocal cues can be present. On the other hand, any sensitive observer of interpersonal communication recognizes that silence is a variable that is

¹ Littlejohn, S. W., & Foss, K. A. (2009). Nonverbal communication theories. In *Encyclopedia of communication theory* (Vol. 1, pp. 691-694). SAGE Publications, Inc., <https://dx.doi.org/10.4135/9781412959384.n262>

² Littlejohn, S. W., & Foss, K. A., 690.

³ Littlejohn, S. W., & Foss, K. A.

⁴ Michal Ephratt, “Linguistic, Paralinguistic and Extralinguistic Speech and Silence,” *Journal of Pragmatics* 43, no. 9 (July 2011): 2286–2307, <https://doi.org/10.1016/j.pragma.2011.03.006>.

closely related to the eight other attributes of vocalic communication; therefore, silence serves important functions in interpersonal communication.⁵

Some communication scholars, however, distinguish between two types of silence, namely paralinguistic and linguistic.⁶ Vargas, for instance, considers silence both as a paralinguistic phenomenon and as a mode of nonverbal communication along with kinesics, oculosics, and paralanguage. Silence that Vargas puts under the paralinguistic category includes turn openings and pauses during communication. As for silence that she considers a separate mode of nonverbal communication, it includes those silences that take place during communication in instances where speech is expected.⁷ In other words, when silence is used as an indexical sign it is considered a paralinguistic phenomenon and is referred to as *paralinguistic silence*. As for silence used when speech is expected, it is often referred to as *eloquent silence* or as *linguistic silence*. In paralanguage, unfilled pauses (silence) are the typical means of communication, and the filled pauses are the atypical. In language, the spoken is the typical means of communication, and the unspoken (silence) is the atypical.⁸ This study is devoted linguistic silence which we will be referring to as *eloquent silence* throughout this study.

Eloquent Silence

Silence, like speech, is an act. Even though silence is more ambiguous than speech, its contextual effects enable it to carry an illocutionary force, as much as speech does. Silence that carries an illocutionary force is referred to as eloquent silence and is often equivalent to speech acts. Some scholars argue that silence cannot be superior to or more effective than speech as a means of communication. Khatchadourian argues that communication through silence can at most reach the stage of reciprocal communication, which does not constitute a *conversation* in its usual sense. Other scholars argue that a conversation in silence is not only possible but can also be more sophisticated and more effective than a conversation through speech in some contexts. Heidegger states in his book *Being and Time*: “keeping silent authentically is possible

⁵ Ephratt, 2292.

⁶ Ephratt.

⁷ Ephratt.

⁸ Ephratt.

only in genuine discoursing”.⁹ This view is especially dominant in what Edward Hall refers to as *high-context cultures* where explicitness is often an unwelcomed mode of communication.¹⁰

This study attempts to build on the existing literature by investigating pragmatics of silence in a tradition where it plays an important role in communication, namely Islam. It is firmly based on an examination of the relevant texts in two sources which are the basis for the Muslim way of life: the Qur’ān and the *Sunnah*.¹¹ To investigate pragmatics of silence in communication in the selected texts, we will try to answer the following questions:

- 1) What do interlocutors do with silence in communication?
- 2) Why would interlocutors use silence rather than speech in communication?

The answer to the first question will help us understand functions of silence and the answer to the second question will help us identify its motives. Each chapter will end with a discussion of pragmatics of silence in light of communication theory in general, and speech act theory, in particular.

1. Performative Silence

1.1. Silence as a Performative

The understanding of silence witnessed a major shift with the growing interest on its place in conversational settings among linguists. Unlike early research on silence, which was mostly speculative, contemporary research on the topic approached silence from both theoretical and pragmatic perspectives. One of the major contributions of linguistics to the silence literature is the distinction made between non-communicative and communicative silences. Non-communicative silence refers to pausal interruptions in a conversation. This type of silence is also called silence that structure communication¹² and paralinguistic or indexical silence.¹³

Silent communicative acts are to be distinguished from pauses which may or may not occur in conversational turn-taking. Silent acts are part of the verbal code and pauses

⁹ Martin Heidegger, *Being and Time* (New York, 2008).

¹⁰ Edward Hall, “Beyond Culture / Edward T. Hall | National Library of Australia,” 1976, <https://catalogue.nla.gov.au/Record/291708>.

¹¹ Prophet Muhammad’s recorded sayings and actions

¹² Tannen, Deborah and Saville-Troike, Muriel, *Perspectives on Silence* (Ablex, 1985).

¹³ Michal Ephratt, “Linguistic, Paralinguistic and Extralinguistic Speech and Silence,” *Journal of Pragmatics* 43, no. 9 (July 2011): 2286–2307, <https://doi.org/10.1016/j.pragma.2011.03.006>.

of the non-verbal...When silence has an intentional communicative function, it may be analyzed as one of the forms a speech act may take and should be considered along with the production sentence tokens as a basic unit of linguistic communication.¹⁴

As for communicative silence, it can be divided into three main categories, namely silence as a state, formulaic silence, and silence as an activity.¹⁵ Communicative silence can be perceived as a state in which communication takes place. It is not necessarily characterized by the absence of speech-although it may be the case-, but rather by the absence of sound in the surrounding environment. Silence of this type structures communication when the contextual aspects of the communicative interaction stand over its verbal aspects.¹⁶

Silence –as a state- is conceptualized spatially and is treated as part of the physical setting of a given activity. Because the way we talk about the physical setting of an activities (and communicative processes) gives ground for the way in which we talk about silence as a state, it can be assumed that we also conceptualize silence as physical setting. And just as rooms that take different forms can perform different functions, so can different functions be performed by different forms of silence.¹⁷

An example of silence as a state is socio-cultural¹⁸ or situational¹⁹ silence. That is silence that is mainly institutional, such as silence in funerals or in some religious rituals.

Silence, like speech, is also considered an activity (Khatchadourian, 2015). Khatchadourian states:

Rather than thinking of silence only as the absence of speech acts (or of sounds, including noise, in general), which is what ‘silence’ means in ordinary usage, we think of it, in its broadened sense, as including speechless action together with its (silent, unspoken, or implicit) presuppositions and implications. To the attractiveness of such a move due to the fact that silence is like speech and action a form of doing, is added another attraction: namely, that the interpretation of the meaning and purpose, etc. of actions involves similar problems as the interpretation of silence; since meaning, purpose, and implications in both types of cases are contextual in nature. On that understanding, actions would be conceived as “silent acts”. Silence, whether in human life or in nature, always exists in some context or situation; it is fundamentally and inescapably contextual.²⁰

¹⁴ Tannen, Deborah and Saville-Troike, Muriel, *Perspectives on Silence*.

¹⁵ Jaworski, Adam, *The Power of Silence: Social and Pragmatic Perspectives* (SAGE Publications, Inc., 1993).

¹⁶ Jaworski, Adam.

¹⁷ Jaworski, Adam, 84.

¹⁸ Bruneau.

¹⁹ Dennis Kurzon, “Towards a Typology of Silence,” *Journal of Pragmatics* 39, no. 10 (October 2007): 1673–88, <https://doi.org/10.1016/j.pragma.2007.07.003>.

²⁰ Haig Khatchadourian, *How to Do Things with Silence, How to Do Things with Silence* (De Gruyter, 2015), <https://www.degruyter.com/document/doi/10.1515/9781501501449/html>.

Silence is perceived as an activity when nonverbal conversational signals carry meaning only or carry both meaning and an illocutionary force²¹. Examples of silences that carry meaning only are thematic²², extra-linguistic (or iconic), and textual silences.²³ Thematic silence refers to silence that takes place when the speaker chooses not to talk about a topic. It often occurs in dialogical contexts. Extra-linguistic (iconic) silence is silence that accompanies speech such as the unsaid and empty speech. The unsaid refers to being silent about a particular topic, whereas empty speech refers to absence of silence when the latter is expected. As for textual silence, it is silence that occurs when a specific text is recited in silence. It often takes place in specific contexts such as inside a public library or a church, etc. Silence that carries both meaning and illocutionary force has the power to alter someone's behavior.²⁴ Communicative silence under this category can be equivalent to a speech act. This type of silence is referred to as eloquent or linguistic (or symbolic) silence.²⁵ Eloquent silence is the mention of silence when speech is expected. Silence under this category is often equivalent to speech acts.

1.2. Conditions of Performative Silence

For silence to be equivalent to a speech act, it should fulfill three main conditions. The first condition is *intention*. Intentional silence is “silence occurring in a context in which an act of speech is possible or even natural”.²⁶ When silence has an intentional communicative function, it is equivalent to a speech act and is considered a form of verbal communication.

For silence to have meaning in the linguistic sense, the speaker must have an intention...But when the speaker has no intention behind his behavior, we may refer to silence as unintentional and thus linguistically meaningless.²⁷

According to Sperber and Wilson (1986), there are two levels of intentionality in communication, namely informative and communicative intention. Informative

²¹ Tannen, Deborah and Saville-Troike, Muriel.

²² Kurzon.

²³ Ephratt, “Linguistic, Paralinguistic and Extralinguistic Speech and Silence.”

²⁴ Jaworski.

²⁵ Ephratt.

²⁶ Michal Ephratt, “‘We Try Harder’ – Silence and Grice’s Cooperative Principle, Maxims and Implicatures,” *Language & Communication* 32, no. 1 (January 2012): 62–79, <https://doi.org/10.1016/j.langcom.2011.09.001>.

²⁷ Kurzon, 2297.

intention takes place when “the communicator produces a certain verbal or nonverbal stimulus to make manifest or more manifest to the audience a set of assumptions”.²⁸ Communicative intention takes place when the informative intention is made mutually manifest to both communicator and audience. The intention behind silent communication can be either informative and communicative or informative only. Intention at its two levels is fulfilled when the speaker’s assumptions are explicitly conveyed to the audience. When the speaker hides his communicative intention from his audience hoping that the latter will recognize it, his intention is said to be informative only. In cases of the absence of both intentions, silence is considered non-communicative.²⁹

The second condition for silence to be communicative is *context*. The context not only determines whether or not silent communication is taking place, but also determines how to interpret this silence. Johannesen states that “the personality, prior experiences, and cultural conditioning of an individual will influence how he perceives silence, what meaning he will attach to it...In a human communication setting, too, silence on the part of one participant may be viewed by other participants each in a different way”.³⁰ Jaworski also elaborates on this idea. He states:

The actual interpretation of someone’s silence, takes place only when the communication process is expected and perceived to be taking place. For example, if I pass someone I do not know in the street and neither of us intends to communicate anything to the other, our respective silences will unambiguously mean that we are strangers and we do not intend to communicate with each other. However, whenever interaction between us occurs, the silence of either of us will be subject to interpretation.³¹

It follows that both intention and context are important for silence to be communicative. They are even seen as two facets of the same coin given that all communication is ostensive inferential.³² In any communicative interaction, the speaker’s intention to communicate represents the ostension side, and the audience’s interpretation of the speaker’s message based on the context of old information represents the inference side.

²⁸ Jaworski.

²⁹ Jaworski.

³⁰ Richard L. Johannesen, “The Functions of Silence: A Plea for Communication Research,” *Western Speech* 38, no. 1 (April 1974): 25–35, <https://doi.org/10.1080/10570317409373806>.

³¹ Johannesen, 34.

³² Jaworski.

The third condition for silence to be communicative is the *co-text*. Kurzon states:

In speech, the interpretation of what is said depends on specific linguistic items, on the co-text and on the context in order for the addressee or observer not only to understand, but also to disambiguate what is often ambiguous in normal speech. In silence, the interpretation depends entirely on the co-text- what has been said previously, and on the situational context, which often includes other types of non-verbal communication such as gestures and facial expressions.³³

In other words, the power of a silent act depends on the silent person's intended meaning (intention), their relationship with the audience and the occasion on which the silence takes place (context), and on the utterances that preceded the silence (co-text).

In his book *How to Do Things with Silence*, Khatchadourian states that silence carries at least two meanings, which he refers to as *silent-person meaning* and *audience-meaning*. Speaker-meaning or *silent-person-meaning* refers to what the speaker means or intends to mean by performing a particular speech or silent act not by the literal meaning of their utterances (in the case of speech).³⁴ As for audience meaning, it refers to the meaning (s) the audience attributes to a particular silence-in-context. Khatchadourian states:

Silence in human experience—and this is also true of most extant auditory art and often in the everyday employment of language—is often “framed” by or “embedded” in sound, including noise of various sorts; though sometimes it also constitutes a sound's framework or context, when prolonged and complete silence is “broken” or “punctuated” by sound. This, as we know, clearly affects the meaning(s) of silence for a particular perceiver or, correspondingly, the meaning(s) of the sounds or noises in the particular context.³⁵

Communication through silence is successful when the audience's interpretation of silence (audience meaning) and what the silent person intends to mean through silence (*silent-person-meaning*) are the same. This, in turn, depends not only on the context in which the silent message takes place but also on the audience's response to it.³⁶ In *Philosophy of Language and Logical Theory*, the same author lists two types of conditions of illocutionary acts, which he refers to as logical conditions and pragmatic conditions. He states:

Logical conditions are conditions whose satisfaction is logically necessary for a speaker *S* to succeed in performing a particular illocutionary act in uttering a given

³³ Kurzon, 2298.

³⁴ Khatchadourian, *How to Do Things with Silence*.

³⁵ Khatchadourian.

³⁶ Khatchadourian.

sentence *s*... Analysis shows that there is only one general LI-condition of any and all illocutionary acts, namely, the presence, in a very broad sense of the word, of a hearer *H*. In many but not all cases *H* may be the speaker *S* himself...The hearer may be either real or imaginary, e.g. he may be a character in a novel, a hallucination of the speaker, even a ghost or spirit! The same applies to the speaker.³⁷

The author claims that logical conditions of illocutionary acts apply to silence as much as they do to speech. He argues that being alive and conscious and intending to communicate a message to an audience are the two basic conditions a silent person should meet for an act of communication through silence to be successful.³⁸

Pragmatic conditions of illocutionary acts refer to the contextual conditions that would enable communication to succeed. Khatchadourian defines pragmatics of silent communication as:

what an individual or group of individuals intend(s) to and sometimes succeed(s) in effecting a certain response in an audience, and/or imparting certain information to it: sometimes with the additional purpose of eliciting acknowledgment of its reception of the communication by what might be called relevant counter communication on its part.³⁹

Communication, hence, depends on the amount of information the speaker intends to convey and the effect they want to produce in the audience in a particular context.

1.3.Functions of Performative Silence

Eloquent silence can perform various functions such as making claims and proclaiming propositions (referential function), expressing feelings and emotions (emotive function), keeping the channel of communication open (phatic function), and adding an aesthetic dimension to discourse (poetic function).⁴⁰ Eloquent silence can also activate the addressee (conative function). Silence that performs this function is in itself a speech act and can be further classified into three sub-categories, namely procedural silence, conceptual silence, and silence as a speech act. Procedural silence is silence that activates the listener to take responsibility in leading the conversation. Conceptual silence is silence used to avoid arousing mythic powers by not naming

³⁷ Haig Khatchadourian, *Philosophy of Language and Logical Theory: Collected Papers*, 1995, <https://rowman.com/ISBN/9780819199126/Philosophy-of-Language-and-Logical-Theory-Collected-Papers>.

³⁸ Khatchadourian, *How to Do Things with Silence*.

³⁹ Khatchadourian, 18.

⁴⁰ Ephratt, "The Functions of Silence."

them, or to avoid evil eye, etc. As for silence as a speech act, it is silence used to admit guilt, approval, or disapproval for instance.

In his book *A Taxonomy of Illocutionary Acts*, Searle argues that speakers can perform five illocutionary points with words. He refers to these points as the *assertive*, *commissive*, *directive*, *declaratory* and *expressive* illocutionary points.⁴¹ Even though silence is more ambiguous than speech, its contextual effects enable it to carry an illocutionary force, as much as speech does. The richer the contextual effects that accompany silence, the more the latter approaches or even surpasses the communicative force of speech and thus approximates Searle's five illocutionary points.⁴² For instance, in contexts where silence is used symbolically to describe something, the latter might be equivalent to an assertive. In some other contexts, it may be equivalent to a commissive speech act, as is the silence of monks who take the vow of silence to become a member of the Cartusian monastic order. In other contexts, silence can be equivalent to a declaratory speech act. An example of such silence is when a person withdraws from a heated political debate and remains silent to declare his lack of interest in the arguers' political views.⁴³

1.4. Stages of Communication through Silence

Khatchadourian argues that communication through silence goes through five levels or stages of increasing complexity. The advanced the stage, the more complex and effective communication is.⁴⁴

In the first stage, communication consists of *unintentionally* expressing a thought or an inner state through silence. Silence at this stage does not carry any illocutionary force that corresponds to that of a speech-act.⁴⁵ In the second stage, communication consists of *intentionally* communicating a thought or an inner state through silence to an audience *A without aiming at producing any effect in or influencing A*. Silent communication at this stage would be formalized as follows: "In her silence under conditions *C*, *P* intended (wanted, etc.) to communicate a certain feeling, emotion,

⁴¹ John R. Searle, "A Taxonomy of Illocutionary Acts," 1975, <http://conservancy.umn.edu/handle/11299/185220>.

⁴² Khatchadourian.

⁴³ Khatchadourian.

⁴⁴ Khatchadourian.

⁴⁵ Khatchadourian.

desire, thought, etc., to the audience A, and to enable A to know or understand the meaning of the silence”.⁴⁶ In the third stage, communication consists of *intentionally* communicating a thought or an inner state through silence to an audience A *with the aim of producing an effect in or influencing A*. Silent communication at this stage would be formalized as follows:

In being silent, or in acting silently, under conditions C, P intended to (a) communicate to the audience A the feeling, emotion, etc., she expressed by her silence; and (b) to affect A with a like feeling, emotion, attitude, etc.; and (c) to make A understand or know her silent act’s meaning; what her silent act expresses and is intended to communicate.⁴⁷

In the fourth stage, communication consists of *intentionally* communicating a thought or an inner state through silence to an audience A *with the aims of (a) producing an effect in or influencing A* and (b) *receiving A’s response to P’s silent message*. Silent communication at this stage would be formalized as follows:

In silently expressing a feeling emotion, attitude, etc., X under conditions C, P intended (a) to communicate to A that feeling, etc., and so, (b) to make A understand the act’s meaning—what it expresses and is intended to communicate; (c) to help enable or help induce A to indicate—to make in some way clear to P–A’s knowledge or understanding of the meaning of P’s silent act, and (d) to appropriately acknowledge... its understanding etc. , of it by appropriate silent body language.⁴⁸

In the fifth stage, communication consists of intentionally communicating a thought or an inner state through silence to an audience A, *aiming at (a) producing an effect in or influencing A* and (b) *receiving A’s response to P’s silent message, and acknowledging A’s acknowledgment P’s silent messages*. Silent communication at this stage would be formalized as follows:

In her silence under conditions C, P intends (a)–(d) described in level/stage 4 situations, but also (e) wants A to know that she is aware of A’s response to her silence, the way she hopes or expects A to respond to: e.g., to feel or think, etc., what P expresses, etc., by her silence. with the addition, in stage 5, of condition (e) we pass from communication (by P to A) to reciprocal (P–A) communication, although the reciprocal communication would not be a conversation in a straightforward sense.⁴⁹

According to Khatchadourian, the advanced the stage of silent communication, the more sophisticated the communication process is. He argues that in the fifth stage, P and A pass from *communication* to what he refers to as *reciprocal communication* as

⁴⁶ Khatchadourian, 21.

⁴⁷ Khatchadourian, 21.

⁴⁸ Khatchadourian.

⁴⁹ Khatchadourian.

A's recognition of S's intention goes beyond communication by S alone and becomes *reciprocal* communication—hence the beginnings of a possible *conversation* between S and A.⁵⁰ Khatchadourian argues that at its highest stage, silent communication can only become reciprocal communication, and would rarely transform into a conversation in the sense of the word. He states:

Extended reciprocal communication, especially conversation in the usual sense or as more precisely defined above by Moulin et al., is difficult to bring off successfully by means of silence, with the notable exception of the “conversation” of the deaf by means of sign-language; or the reciprocal communication of sailors or others by Morse Code signals; or in the silent mutual communications of the monks or nuns in Roman Catholic monastic orders, such as the Capuchin order in France, which has a strict rule of silence. But mutual communication— whether or not it can be called conversation in its usual meaning— if coupled with appropriate gestures and other forms of body language, or by action, can be readily imagined.⁵¹

We can understand from this quotation that despite being communicative, silence cannot be superior to or more effective than speech as a means of communication. Khatchadourian argues that communication through silence can at most reach the stage of reciprocal communication, which does not constitute a *conversation* in its usual sense.⁵²

2. Silent Communication

In his book *Being and Time*, Heidegger argues that “keeping silent authentically is possible only in genuine discoursing”. This view is especially dominant in what Edward Hall refers to as high-context cultures where explicitness is often an unwelcomed mode of communication. In his book *Beyond Culture*, Hall defines high-context communication as follows:

A high-context (HC) communication or message is one in which most of the information is either in the physical context or internalized in the person, while very little is in the coded, explicit, transmitted part of the message.⁵³

This view is further elaborated in Japanese literature where high-context communication is believed to be one of the distinguishing characteristics of Japanese society. It is also dominant in monastic literature where silence is believed to be

⁵⁰ Khatchadourian.

⁵¹ Khatchadourian, 22.

⁵² Khatchadourian.

⁵³ Edward Hall, “Beyond Culture / Edward T. Hall | National Library of Australia,” 1976, <https://catalogue.nla.gov.au/Record/291708>.

superior to speech. Below, we will explore the pragmatics of silent communication in Japanese and monastic cultural contexts.

2.1. Pragmatics of Silent Communication in the Japanese Cultural Context

In her article *the cultural significance of silence in Japanese communication*, Lebra argues that silence plays an important role in Japanese communication and that it is associated with four main characteristics, namely, social discretion, defiance, embarrassment, and truthfulness.⁵⁴ Silence is believed to be a moral quality necessary to gain social acceptance. One is supposed to conceal one's negative emotions, thoughts, and actions and to abstain from uttering evil words. It is also believed to save one from shame, social rejection, and hostility and to create harmony and social discretion in society. The Japanese also use silence to express their disagreement with or hostility towards someone or something. Silence is also believed to be a sign of embarrassment in Japanese society especially in conjugal relationships where the husband and wife avoid expressing their feelings of love to one another verbally. This conjugal embarrassment is justified by the fact that the two partners believe to be in one mind and body, referred to as *ishin dotai*, and thus do not need to communicate with words. Lebra states: "as ritual distance demands discretionary silence, so does intimacy inhibit the verbal externalization of emotions".⁵⁵ Love is rather expressed through acts of care and attention. The Japanese wife, for instance, expresses her feelings of love towards her husband by dressing and undressing him. Silence is also highly associated with truthfulness in Japanese society. The Japanese believe that the self is divided into two parts: an inner part and an outer part. The inner part, namely the heart, is believed to be the source and seat of truth. The outer self, namely the face and mouth, on the other hand are associated with immoral qualities such as falsity and disguise. Therefore, the Japanese believe that the highest and most sophisticated form of communication is heart-to heart communication, which they refer to as *ishin-denshin*.⁵⁶

⁵⁴ Takie Sugiyama Lebra, "The Cultural Significance of Silence in Japanese Communication" 6, no. 4 (January 1, 1987): 343–58, <https://doi.org/10.1515/mult.1987.6.4.343>.

⁵⁵ Lebra.

⁵⁶ Lebra.

In her article *Silent Bodies: Japanese Taciturnity and Image Thinking*, Dosen traces back the origins of silent communication to ancient religions and philosophies such as Zen Buddhism, which values taciturn ways of communication and equate it with high morality.⁵⁷ According to this tradition:

True communication is established through experience...the truth is beyond the words... words are not the highest reality, nor is what is expressed in the words the highest reality...the attachment to words as having self-nature takes place owing to one's clinging to [...] false imaginings since beginningless time.⁵⁸

In Zen Buddhist tradition, communication between the master and his pupil toward the initiation of the truth is believed to be silent. It is based on direct transmission of thoughts and inner states, which cannot be achieved through speech. This implicit way of communication is referred to as *ishin-denshin*, often translated as heart-to-heart communication, tacit mutual understanding, or telepathy, although it is believed to be more than the latter.⁵⁹ *Ishin-denshin* is founded on the inner–outer conception of self, which is reflected in Japanese language and communication system. Immorality, associated with speech and utterances, is associated with the outer part of the body, whereas truthfulness and morality, manifested in silence, are located in the inner part of the body, namely the heart.⁶⁰ *Ishin-denshin* is also related to two other concepts that are also embedded in Japanese language and communication system. The first concept is *Haragei*, which literally translates as *belly art*. This concept refers to tacit mutual understanding and communication with people. Japanese pioneer in interpersonal and intercultural communication research Ishii Satoshi asserts that “one should be very perceptive and receptive in order to understand what others mean or to sense of what others want or need”.⁶¹ The other concept is *amae*, which Japanese psychoanalyst Doi Takeo defines as: “an expectation that one’s interlocutor can understand oneself without having to verbalize one’s needs and feelings”⁶². Doi states that *amae* is at the core of interpersonal and intercultural communication in Japan. It establishes a relationship of mutual reliance between the communicators, which he refers to as *the concerned* and *the dependent*.

⁵⁷ Ana Došen, “Silent Bodies: Japanese Taciturnity and Image Thinking,” *Issues in Ethnology and Anthropology* 12 (March 31, 2017): 113, <https://doi.org/10.21301/eap.v12i1.5>.

⁵⁸ Došen.

⁵⁹ Došen.

⁶⁰ Došen.

⁶¹ Došen.

⁶² Quoted in Došen.

2.2. Pragmatics of Silent Communication in Monastic Cultural Contexts

Silent communication is highly valued in monastic cultures. In his article *The Healing Silence: Thomas Merton's Contemplative Approach to Communication*, Matthews asserts: "Silence pervades, envelopes, extends and transcends communication. It is the environment in which speech is enabled to be seen and heard. Silence is inherent in our beingness and helps foster our soul-connection to others".⁶³ Summarizing Trappist Merton's understanding of genuine communication and the importance of silence in it, he adds:

Communication is essentially and ultimately spiritual in nature. Human communication is a spiritual nexus; it is our point of contact and connection with the World within and around us...communication is an act of being, and not merely a process of doing...Silent listening is the proper starting point for all communication...true communication runs deeper than the mere transmission of messages, for it extends to the level where we share an understanding of each other as persons, not just messengers... silence enables us to both truly hear and truly communicate.⁶⁴

In the same article, Merton states:

To live in genuine dialogue with others is absolutely necessary if man is to remain human...true communication on the deepest level is more than a sharing of ideas, of conceptual knowledge, or formulated truth. The kind of communication that is necessary on this deep level must be communion beyond the level of words, a communion in authentic experience which is shared not only on a preverbal but also on a postverbal level...it is necessary that there be a genuine and deep communication between the hearts and minds of men.⁶⁵

Silence that characterizes monastic cultures is broadly referred to as *religious silence*. It is a type of silence used for religious and spiritual purposes. The mark of the monastic life from earlier times was withdrawal from the world into a protected realm most often characterized by silence. The *strepitus mundi* or noise of the outer world included all the distractions of material culture and bodily function and especially the falsehoods, unkindness, inanities, and superfluities of language ill-used, that is, used for anything but the praise of God.⁶⁶ Gehl states:

⁶³ Gray Matthews, "The Healing Silence: Thomas Merton's Contemplative Approach to Communication," *The Merton Annual: Studies in Culture, Spirituality and Social Concerns.*, no. 15 (2002): 61–76.

⁶⁴ Matthews., 75-76.

⁶⁵ Matthews., 75-76.

⁶⁶ P. Gehl, "Competens Silentium: Varieties of Monastic Silence in the Medieval West," 1987, <https://doi.org/10.1484/J.VIATOR.2.301388>.

Silence was conceived as one of the structural elements of monastic common life, as essential to the monk's wellbeing as the physical buildings of church and enclosure, and as regularizing in time as the strict order of the canonical hours. Silence in the cloister, like peace in a kingdom, was essential to the pursuit of the people of God.⁶⁷

He also states:

On the most external level, silence of this sort is *taciturnitas*, refraining from speech. The monks of the desert provided the model of that ascetic silence, so closely linked to solitude, which is the prerequisite for prayer and contemplation. In the West, this was particularly developed in the direction of a theory of moral virtue consisting of thorough avoidance of sins of speech⁶⁸. . . It is of value not only for avoiding sins of speech but also in refraining habitually from good words. . . More is involved here, clearly, than self-discipline and avoidance of sin. . . Silence is discipline in the most basic sense; it makes practitioners learners, true and permanent disciples. As a learner, the monk works to receive, consider, and internalize the many language acts which fill his day".⁶⁹

Silence as thus experienced by the monks was a daily practice of moral virtue in the language sphere. Johannesen argues that "one derived from silence the cornerstone of character, the virtues of self-control, courage, patience, and dignity".⁷⁰

Monastic cultures also distinguish useless or idle speech from useful speech. The former encompasses utterances that do not contribute in any way to one's moral and spiritual development or that eventually lead to self-destruction such as slander and murmuring. The latter includes words used for edifying and religious purposes such as praising God and consoling others. In other words, speech in monastic sources is associated with sin unless it is used for holy purposes. In order to avoid sins of the tongue and achieve personal salvation that characterized early monasticism, there was an emphasis on the importance and necessity of silence in monastic life. Being aware of the dangers of the sins of the tongue, including but not limited to, pride, murmuring and disobedience, early ascetics and monks alike have emphasized and exemplified proper use of speech 'taciturnity' (*taciturnitas*) in their teachings and lives.

The virtuous characteristics associated with taciturnity are emphasized in monastic literature. The author of the ancient and longest monastic rule '*Regula Magistri*' also referred to as *Rule of the Master* presents the anthropology of speech and silence as follows:

The root of man's life is his heart. From this root two branches reach up and to the outside of man. The eyes are one branch, the mouth the other. Through the eyes, the soul looks out upon the word. Through the mouth, the soul emits sounds into the

⁶⁷ Gehl.

⁶⁸ Gehl.

⁶⁹ Gehl, 136.

⁷⁰ Johannesen, "The Functions of Silence."

external world. It is through these two branches that evil can infect the soul. Therefore, the monk must keep guard over his eyes lest anything evil enter into the heart and pollute the soul. And he must guard over his tongue lest any evil that has been conceived in his heart be emitted to the outside. In order to control internal thought, God and nature have equipped man with a gate, the mouth, and a bar, the teeth, which should be closed and kept under surveillance. Thus, evil thoughts rising up internally will find no escape but will be returned back at the fortifications of the mouth and teeth and so be returned to the heart where they will be dashed into pieces. Therefore, a monk keeps constant guard over his thought, word, and sight lest he sin and offend God and so bring about his own destruction. He even refrains from good words lest he be easily betrayed into evil speech by a lack of control over his mouth. A perfect monk, one who has control over thoughts, words, and sight, is rarely granted permission to speech. In much talking one can hardly avoid sin. Indeed, monks should be silent until their tongue is loosened by the interrogation of the abbot.⁷¹

This passage expresses the Master's conception of speech as the translation of inner thoughts, which are to be regulated by silence. The emphasis here is not on the virtuous characteristics of silence per se, but on its importance in regulating thoughts and action to avoid sin. The Master also states elsewhere in his Rule that silence allows the monk not only to avoid sin, but also to practice virtues such as obedience and humility, which are the cornerstones of authentic monastic life.⁷²

Following the footsteps of his predecessors, Benedict of Aniane also stresses the importance of proper use of speech in his Rule. Like the Master, he mainly sees taciturnity as a means to avoid sin and practice virtue. Silence in the Rule of Benedict is also to be seen in the context of dialog between Man and God as stated by Wathen in the following lines:

Silence for the RB is to be understood in the context of verbal communication. Silence is lack of speaking, a restraint of the tongue. This restraint of the use of the tongue is related to verbal communication; one keeps silence in order to hear another. The monk is one who listens to the Divine Speech as it comes to Him in Scripture. In order to hear this Word he must refrain from talking. The monk hears God's word especially in Scripture, in the *Opus Dei* and in Holy Readings. For this reason, these two periods in his daily life are periods of silence from all other communication.⁷³

This understanding of silence is based on the belief that the underlying truth of God's message is silent, interior thought, or more precisely the words spoken by the Word in the inner ear of the soul⁷⁴. Once these external silences are secured, individual monks create for themselves a well-regulated personal silence which extended from their relationships to each other into their private lives of prayer. At this level, the monk, in

⁷¹ Ambrose G. Wathen, *Silence: The Meaning of Silence in the Rule of St. Benedict*, Cistercian Studies Series, no. 22 (Washington: Cistercian Publications, 1973).

⁷² Ambrose.

⁷³ Ambrose, 60.

⁷⁴ Gehl, "Competens Silentium."

addition to refraining from speech, uses silence to reach complete emptiness of the mind from thoughts and all other distractions. It is then that the monk enters a state of inner silence. Greene states:

In this profound silence, and only in its highest stages, there comes to the aspirant God-inspired knowledge. This knowledge of ultimate and absolutes is seen as the foundation stone on which the phenomenal world of matter and humanity rests. Such knowledge is so far beyond the range of sense perception and reasoning as to defy all standards of comparison...This ulterior knowledge gives insight into reality and the purpose of existence.⁷⁵

Gehl describes this inner silence as “the pregnant precondition for meaning which resides in the innermost recesses of the soul”.⁷⁶ Silence in this context is believed to be an inner voice, an approach to God through the moral and mystical dimensions of language, which Gehl refers to as “a language beyond language”.⁷⁷

3. Theoretical Gap

We conclude from our analysis of the existing silence research that the use of silence in communication is to be seen within a spectrum. At one end of the spectrum, silence can be equivalent to a performative or a speech act. This is mainly the case in situations where interlocutors are expected to speak but use silence instead of speech to communicate. Silence in this case is referred to as eloquent silence. At the other end of the spectrum, silence can be superior to speech to the extent that it completely relaces the latter. This is mainly the case in high-context cultures where silence is believed to be a means for authentic and genuine communication. However, the existing silence research is silent about pragmatics of silence between the two ends of the spectrum (See Figure 1.1).

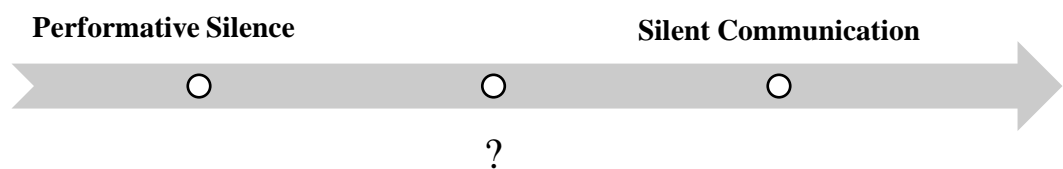


Figure 1.1: Theoretical Gap

⁷⁵ Alice Borcharad Greene, *The Philosophy of Silence*, First edition (Richard R. Smith, 1940), 187.

⁷⁶ Gehl, 131.

⁷⁷ Gehl, 126.

In an attempt to fill up this gap, this study will build on the existing literature by investigating pragmatics of silence in a tradition where it plays an important role in communication, namely Islam. It will be firmly based on an examination of the relevant texts in two sources which are the basis for the Muslim way of life: the Qur'ān and the *Sunnah*.⁷⁸ To investigate pragmatics of silence in communication in the selected texts, we will try to answer the following questions:

- 3) What do interlocutors do with silence in communication?
- 4) Why would interlocutors use silence rather than speech in communication?

The answer to the first question will help us understand functions of silence and the answer to the second question will help us identify its motives. Each chapter will end with a discussion of pragmatics of silence in light of communication theory in general, and speech act theory, in particular.

METHOD AND APPROACH OF THE PRESENT STUDY

The study of silence has occupied an important place in contemporary Western linguistic and pragmatic research. Silence has been first approached as a pause in communication, also referred to as “chronometrical analysis of speech”.⁷⁹ This approach consists of collecting quantitative chronometrical data on speech rates to compare the ratios of speech to silence. Works produced in this respect include Chapple's *Quantitative analysis of the interaction of individuals*⁸⁰, Goldman's *The predictability of words in context and the length of pauses in speech*, Hawkins's *The syntactic location of hesitation pauses*⁸¹, Crown's *Psychological correlates of silence and sound in conversational interaction*⁸², and Adell et al.'s *Filled pauses in speech synthesis: towards conversational speech*.⁸³ Silence has later been studied as an

⁷⁸ Prophet Muhammad's recorded sayings and actions

⁷⁹ Michal Ephratt, “The Functions of Silence” .

⁸⁰ Chapple, Eliot D., 1939. Quantitative analysis of the interaction of individuals. Proceedings of the National Academy of Sciences of the United States of America (PNAS) 25 (2), 58–67.

⁸¹ Hawkins, P.R., 1971. The syntactic location of hesitation pauses. Language and Speech 14, 277–288.

⁸² Crown, Cynthia L., Feldstein, Stanley, 1985. Psychological correlates of silence and sound in conversational interaction.

In: Tannen, D., Saville-Troike, M. (Eds.), Perspectives on Silence. Ablex, Norwood, NJ, pp. 31–54.

⁸³ Adell, Jordi, Bonafonte, Antonio, Escudero, David, 2007. Filled pauses in speech synthesis: towards conversational

interactive locus of turn-taking during discourse.⁸⁴ Sacks et al.'s “*A simplest systematics for the organization of turn-taking for conversation*”⁸⁵ is one of the pioneering works on the importance of silence in organizing discourse. The study of silence from a linguistic perspective has undergone a shift with the emergence of pragmatics as a discipline in the 1990s. The latter approached silence as an eloquent communicative act. Major works on eloquent silence include Saville-Troike's *The place of silence in an integrated theory of communication*⁸⁶, Kurzon's *The right of silence: a socio-pragmatic model of interpretation*⁸⁷, Jaworski's *Silence: Interdisciplinary Perspectives*⁸⁸, and Ephratt's *The Functions of Silence*, among others. These authors argue that eloquent silence is equivalent to a speech act.⁸⁹

The study of silence has occupied an important place in the Islamic intellectual tradition as well. Early Muslim jurists have approached silence from a pragmatic perspective by studying its illocutionary force in various communication settings and extrapolating legal rulings (*ahkām*) from it. *Fath al-Ghaffār* by Ibn Nujaym (d. 1563), *Kashf al-Asrār* by Nasafi (d. 1142), and *Al-Talwīh* by Taftazāni (d.1390) are but a few examples of the major classical works that devoted a large section to the study of silence from a legal perspective under what Hanafi scholars call *statement of necessity* (*bayān al-ḍarūrah*).⁹⁰ Muslim scholars have also approached silence as proper use of speech (*sawm al-lisān* or *ādāb al-lisān*). Classical works produced in this respect include, but are not limited to, *Kitāb al-Ṣamt wa-Ādāb al-Lisān* by Ibn Abī al-Dunyā (d.894), and *Husn al-Semt fī al-Ṣamt* by Suyūṭī (d.1505), both of which are entirely devoted to the topic of silence as proper use of speech. *Adab al-Dunyā wa-Dīn* by

speech. In: Proceedings of the 10th International Conference on Text, Speech and Dialogue, LNCS 4629. Springer, Plzen, Czech Republic, pp. 358–365.

⁸⁴ Ephratt.

⁸⁵ Sacks, Harvey, Schegloff, Emanuel A., Jefferson, Gail, 1974. A simplest systematics for the organization of turn-taking for conversation. *Language* 50, 696–735.

⁸⁶ Saville-Troike, Muriel, 1985. The place of silence in an integrated theory of communication. In: Tannen, D., Saville-Troike, M. (Eds.), *Perspectives on Silence*. Ablex, Norwood, NJ, pp. 3–18.

⁸⁷ Kurzon, Dennis, 1995. The right of silence: a socio-pragmatic model of interpretation. *Journal of Pragmatics* 23,55–69.

⁸⁸ Jaworski, Adam (Ed.), 1997a. *Silence: Interdisciplinary Perspectives*. Mouton de Gruyter, Berlin and New York.

⁸⁹ Ephratt.

⁹⁰ Elaboration by necessity (*bayān al-ḍarūrah*) is one of four statements Hanafi scholars rely on in the production of legal rulings.

Māwardi (d. 1058) and *Ihyā Ulūm al-Dīn* Ghazālī (d.1111) also belong to the classical ethico-religious literature that addressed the topic of silence as proper use of speech. Contemporary studies about silence in the Islamic context are based mainly on the aforementioned classical works. Examples of such works include *Silence and Speech Etiquette A Contribution to the Study of Islamic Ethics* by Zilio-grandī.⁹¹

This study aims at building on the existing literature by investigating pragmatics of silence in a tradition where it plays an important role in communication, namely Islam. It will be firmly based on an examination of the relevant texts in two sources which are the basis for the Muslim way of life: the Qur'ān and the Sunnah (Prophet Muhammad's recorded sayings and actions). I believe that the systematic study of silence in its historical context is necessary for a comprehensive understanding of pragmatics of silence in communication. However, this dissertation remains a preliminary study with respect to this task.

My method will be twofold. First, I will select relevant texts about silence in communication in the Qur'ān and the Sunnah using thematic textual analysis as a method. This analysis will help us develop a taxonomy of silence in communication in the Islamic cultural context. Second, I will use this taxonomy as a basis for a further analysis of pragmatics of silence in communication in light of communication theory in general, and speech act theory in particular.

I will proceed by identifying relevant texts from the Qur'ān and the *Sunnah*.

Thematic textual analysis of silence in the Qur'ān will be conducted using the Qur'ān as the main primary source. The selected texts will be interpreted in light of the following secondary sources:

- a. *Al-Bahr al-Madīd Fī Tafṣīr al-Qur'ān al-Majīd* by Ibn 'Ajība (d.1809).⁹²
- b. *Tafṣīr Ibn Kathīr* by Ibn Kathīr (d.1373).⁹³
- c. *Al-Tafṣīr al-Kabīr* by Fakhr al-Din Rāzī (d.1210).⁹⁴
- d. *Tafṣīr Al-Jalālayn* by Jalal al-Din Mahalli (d.1460) and Jalal al-Din Suyuti (d.1505).⁹⁵

⁹¹ See for example Zilio-Grandi, Ida, "Silence and Speech Etiquette A Contribution to the Study of Islamic Ethics," *Annali Di Ca' Foscari. Serie Orientale* 52 (2016): 7–29.

⁹² Ibn Ajība, *Al-Bahr al-Madīd Fī Tafṣīr al-Qur'ān al-Majīd*, 8 vols. (Beirut: Dār al-kutub al-Ilmiyya, 2015).

⁹³ Ibn Kathīr, *Tafṣīr Ibn Kathīr*, 2nd ed., 8 vols. (Dār Tayyibah, 1999).

⁹⁴ Fakhr al-Din Rāzī, *Al-Tafṣīr al-Kabīr*, 1st ed., 32 vols. (Dār al-Fikr, 1981).

⁹⁵ Jalal al-Din Mahalli and Suyuti, Jalal al-Din, *Tafṣīr Al-Jalālayn*, 1st ed., 1 vols. (Cairo: Dar al-Hadith, 2003).

- e. *Tafsir Al-Wahidi: Al-Wasit Fi Tafsir al-Qur'an al-Majid* by Wahidi (d.1075).⁹⁶
- f. *Tafsir al Sulami: Haqaiq al-Tafsir* by Sulami (d.1021).⁹⁷
- g. *Tafsir Ibn Arabi* by Ibn Arabi (d.1240).⁹⁸
- h. *Tafsir Al-Sharawi* by Sharawi (d.1998).⁹⁹
- i. *Tafsir Ruh Al-Bayan Fi Tafsir al-Quran* by Ismail Hakki (d.1725).¹⁰⁰

Textual analysis of silence in the *Sunnah* will be conducted using *kanz al-'ummāl fī sunan al-aqwāl wa l-af'āl*, a Sunni hadith collection, collected by 'Ala al-Din 'Ali ibn 'Abd-al-Malik Husam al-Din al-Muttaqi al-Hindi (d.1567). The book is divided into two sections: sayings of Prophet Muhammad (*al-sunnah al-qawliyya*) and actions of Prophet Muhammad (*al-sunnah al-fi'liyyah*). After identifying the texts that are relevant to this study, I will sort them out according to their authenticity and reliability. After that I will select the most authentic and reliable texts (*sahīh*), check them in their original sources, and interpret them in light of books of hadith commentary. The main reason for starting the textual analysis with *kanz al-'ummāl fī sunan al-aqwāl wa l-af'āl* is that it is one of the few books that sort out hadith into sayings (*aqwāl*) and actions (*af'āl*) of Prophet Muhammed. The primary books that will be used in textual analysis of silence in the *Sunnah* include:

- a. *Sahīh Al-Bukhāri* by Bukhari (d.870).¹⁰¹
- b. *Sahīh Muslim* by Muslim (d.875).¹⁰²
- c. *Sunan Abu Dāwūd* by Abu Dāwūd (d.889).¹⁰³
- d. *Sunan Al-Tirmidhī* by Tirmidhī (d.892).¹⁰⁴
- e. *Sunan Ibn Mājah* by Ibn Mājah (d.887).¹⁰⁵
- f. *Sunan al-Nasāi* by Nasāi (d.915).¹⁰⁶

⁹⁶ *Tafsir Al-Wahidi: Al-Wasit Fi Tafsir al-Qur'an al-Majid*, Wahidi, Abu al-Hassan, 4 vols. (Beirut: Dar al-Kutub al-Ilmiyya, 1995).

⁹⁷ Sulami, Abdulrahman, *Tafsir al Sulami: Haqaiq al-Tafsir* (Dar al-Kutub al-Ilmiyya, 2001).

⁹⁸ Ibn Arabi, Muhiyiddin, *Tafsir Ibn Arabi* (Beirut: Dar al-Kutub al-'Ilmiyya, n.d.).

⁹⁹ Sharawi, Muhammad Mutawalli, *Tafsir Al-Sharawi* (Akhbar al-Yawm, Idarat al-Kutub wa-al-Maktabat, 1991).

¹⁰⁰ Hakki, Ismail, *Tafsir Ruh Al-Bayan Fi Tafsir al-Quran*, n.d.

¹⁰¹ Bukhari, *Sahīh Al-Bukhari*, 1st ed. (Beirut: Dar Ibn-Kathir, 2002).

¹⁰² Muslim, *Sahīh Muslim*, 8th ed. (Beirut: Dar Al-Kutub al-Ilmiyah, 2016).

¹⁰³ Abu Dawud, "Loqtah," in *Sunan Abu Dawud*, 1st ed., 6 vols. (Damascus: Dar al-Risalah al-Alamiyyah, 2009), 1709.

¹⁰⁴ Tirmidhi, "Al-Ru'yā," in *Sunan Al-Tirmidhi*, 1st ed., 6 vols. (Dar al-Gharb al-Islami, 1996).

¹⁰⁵ Ibn Majah, "Hudūd," in *Sunan Ibn Majah*, 2 vols. (Dar Ihya al-Kutub al-Arabiyya, 2009).

¹⁰⁶ Nasai, Abu Abd al-Rahman, *Sunan Al-Nasai*, 9 vols. (Cairo: Dar al-Ta'sil, 2012).

The selected texts will be interpreted in light of the following books of hadith commentary:

- g. *'Umdat al-Qāri Sharh Sahīh al-Bukhāri* by 'Ayni (d.855).¹⁰⁷
- h. *Al-Minhāj fi Sharh Muslim Ibn Hajjaj* by Nawawi (d.1277).¹⁰⁸
- i. *Fath al-Mun'im Sharh Sahīh Muslim* by Lashin (d.2009).¹⁰⁹
- j. *'Awn al-Ma'būd 'alā Sharh Sunan Abī Dāwūd* by Ābadi (d.1911).¹¹⁰

SCOPE OF THE STUDY AND RESEARCH QUESTIONS

It is worth mentioning that our analysis will be limited to *communicative silence*. In other words, the analysis of inner silence, silence as stillness, and silence as a pause in communication is beyond the scope of this study.

To investigate pragmatics of silence in communication in the selected texts, we will attempt to answer the following questions:

- 1) What do interlocutors do with silence in communication?
- 2) Why would interlocutors use silence rather than speech in communication?

The answer to the first question will help us understand functions of silence and the answer to the second question will help us identify its motives. Each chapter will end with a discussion of pragmatics of silence in light of communication theory in general, and speech act theory, in particular.

¹⁰⁷ Ayni, Badr al-Din, *'Umdat al-Qari Sharh Sahih al-Bukhari*, 13 vols. (Beirut: Dar Al-Kutub al-Ilmiyah, 2001).

¹⁰⁸ Nawawi, *Al-Minhaj Fi Sharh Muslim Ibn al-Hajjaj*, 2nd ed., 18 vols. (Muassassat Qortoba, 1994).

¹⁰⁹ Lashin, Musa Shahin, *Fath Al-Mun'im Sharh Sahih Muslim*, 1st ed., 10 vols. (Dar al-Shuruq, 2002).

¹¹⁰ Abadi, *'Awn Al-Ma'bud 'Ala Sharh Sunan Abi-Dawud*, 1st ed., 2 vols. (Beirut: Dar Ibn-Hazm, 2005).

CHAPTER II

TEXTUAL ANALYSIS OF SILENCE IN THE QUR'ĀN AND THE SUNNAH

I. SILENCE IN THE QUR'ĀN AND THE SUNNAH

In this chapter, we will collect texts about communicative silence from the Qur'ān and the Sunnah using textual analysis as a method. Our analysis will not be limited to the explicit mention of the word *silence* (*samt* or *sukūt*) but will also include instances where silence means *concealment* (*kitmān, ikhfā, isrār, and sitr*). We will also consider expressions that indicate the communicator remained silent including not informing ('*adam al-ikhbār*), not narrating ('*adam al-qass*), and not responding ('*adam al-ijāba*). Our analysis will also include texts where silence is used for the purpose of listening, which is referred to as *insāt*.

1. Silence as concealment

Silence as concealment is referred to as *kitmān, ikhfā, isrār and sitr*, which all mean concealment, hiding, and covering. Other times it is referred to as '*adam al-ikhbār* (not disclosing) and '*adam al-qass* (not narrating) as we can see below.

1.1. Concealment as *kitmān*

- In the Qur'ān

إِنَّ الَّذِينَ يَكْتُمُونَ مَا أَنْزَلْنَا مِنَ الْبَيِّنَاتِ وَالْهُدَىٰ مِنْ بَعْدِ مَا بَيَّنَّاهُ لِلنَّاسِ فِي الْكِتَابِ أُولَٰئِكَ يَلْعَنُهُمُ اللَّهُ وَيَلْعَنُهُمُ
اللَّاغُتُونَ إِلَّا الَّذِينَ تَابُوا وَأَصْلَحُوا وَبَيَّنُّوا فَأُولَٰئِكَ أَتُوبُ عَلَيْهِمْ وَأَنَا التَّوَّابُ الرَّحِيمُ¹¹¹.

Q1: 'Verily, those who conceal the clear proofs, evidence, and the guidance, which We have sent down, after We have made it clear for the People in the Book, they are the ones cursed by Allah and cursed by the cursers. Except those who repent and do righteous deeds, and openly declare (the truth which they

¹¹¹ Qur'an, 2:159-160.

concealed). These, I will accept their repentance. And I am the One Who accepts repentance, the Most Merciful'.¹¹²

وَأِذْ أَخَذَ اللَّهُ مِيثَاقَ الَّذِينَ أُوتُوا الْكِتَابَ لَتُبَيِّنُنَّهُ لِلنَّاسِ وَلَا تَكْتُمُونَهُ¹¹³.

Q2: '(And remember) when Allah took a covenant from those who were given the Scripture to make it (the truth) known and clear to mankind, and not to **hide** it, but they threw it away behind their backs, and purchased with it some miserable gain! And indeed, worst is that which they bought'.¹¹⁴

Commentary: Q1 and Q2 warn scholars against concealing their knowledge when it is needed.¹¹⁵ Muslim scholars distinguish three main types of knowledge as far as concealment is concerned: 1) knowledge that should not be concealed, 2) knowledge that should be concealed, and 3) knowledge that should preferably be concealed.¹¹⁶

Knowledge that must not be concealed includes knowledge about religious and non-religious matters that people need to know. Teaching such knowledge and spreading it is a sufficiency duty (*farḍ al-kifāya*)¹¹⁷; a duty that the individual is not required to perform as long as a sufficient number of community members perform it. Concealing such knowledge is unlawful in Islamic law. As for knowledge that must be concealed includes knowledge about the divine world and its secrets and mysteries. This type of knowledge is not supposed to be revealed except to those who are ready to receive it. As for knowledge that should preferably be concealed, it includes knowledge about spiritual and metaphysical issues.¹¹⁸

These verses warn against concealing knowledge of the first type and alludes to concealing knowledge of the second category from aspirants who seek advice and guidance.¹¹⁹

وَلَا تَلْبِسُوا الْحَقَّ بِالْبَاطِلِ وَتَكْتُمُوا الْحَقَّ وَأَنْتُمْ تَعْلَمُونَ¹²⁰.

Q3: 'And mix not the truth with falsehood or **conceal** the truth while you know (it)'.¹²¹

Commentary: Q3 warns against misguiding people, which occurs by either distorting someone's knowledge by mixing it with falsehood; or by concealing facts from the

¹¹² <https://quran.com/2>.

¹¹³ Qur'an, 3:187.

¹¹⁴ <https://quran.com/3>.

¹¹⁵ Ibn Kathir, *Tafsīr Ibn Kathir*.

¹¹⁶ Ibn Ajiba, *Al-Bahr al-Madīd Fī Tafsīr al-Qur'ān al-Majīd*.

¹¹⁷ Razi, *Al-Tafsīr al-Kabīr*.

¹¹⁸ Ibn Ajiba, *Al-Bahr al-Madīd Fī Tafsīr al-Qur'ān al-Majīd*.

¹¹⁹ Qushayri, *Latā'if al-Ishārāt*, 2nd ed., 3 vols. (Beirut: Dar Al-Kutub al-Ilmiyah, 2007).

¹²⁰ Qur'an, 2:42.

¹²¹ <https://quran.com/2>

person and preventing them from reaching the truth.¹²² This act is unlawful according to Islamic law.

‘وَإِنْ كُنْتُمْ عَلَى سَفَرٍ وَلَمْ تَجِدُوا كَاتِبًا فَرِهَانٌ مَّقْبُوضَةٌ فَإِنْ أَمِنَ بَعْضُكُم بَعْضًا فَلْيُؤَدِّ الَّذِي أُؤْتِمِنَ أَمَانَتَهُ وَلْيَتَّقِ اللَّهَ رَبَّهُ وَلَا تَكْتُمُوا الشَّهَادَةَ وَمَنْ يَكْتُمْهَا فَإِنَّهُ آتِمٌ قَلْبُهُ وَاللَّهُ بِمَا تَعْمَلُونَ عَلِيمٌ’¹²³.

*Q4: ‘And if you are on a journey and cannot find a scribe, then let there be a pledge taken (mortgaging), then if one of you entrusts the other, let the one who is entrusted discharge his trust, and let him have Taqwa of Allah, his Lord. And conceal not the evidence, for he who hides it, surely, his heart is sinful. And Allah is All-Knower of what you do’.*¹²⁴

Commentary: Q4 is a continuity of another verse. The two verses together list three types of (financial) transactions. The first type is contractual transactions, which take place in the presence of witnesses and where both parties sign a contract that validates their transaction. The second type explained in Q4 is mortgage transactions, which usually take place during travel when signing contracts or finding witnesses is not possible. The third type mentioned in Q4 is trust sales (*bay’ al-amānah*), where both parties express trust in each other. Since this transaction happens with neither contracts nor mortgage, trust plays an important role in it. Q4 commands the entrusted party (the byer) to discharge his trust and not deceive the seller. It also warns the entrusted person or anyone who happened to witness the transaction against concealing their testimony. This concealment takes place by either hiding, denying it or refusing to present it if asked to.¹²⁵ Concealment of testimony is unlawful according to Islamic law. The heart of the person who conceals testimony is said to be sinful because it is the locus of the testimony¹²⁶ since the latter is an action of the heart.¹²⁷ It is also an indication of the prevalence of the sin over the person since his noblest organ is sinful.¹²⁸

‘وَالْمُطَلَّاتُ بَيِّنَاتٌ بِأَنفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ ۚ وَلَا يَجِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ إِنْ كُنَّ يُؤْمِنْنَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ۚ وَبِعُوذَتِهِنَّ أَحَقُّ بَرْدِهِنَّ فِي ذَلِكَ إِنْ أَرَادُوا إِصْلَاحًا ۚ وَلَهُنَّ مِثْلُ الَّذِي عَلَيْهِنَّ بِالْمَعْرُوفِ ۚ وَلِلرِّجَالِ عَلَيْهِنَّ دَرَجَةٌ ۗ وَاللَّهُ عَزِيزٌ حَكِيمٌ’¹²⁹.

Q5: ‘And divorced women shall wait (as regards their marriage) for three menstrual periods, and it is not lawful for them to conceal what Allah has created in their wombs, if they believe in Allah and the Last Day. And their husbands have

¹²² Razi, *Al-Tafsīr al-Kabīr*.

¹²³ Qur’an 2:283

¹²⁴ <https://quran.com/2>.

¹²⁵ Razi, *Al-Tafsīr al-Kabīr*.

¹²⁶ Mahalli and Suyuti, Jalal al-Din, *Tafsīr Al-Jalālayn*.

¹²⁷ Ibn Ajiba, *Al-Bahr al-Madīd Fī Tafsīr al-Qur’ān al-Majīd*.

¹²⁸ Ibn Ajiba.

¹²⁹ Qur’an 2:228

the better right to take them back in that period, if they wish for reconciliation. And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them. And Allah is All-Mighty, All-Wise'.¹³⁰

Commentary: Q5 clarifies some legal rulings about divorce. One of those rulings is the period of waiting (*'iddah*).¹³¹ This period is determined by the number of menses, which is three if the woman is not pregnant. If she is pregnant, her period of waiting ends when she gives birth. Since verifying pregnancy and menses is not an easy task, the woman alone has the authority to disclose them. This verse indicates that the woman is entrusted in such matters and warns her against concealing them. Concealment of pregnancy may be motivated by the woman's desire to either end her *'iddah* sooner if she is not willing to reconcile with her husband or if she is willing to marry someone else. The woman may also conceal her menses to prolong her *'iddah* to increase her chances for reconciliation. In both cases concealment is motivated by the woman's desires and personal interests. Such concealment is considered an unlawful act, in both cases.¹³²

'الَّذِينَ يَخُلُونِ وَيَأْمُرُونَ النَّاسَ بِالْأَنْحِلِ وَيَكْتُمُونَ مَا آتَاهُمُ اللَّهُ مِنْ فَضْلِهِ وَأَعْتَدْنَا لِلْكَافِرِينَ عَذَابًا مُهِينًا'¹³³

*Q6: Those who are stingy and enjoin upon [other] people stinginess and **conceal** what Allah has given them of His bounty - and We have prepared for the disbelievers a humiliating punishment.¹³⁴*

Commentary: Q6 warns about three blameworthy traits, namely being stingy, recommending others to be stingy, and concealing Allah's bounties. The first blameworthy trait mentioned in verse Q6 is stinginess, which can be defined as unwillingness to spend one's money or wealth or to share one's non-material assets such as knowledge with others.¹³⁵ The second trait the verse warns against is recommending others to be stingy, a degree that is far advanced from the first in love of stinginess.¹³⁶ The third blameworthy trait mentioned in the verse is concealment of

¹³⁰ <https://quran.com/2>.

¹³¹ *'Iddah* is the period a woman must observe after the death of her husband or after a divorce, during which she may not marry another man. Its purpose is to remove any doubt as to the paternity of a child born after the divorce or death of the prior husband.

¹³² Razi, *Al-Tafsīr al-Kabīr*.

¹³³ Qur'an, 4:37.

¹³⁴ <https://quran.com/4>.

¹³⁵ Razi, *Al-Tafsīr al-Kabīr*.

¹³⁶ Razi.

Allah’s bounties by pretending hardship in time of easiness or poverty when one is rich, and which eventually ends up in complaining and ingratitude.¹³⁷ The verse alludes to stinginess in giving guidance to the aspirant in the spiritual path. It is said that the stinginess of the rich is refraining from sharing their wealth (*ni'ma*) and stinginess of the poor is holding back aspiration (*himmah*).¹³⁸

- **In the Sunnah**

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: ' مَنْ وَجَدَ لِقِطْعَةً فَلْيُشْهِدْ دَا عَدْلٍ - أَوْ دَوَيْ عَدْلٍ - وَلَا يَكْتُمُ وَلَا يُعَيِّبُ فَإِنْ وَجَدَ صَاحِبَهَا فَلْيُرِدْهَا عَلَيْهِ وَإِلَّا فَهُوَ مَالُ اللَّهِ عَزَّ وَجَلَّ يُؤْتِيهِ مَنْ يَشَاءُ' .¹³⁹

SQ1: Prophet Muhammad said: 'He who finds something should call one or two trusty persons as witnesses and not conceal it or cover it up; then if he finds its owner he should return it to him, otherwise it is Allah's property which He gives to whom He will'.¹⁴⁰

Commentary: SQ1 clarifies some rulings and regulations concerning lost and found items (*loqtah*) and warns against concealing it. Such concealment is unlawful for various reasons. One of these reasons is that in case the person who happens to find the *loqtah* conceals it and dies, his heirs will unlawfully inherit it.¹⁴¹

عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: 'الْبَيْعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا - أَوْ قَالَ حَتَّى يَتَفَرَّقَا - فَإِنْ صَدَقَا وَبَيَّنَّا بُرُوكَ لهُمَا فِي بَيْعِهِمَا، وَإِنْ كَتَمَا وَكَذَبَا مُحِقَّتْ بَرَكَتُهُ بَيْعِهِمَا'¹⁴².

SQ2: Prophet Muhammad said: Both parties in a business transaction have the right to annul it so long as they have not separated; and if they speak the truth and make everything clear they will be blessed in their transaction; but if they tell a lie and conceal anything the blessing on their transaction will be blotted out.¹⁴³

Commentary: SQ2 clarifies some rulings and regulations about financial transactions. It also warns the seller against concealing the defects of the item under sale. Such concealment is considered a lie and results in a removal of blessings (*barakah*) from the transaction. Therefore, it is unlawful.

¹³⁷ Razi.

¹³⁸ Qushayri, *Latā'if al-Ishārāt*.

¹³⁹ Abu Dawud, "Al-Loqtah," in *Sunan Abu Dawud*, 1st ed., 6 vols. (Damascus: Dar al-Risalah al-Alamiyyah, 2009), 1709.

¹⁴⁰ *Sunan Abi Dawud*, Grade: *Sahih*, English translation: Book 9, *Hadith* 1705, Arabic. <https://sunnah.com/abudawud:1709>.

¹⁴¹ Abadi, *'Awn Al-Ma'bud 'Ala Sharh Sunan Abi-Dawud*.

¹⁴² Muslim, "Al-Buyū' ", 1532.

¹⁴³ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 10, *Hadith* 3661. <https://sunnah.com/muslim:1532a>.

1.2. Concealment as *ikhfā* or *isrār*

- In the Qur’ān :

’ادعوا ربكم تضرعاً وخفية’¹⁴⁴.

Q7: ‘Supplicate your Lord in pleading and **in secret**’.¹⁴⁵

- **Commentary:** Q7 clarifies the preconditions of supplication, namely pleading and concealment. Pleading is a state where the supplicant realizes his limitations and need for the all-Powerful all-Knowing Ruler of the universe. The second precondition is concealment. There are two main reasons why concealment of supplication is recommended. The first reason is that it prevents the supplicant from falling into show, especially when they reach the state of pleading mentioned above. The second reason is that Allah knows the hearts of His servants and hears their hidden voices.¹⁴⁶ This meaning is emphasized in Q8.

نَكُرُ رَحْمَتِ رَبِّكَ عَبْدَهُ زَكْرِيَّا إِذْ نَادَى رَبَّهُ نِدَاءً خَفِيًّا.¹⁴⁷

Q8: ‘A reminder of the mercy of your Lord to His servant Zakariyya when he called his Lord with a **call in secret**’.

Commentary: Q8 states that Prophet Zakariyya supplicated his Lord in secret because it is more beloved to Allah. This supplication is said to have taken place in the middle of the night, which invites a faster response to supplication.¹⁴⁸ Concealment is recommended not only for supplication, but also for remembrance of Allah (*dhikr*) as indicated in Q9.

’وانكروا ربكم في أنفسكم تضرعاً وخيفة ودون الجهر من القول بالغدو والآصال ولا تكن من الغافلين’.¹⁴⁹

Q9: ‘And remember your Lord **within yourself**, humbly and with fear and without loudness in words in the mornings and in the afternoons and be not of those who are neglectful’.¹⁵⁰

¹⁴⁴ Qur’an 7:55

¹⁴⁵ <https://quran.com/7>.

¹⁴⁶ Ibn Kathir, *Tafsīr Ibn Kathir*.

¹⁴⁷ Qur’an 19:2-3.

¹⁴⁸ Mahalli and Suyuti, Jalal al-Din, *Tafsīr Al-Jalālayn*.

¹⁴⁹ Qur’an 7:205.

¹⁵⁰ <https://quran.com/7>.

Commentary: Q9 calls for silent remembrance of Allah all the time and warns against heedlessness. It is narrated that some companions of Prophet Muhammad asked him: "Is our Lord close, so that we call Him in secret, or far, so that we raise our voices?" Allah sent down the verse: "*And when My servants ask you concerning Me, then (answer them), I am indeed near (to them), I respond to the invocations of the supplicant when he calls on Me (without any mediator or intercessor)*".¹⁵¹ It is also narrated that some people raised their voices while supplicating. Then the Prophet said to them: "O people, show mercy to yourselves for you are not calling One who is deaf or absent. Verily, you are calling One who is All-Hearing (and) Near to you and is with you".¹⁵² These texts emphasize the importance of concealing remembrance of Allah and warn against heedlessness.¹⁵³ The reasons behind such concealment vary according to the state of the heart. If the person is at the early stages in the spiritual path, concealment prevents them from falling into show. If they are at an advanced stage and are closer to perfection, it becomes an act of glorification of Allah who sees their hearts and hears their hidden voices. Remembering Allah in a loud voice is considered heedlessness for the latter category.¹⁵⁴

There are three main types of remembrance. First there is remembrance with the tongue while the heart is unaware. Second is remembrance with both tongue and heart. Third is remembrance with the heart alone. Rememberance with the tongue is considered heedlessness for those who practice the latter type of *dhikr*, namely silent *dhikr*.¹⁵⁵

إِنْ تُبْدُوا خَيْرًا أَوْ تُخْفُوهُ أَوْ تَعْفُوا عَنْ سُوءٍ فَإِنَّ اللَّهَ كَانَ عَفُورًا قَدِيرًا.¹⁵⁶

*Q10: 'If [instead] you show [some] good or **conceal** it or pardon an offense - indeed, Allah is ever Pardoning'.¹⁵⁷*

Commentary: Q10 has a general meaning and a specific meaning. The general meaning is that good actions can be either disclosed or concealed. By disclosing them, one's behavior is likely to be imitated and seen as an example for

¹⁵¹ Qur'an 2: 286.

¹⁵² Muslim, "Dhikr wa Du'ā wa Tawbah wal-Istighfār," in *Sahīh Muslim* (Beirut: Dar Al-Kotob al-Ilmiyah, 2016), 2704.

¹⁵³ Ibn Kathir, *Tafsīr Ibn Kathir*.

¹⁵⁴ Ibn Ajiba, *Al-Bahr al-Madīd Fī Tafsīr al-Qur'ān al-Majīd*.

¹⁵⁵ Ibn Ajiba.

¹⁵⁶ Qur'an 4:149.

¹⁵⁷ <https://quran.com/4>.

humankind. By concealing them, one avoids show and achieves sincerity. The specific meaning is that a person may show good outwardly or conceal it and pray inwardly for even those who act badly toward him. The person will then find pardon from Allah who has the power to give him that which he cannot attain by taking revenge.¹⁵⁸

’ إِنْ تُبْدُوا الصَّدَقَاتِ فَنِعِمَّا هِيَ وَإِنْ تُخْفُوهَا وَتُؤْتُوهَا الْفُقَرَاءَ فَهُوَ خَيْرٌ لَكُمْ. ¹⁵⁹

*Q 11: ‘If you disclose your almsgiving, it is well; but if you **conceal** them and give them to the poor, that is better for you. (Allah) will expiate you some of your sins. And Allah is Well-Acquainted with what you do’.*¹⁶⁰

’الْفُقَرَاءُ الَّذِينَ أَحْصَرُوا فِي سَبِيلِ اللَّهِ لَا يَسْتَطِيعُونَ ضَرْبًا فِي الْأَرْضِ يَحْسَبُهُمُ الْجَاهِلُ أَغْنِيَاءَ مِنَ التَّعَفُّفِ تَعْرِفُهُمْ بِسِيمَاهُمْ لَا يَسْأَلُونَ النَّاسَ إِلْحَافًا وَمَا تُنْفِقُوا مِنْ خَيْرٍ فَإِنَّ اللَّهَ بِهِ عَلِيمٌ (273) الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ بِاللَّيْلِ وَالنَّهَارِ سِرًّا وَعَلاَنِيَةً فَلَهُمْ أَجْرُهُمْ عِنْدَ رَبِّهِمْ وَلَا خَوْفٌ عَلَيْهِمْ وَلَا هُمْ يَحْزَنُونَ’¹⁶¹.

*Q12: ‘Charity is for the poor, who in Allah’s cause are restricted (from travel) and cannot move about in the land (for trade or work). The one who knows them not, thinks that they are rich because of their modesty. You may know them by their mark, they do not beg of people at all. And whatever you spend in good, surely Allah knows it well. Those who spend their wealth (in Allah’s cause) by night and day, **in secret** and in public, they shall have their reward with their Lord. On them shall be no fear, nor shall they grieve’.*¹⁶²

Commentary: Q11 and Q12 indicate that charity can be either disclosed or concealed. Concealed charity is explicitly preferred over disclosed charity in Q11. Concealing charity has benefits for both the donor and the receiver. As for the donor, he is protected from praise and fame and thus prevented from showing off, which makes his action closer to sincerity. As for the receiver, he is protected from any possible harm that would result from receiving charity. One possible harm is humiliation. Concealing charity prevents humiliating the receiver because he is not known to have received the donation. It also prevents him from any harm from people who would think that he does not deserve it. The benefits of concealment of acts of beneficence go farther than that in that it also protects people from backbiting the receiver. The dominant opinion among scholars is that concealment is preferred in voluntary charity, not obligatory

¹⁵⁸ Qushayri, *Latā’if al-Ishārāt*.

¹⁵⁹ Qur’an 2: 271

¹⁶⁰ <https://quran.com/2>.

¹⁶¹ Qur’an 2: 273-274

¹⁶² <https://quran.com/2>.

charitable expenditures such as almsgiving (*zakāt*). The apparent wisdom behind disclosing almsgiving is that people would imitate this righteous act.¹⁶³

Concealment and disclosure also vary according to the state of the heart of the donor. Concealment is more appropriate to people who are in the beginning of the spiritual path because it prevents them from showing off while disclosure is more appropriate to sincere scholars whose righteous acts are more likely to be imitated. As for perfected sincere scholars and Gnostics, they act according to the requirements of the circumstances. When they are likely to be imitated, they disclose their acts of beneficence, otherwise they conceal them.¹⁶⁴ Shaykh Abu al-Abbas said:

من أحب الظهور فهو عبد الظهور ، ومن أحب الخفاء فهو عبد الخفاء ، ومن كان عبد الله فسواء عليه أظهره أم أخفاه.

Whoever loves disclosure is a servant of disclosure, and whoever loves concealment is a servant of concealment, but there is no difference between disclosure and concealment for servants of Allah.¹⁶⁵

This meaning is emphasized in Q11 in which Allah praises both those who conceal their charitable expenditures and those who disclose them. Yet, concealed acts are implicitly preferred over disclosed ones in Q11, too, as the order of the two types of charity indicates. The terms “Conceal” and “night” are mentioned before the terms “disclose” and “day”, respectively.¹⁶⁶

- **In the Sunnah**

عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : 'سَبْعَةٌ يُظِلُّهُمُ اللَّهُ فِي ظِلِّهِ يَوْمَ لَا ظِلَّ إِلَّا ظِلُّهُ : الْإِمَامُ الْعَادِلُ ، وَشَابٌّ نَشَأَ بِعِبَادَةِ اللَّهِ ، وَرَجُلٌ قَلْبُهُ مُعَلَّقٌ فِي الْمَسَاجِدِ ، وَرَجُلَانِ تَحَابَّتَا فِي اللَّهِ اجْتَمَعَا عَلَيْهِ وَتَفَرَّقَا عَلَيْهِ ، وَرَجُلٌ دَعَتْهُ امْرَأَةٌ ذَاتُ مَنْصِبٍ وَجَمَالٍ ، فَقَالَ : إِنِّي أَخَافُ اللَّهَ ، وَرَجُلٌ تَصَدَّقَ بِصَدَقَةٍ فَأَخْفَاهَا حَتَّى لَا تَعْلَمَ يَمِينُهُ مَا تُنْفِقُ شِمَالَهُ ، وَرَجُلٌ ذَكَرَ اللَّهَ خَالِيًا ، فَفَاضَتْ عَيْنَاهُ 167 .

*SQ3: Prophet Muhammad said: “Seven are (the persons) whom Allah would give protection with His Shade on the Day when there would be no shade but that of Him : a just ruler, a youth who grew up with the worship of Allah; a person whose heart is attached to the mosques; two persons who love and meet each other and depart from each other for the sake of Allah; a man whom a beautiful woman of high rank seduces (for illicit relation), but he (rejects this offer by saying): I fear Allah ; a person who gives charity and **conceals** it (to such an extent) that the*

¹⁶³ Ibn Kathir, *Tafsīr Ibn Kathir*.

¹⁶⁴ Ibn Ajiba, *Al-Bahr al-Madīd Fī Tafsīr al-Qur’ān al-Majīd*.

¹⁶⁵ Ibn Ajiba.

¹⁶⁶ Razi, *Al-Tafsīr al-Kabīr*.

¹⁶⁷ Muslim, “Zakāt”, 1031.

right hand does not know what the left has given: and a person who remembered Allah in privacy and his eyes shed tears”.¹⁶⁸

Commentary: SQ3 lists seven praiseworthy qualities that will be highly rewarded in the Day of Judgement. One of those qualities is concealing charity. This concealment is described as follows: “a person who gives charity and conceals it (to such an extent) that the right hand does not know what the left has given”. The metaphorical expression of the right hand not seeing the left hand is used to stress the degree of secrecy of such acts of beneficence. This concealment aims first and foremost at preventing the giver from showing off and protecting the receiver from humiliation.¹⁶⁹

1.3. Concealment as *sitr*

- **In the Sunnah**

حَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ، وَمُحَمَّدُ بْنُ حَاتِمٍ، وَعَبْدُ بْنُ حُمَيْدٍ، قَالَ عَبْدُ حَدَّثَنِي وَقَالَ، الْأَخْرَانِ حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ، حَدَّثَنَا ابْنُ أُخِي ابْنِ شَيْهَابٍ، عَنْ عَمِّهِ، قَالَ قَالَ سَالِمٌ سَمِعْتُ أَبَا هُرَيْرَةَ، يَقُولُ سَمِعْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَقُولُ: "كُلُّ أُمَّتِي مُعَافَاةٌ إِلَّا الْمُجَاهِرِينَ وَإِنَّ مِنَ الْإِجْهَارِ أَنْ يَعْمَلَ الْعَبْدُ بِاللَّيْلِ عَمَلًا ثُمَّ يُصْبِحُ قَدْ سَتَرَهُ رَبُّهُ فَيَقُولُ يَا فُلَانُ قَدْ عَمِلْتُ الْبَارِحَةَ كَذَا وَكَذَا وَقَدْ بَاتَ يَسْتُرُهُ رَبُّهُ فَيَبِيْثُ يَسْتُرُهُ رَبُّهُ وَيُصْبِحُ يَكْشِفُ سِتْرَ اللَّهِ عَنْهُ " ¹⁷⁰.

*SQ4: Prophet Muhammad said: "All my followers will be forgiven except those who expose (openly) their wrongdoings. An example of this is that of a man who commits a sin at night which Allah has covered for him, and in the morning, he would say (to people): "I committed such and such sin last night," while Allah had **kept it a secret**. During the night Allah has **covered it up** but, in the morning, he tears up the cover provided by Allah Himself".¹⁷¹*

Commentary: SQ4 emphasizes the importance of concealment of sins and wrongdoings. Committing such actions openly or disclosing are two indicators of the absence of the value of *hayā*. *Hayā* is a feeling of embarrassment and shame that prevents the person from committing wrongdoings, or if they happen to do so, from disclosing them.¹⁷²

¹⁶⁸ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 5, *Hadith* 2248. <https://sunnah.com/muslim:1031a>.

¹⁶⁹ Nawawī, *Tafsīr*.

¹⁷⁰ Muslim, “Al-Zuhd wal-Raqā’iq”, 2990.

¹⁷¹ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 42, *Hadith* 7124. <https://sunnah.com/muslim:2990>.

¹⁷² Lashin, Musa Shahn, *Fath Al-Mun'im Sharh Sahih Muslim*.

عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: " لَا يَسْتُرُ اللَّهُ عَلَى عَبْدٍ فِي الدُّنْيَا إِلَّا سَتَرَهُ اللَّهُ يَوْمَ الْقِيَامَةِ ¹⁷³ .

SQ5: Prophet Muhammad said: The servant (whose fault) Allah **conceals** in this world; Allah would also **conceal** (his faults) on the Day of Resurrection.¹⁷⁴

Commentary: SQ5 increases awareness about the importance of concealing evil actions and emphasizes the interconnectedness between concealment of one's sins and (out of *hayā*) and concealment of such sins by Allah in the Day of judgement (out of mercy).¹⁷⁵ Concealment of sins in the Day of Judgement is interpreted as hiding them from others or as forgiving them.¹⁷⁶

حَدَّثَنَا يَحْيَى بْنُ يَحْيَى، وَفُتَيْبَةُ بْنُ سَعِيدٍ، وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ - وَاللَّفْظُ لِيَحْيَى - قَالَ يَحْيَى أَخْبَرَنَا وَقَالَ الْآخَرَانِ، حَدَّثَنَا أَبُو الْأَحْوَصِ، عَنْ سِمَاكٍ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، وَالْأَسْوَدِ، عَنْ عَبْدِ اللَّهِ، قَالَ جَاءَ رَجُلٌ إِلَى النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ يَا رَسُولَ اللَّهِ إِنِّي عَالَجْتُ امْرَأَةً فِي أَقْصَى الْمَدِينَةِ وَإِنِّي أَصْنَبْتُ مِنْهَا مَا دُونَ أَنْ أَمْسَهَا فَأَنَا هَذَا فَأَقْضِ فِيَّ مَا شِئْتَ . فَقَالَ لَهُ عُمَرُ لَقَدْ سَتَرَكُ اللَّهُ لَوْ سَتَرْتَ نَفْسَكَ - قَالَ - فَلَمْ يَرُدَّ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ شَيْئًا فَقَامَ الرَّجُلُ فَانْطَلَقَ فَاتَّبَعَهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ رَجُلًا دَعَاهُ وَتَلَا عَلَيْهِ هَذِهِ الْآيَةَ ﴿ اُقِمِ الصَّلَاةَ طَرَفَى النَّهَارِ وَرُفُقًا مِنَ اللَّيْلِ إِنَّ الْحَسَنَاتِ يُذْهِبُنَ السَّيِّئَاتِ ذَلِكَ ذَكَرَى لِلذَّاكِرِينَ ﴾ فَقَالَ رَجُلٌ مِنَ الْقَوْمِ يَا نَبِيَّ اللَّهِ هَذَا لَهُ خَاصَّةٌ قَالَ " بَلْ لِلنَّاسِ كَافَّةً " ¹⁷⁷ .

SF1: A man came to Prophet Muhammad and said: 'I fondled a woman who lives on the edge of the city (Medina), and I did with her what is less than sexual intercourse, and here I am, so judge in my case as you will.' Thereupon 'Umar said: 'Allah has **concealed** your fault; it would have been better if you also had **concealed** it yourself'. The Prophet did not give him any reply. The man left but the Prophet sent a man after him to call him. He recited to him: 'And perform Salat, at the two ends of the day and in some hours of the night. Verily, the good deeds remove the evil deeds. That is a reminder for the mindful (11:114) until the end of the verse. A man among the people said: 'Is this specific for him?' The Prophet answered: 'No. it is for all of the people.'¹⁷⁸

Commentary: SF1 is an illustration -from the life of Prophet Muhammad- of the importance of concealment of sins and wrongdoings. Instead of judging the sinner or punishing him, the Prophet advised him to perform prayer regularly as a remedy.

¹⁷³ Muslim, "Al-Birr wa-Sila wal-Ādāb", 2590.

¹⁷⁴ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 32, *Hadith* 6266. <https://sunnah.com/muslim:2590a>.

¹⁷⁵ Ayni, Badr al-Din, 'Umdat al-Qari Sharh Sahih al-Bukhari.

¹⁷⁶ Nawawi, *Al-Minhaj Fi Sharh Muslim Ibn al-Hajjaj*.

¹⁷⁷ Muslim, "Al-Tawbah", 2763.

¹⁷⁸ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 37, *Hadith* 6658. <https://sunnah.com/muslim:2763d>.

1.4. Concealment as *adam al-ikhbār* (not disclosing) and '*adam al-qass* (not narrating)

عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَنَّهُ قَالَ: الرُّؤْيَا الصَّالِحَةُ مِنَ اللَّهِ وَالرُّؤْيَا السَّوْءُ مِنَ الشَّيْطَانِ فَمَنْ رَأَى رُؤْيَا فَكَّرَهُ مِنْهَا شَيْئًا فَلْيَنْفِثْ عَنْ يَسَارِهِ وَلْيَتَعَوَّذْ بِاللَّهِ مِنَ الشَّيْطَانِ لَا تَضُرُّهُ وَلَا يُخْبِرُ بِهَا أَحَدًا فَإِنْ رَأَى رُؤْيَا حَسَنَةً فَلْيُبَشِّرْ وَلَا يُخْبِرْ إِلَّا مَنْ يُحِبُّ " 179 .

*SQ6: Prophet Muhammad said: 'good vision is from Allah and evil dreams are from Satan. If one sees a dream which one does not like, one should spit on one's left side and seek the refuge of Allah from Satan; it will not do one any harm, and one should **not disclose it** to anyone. And if one sees a good vision, one should feel pleased but should not disclose it to anyone but whom one loves.'*¹⁸⁰

Commentary: SQ6 distinguishes between two types of dreams, namely true dreams (visions) and false dreams. True dreams may either bring good tidings or constitute a warning. SQ6 clarifies some guidelines that are ought to be followed when one sees a bad dream. One of those guidelines is concealing the dream from others. The main reason for concealment of bad dreams is that the person may come across a negative interpretation that would preoccupy his mind with negative thoughts and sadden him. However, by concealing it, the person will hope that it is not a true vision or that its interpretation may not be as bad as the dream is and will thus preserve their peace of mind.¹⁸¹

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: 'لَا تُقْصُ الرُّؤْيَا إِلَّا عَلَى عَالِمٍ أَوْ نَاصِحٍ' 182 .

*SQ7: Prophet Muhammad said: 'The dream is **not to be narrated** except to a knowledgeable person or a sincere advisor'.*¹⁸³

Commentary: Concealment is the general rule for bad dreams and the exceptional rule for true dreams. However, the person who is to interpret the dream should meet some criteria. These criteria include knowledge, intelligence, expertise, and sincerity¹⁸⁴. This is due to the importance of true dreams as a source of knowledge.¹⁸⁵

¹⁷⁹ Muslim, "Al-Ru'ya", 2261.

¹⁸⁰ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 29, *Hadith* 5618. <https://sunnah.com/muslim:2261f>.

¹⁸¹ Lashin, Musa Shahin, *Fath Al-Mun'im Sharh Sahih Muslim*.

¹⁸² Al-Tirmidhi, "Al-Ru'yā" in *Sunan Al-Tirmidhi*, 1st ed., 6 vols. (Dar al-Gharb al-Islami, 1996), 2280.

¹⁸³ *Jami' at-Tirmidhi*, Grade: *Sahih*, English translation: Book 8, *Hadith* 2280. <https://sunnah.com/tirmidhi:2280>.

¹⁸⁴ The fourth criterion mentioned in *Fath Al-Mun'im Sharh Sahih Muslim* is love, but the author explains that the ultimate aim of having love as a criterion is sincerity.

¹⁸⁵ Lashin, Musa Shahin, *Fath Al-Mun'im Sharh Sahih Muslim*.

2. Silence as abstinence from talk

2.1. Silence as *samt*

- In the Sunnah

وَحَدَّثَنَا ابْنُ أَبِي عُمَرَ، حَدَّثَنَا سُفْيَانُ، بِهَذَا الْإِسْنَادِ وَقَالَ " النَّبِيُّ أَحَقُّ بِنَفْسِهَا مِنْ وَلِيِّهَا وَالْبِكْرُ يَسْتَأْذِنُهَا أَبُوهَا فِي نَفْسِهَا وَإِذْنُهَا صَمَاتُهَا " . وَرُبَّمَا قَالَ " وَصَمَّتْهَا إِفْرَانُهَا " ¹⁸⁶.

SQ8: Prophet Muhammad said: 'A woman without a husband has more right to her person than her guardian, and a virgin's consent must be asked from her, and her silence implies her consent'.¹⁸⁷

Commentary: The virgin's silent reply to a marriage proposal implies her consent. Silence, in this case, is equivalent to agreement as long as it is not accompanied with any sign of refusal such as leaving the room, changing the topic, crying and the like. In addition, the marriage contract remains valid even if the virgin states -later- that she did not know that her silence implies her consent.¹⁸⁸

عَنْ ابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا أَنَّهُ أَدْرَكَ عُمَرَ بْنَ الْخَطَّابِ فِي رُكْبٍ وَهُوَ يَحْلِفُ بِأَبِيهِ، فَتَادَاهُمُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " أَلَا إِنَّ اللَّهَ يَنْهَاهُمْ أَنْ تَحْلِفُوا بِآبَائِكُمْ، فَمَنْ كَانَ حَالِفًا فَلْيَحْلِفْ بِاللَّهِ، وَإِلَّا فَلْيَصْمُتْ ¹⁸⁹.

SF2: Ibn `Umar narrated that `Umar Ibn Al-Khattab was in a group of people swearing by his father. Prophet Muhammad called them, saying: Verily! Allah forbids you to swear by your fathers. If one has to take an oath, he should swear by Allah or otherwise remain silent.¹⁹⁰

Commentary: If someone needs to swear, he must either swear with the Name of Allah or remain silent. The reasons behind such commend is that glorification and exaltation are due to Allah alone.¹⁹¹ Silence in this case is presented as an alternative.

حَدَّثَنَا عَيْسَى بْنُ حَمَادٍ، أَخْبَرَنَا اللَّيْثُ، عَنْ سَعِيدِ الْمَعْبُورِيِّ، عَنْ بَشِيرِ بْنِ الْمُحَرَّرِ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، أَنَّهُ قَالَ بَيْنَمَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَالِسٌ وَمَعَهُ أَصْحَابُهُ وَقَعَ رَجُلٌ بِأَبِي بَكْرٍ فَأَذَاهُ فَصَمَّتْ عَنْهُ أَبُو بَكْرٍ ثُمَّ أَذَاهُ النَّالِيَّةُ فَانْتَصَرَ مِنْهُ أَبُو بَكْرٍ فَقَامَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حِينَ انْتَصَرَ أَبُو بَكْرٍ أَوْ جَدَّتْ عَلَى يَا رَسُولَ اللَّهِ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " نَزَلَ مَلَكٌ مِنَ السَّمَاءِ يُكَذِّبُهُ بِمَا قَالَ لَكَ فَلَمَّا انْتَصَرْتَ وَقَعَ الشَّيْطَانُ فَلَمْ أَكُنْ لِأَخْلِسْ إِذْ وَقَعَ الشَّيْطَانُ " ¹⁹²

¹⁸⁶ Muslim, "Al-Nikāh", 1421.

¹⁸⁷ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 8, *Hadith* 3308. <https://sunnah.com/muslim:1421c>.

¹⁸⁸ Lashin, Musa Shahin, *Fath Al-Mun'im Sharh Sahih Muslim*.

¹⁸⁹ Bukhari, "Al-Adab", 6108.

¹⁹⁰ *Sahih Bukhari* , Grade: *Sahih* , English translation: Book 73, *Hadith* 129. <https://sunnah.com/bukhari:6108>.

¹⁹¹ Ayni, Badr al-Din, 'Umdat al-Qari Sharh Sahih al-Bukhari.

¹⁹² Abu Dawud, "adab" in *Sunan Abu Dawud*, 1st ed., 6 vols. (Damascus: Dar al-Risalah al-Alamiyyah, 2009), 4878.

SF3: Sa'id ibn al-Musayyab reports: While the Messenger of Allah was sitting with some of his companions, a man reviled Abu Bakr and insulted him. But Abu Bakr remained silent. He insulted him twice, but Abu Bakr controlled himself. He insulted him thrice and Abu Bakr took revenge on him. Then the Messenger of Allah got up when Abu Bakr took revenge. Abu Bakr said: Were you angry with me, Messenger of Allah? The Messenger of Allah replied: An angel came down from Heaven and he was rejecting what he had said to you. When you took revenge, a devil came down. I was not going to sit when the devil came down.¹⁹³

Commentary: Prophet Muhammad teaches us in this hadith that by stooping to the level of the ignorant, one not only permits the devil to take control over their emotions and hijack them, but also deprive themselves from divine support. Silence as a response to verbal aggressiveness in general is recommended in Islam. The practice of silence as a self-control strategy is called *tahallum*. It is a process whereby the angry person keeps forcing himself to respond with silence to offense. By doing so, one gradually eliminates their desire to take revenge. This exercise would eventually culminate in the acquisition of the moral virtue of *hilm*, whereby self-control and benevolence become one's second nature.

2.2. Silence as *sukūt*

قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يُؤْذِي جَارَهُ وَمَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلْيُكْرِمْ ضَيْفَهُ وَمَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلْيَقُلْ خَيْرًا أَوْ لِيَسْكُتْ.»¹⁹⁴

*SQ9: Prophet Muhammad said: He who believes in Allah and the Last Day does not harm his neighbor, and he who believes in Allah and the Last Day shows hospitality to his guest and he who believes in Allah and the Last Day speaks good or **remains silent**.*¹⁹⁵

Commentary: SQ9 lists three praiseworthy qualities of believers, namely goodness towards one's neighbors, hospitality, and speaking good or otherwise **remaining silent**.

There are five main categories of talk according to Islamic law. Talk can be either obligatory, recommended, prohibited, reprehensible, or permissible. The first part of the Hadith- speaking good-concerns the first two categories. The second part concerns the third and fourth categories. In other words, talk is obligatory or recommended

¹⁹³ *Sunan Abi Dawud*, Grade: *hasan li-ghayrih*, English translation: Book 42, *Hadith* 4878. <https://sunnah.com/abudawud:4878>.

¹⁹⁴ Bukhari, "Al-Riqāq", 6476.

¹⁹⁵ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 76, *Hadith* 483. <https://sunnah.com/bukhari:6476>.

when it is purely beneficial and is prohibited or recommended when it is purely harmful or when its harm outweighs its benefit. Silence is either forbidden or reprehensible in the first two cases and is obligatory or recommended in the second two cases, respectively. When talk is neither beneficial nor harmful or when its benefit outweighs its harm silence is permissible.¹⁹⁶

عَنْ مُعَاوِيَةَ بْنِ الْحَكَمِ السُّلَمِيِّ، قَالَ: بَيْنَمَا أَنَا أُصَلِّي، مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذْ عَطَسَ رَجُلٌ مِنَ الْقَوْمِ فَقُلْتُ بِرَحْمَةِ اللَّهِ . فَرَمَانِي الْقَوْمُ بِأَبْصَارِهِمْ فَقُلْتُ وَأَنْتُمْ أَمِيَاءُ مَا شَأْنُكُمْ تَنْظُرُونَ إِلَيَّ . فَجَعَلُوا يَضْرِبُونَ بِأَيْدِيهِمْ عَلَى أَفْجَاهِهِمْ فَلَمَّا رَأَيْتُهُمْ يُصَمِّتُونَنِي لَكِنِّي سَكَتُ فَلَمَّا صَلَّى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قِيَامِي هُوَ وَأَمِّي مَا رَأَيْتُ مُعَلِّمًا قَبْلَهُ وَلَا بَعْدَهُ أَحْسَنَ تَعْلِيمًا مِنْهُ قَوْلَ اللَّهِ مَا كَهَرَنِي وَلَا ضَرَبَنِي وَلَا شَتَمَنِي قَالَ: " إِنَّ هَذِهِ الصَّلَاةُ لَا يَصْلُحُ فِيهَا شَيْءٌ مِنْ كَلَامِ النَّاسِ إِنَّمَا هُوَ التَّسْبِيحُ وَالتَّكْبِيرُ وَقِرَاءَةُ الْقُرْآنِ " 197 .

SQ10: While I was praying with the Messenger of Allah, a man in the company sneezed. I said: 'Allah have mercy on you!'. The people stared at me with disapproving looks, so I said: 'Woe be upon me, why is it that you stare at me?' They began to strike their hands on their thighs, and when I saw them urging me to observe silence (I became angry) but I said nothing. When the Messenger of Allah finished the prayer (and I declare that neither before him nor after him have I seen a leader who gave better instruction than he for whom I would give my father and mother as ransom). I swear that he did not scold, beat or revile me but said: 'Talking to persons is not fitting during the prayer, for it consists of glorifying Allah, declaring his Greatness. and recitation of the Qur'an or words to that effect'.¹⁹⁸

حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى، أَخْبَرَنَا عَيْسَى - هُوَ ابْنُ يُوسُفَ - عَنْ إِسْمَاعِيلَ، عَنِ الْحَارِثِ بْنِ شَيْبَانَ، عَنْ أَبِي عَمْرٍو الشَّيْبَانِيِّ، قَالَ قَالَ لِي زَيْدُ بْنُ أَرْقَمٍ إِنَّ كُنَّا لَنَتَكَلَّمُ فِي الصَّلَاةِ عَلَى عَهْدِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، يُكَلِّمُ أَحَدُنَا صَاحِبَهُ بِحَاجَتِهِ حَتَّى نَزَلَتْ {حَافِظُوا عَلَى الصَّلَوَاتِ} الْآيَةَ، فَأَمَرْنَا بِالسُّكُوتِ¹⁹⁹

SQ11: Zaid b. Arqam narrated: "In the lifetime of the Prophet (PBUH) we used to speak while praying, and one of us would tell his needs to his companions, till the verse, 'Guard strictly your prayers (2.238) was revealed. After that we were ordered to remain silent while praying.²⁰⁰

Commentary: Prayer consists of glorifying Allah, declaring His Greatness, and reciting the Qur'an . Therefore, all kinds of human speech are prohibited while praying. This prohibition is mentioned in some other Hadith narrations.

Abdullah Ibn Masud narrated:

I used to greet the Prophet (PBUH) while he was in prayer and he would return my greeting, but when we returned (from Ethiopia) I greeted the Prophet (while he was praying) but he did not return the greeting, and (after finishing the prayer) he said: 'In the prayer one is occupied (with a more serious matter)'.²⁰¹

¹⁹⁶ Lashin, Musa Shahin, *Fath Al-Mun'im Sharh Sahih Muslim*.

¹⁹⁷ Muslim, "Al-Masājid wa Mawādi' al-Salāt", 537.

¹⁹⁸ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 4, *Hadith* 1094. <https://sunnah.com/muslim:537a>.

¹⁹⁹ Bukhari, "Al-'Amal fi al-Salāt", 1200.

²⁰⁰ *Sahih Bukhari* , Grade: *Sahih* , English translation: Book 22, *Hadith* 292. <https://sunnah.com/bukhari:1200>.

²⁰¹ Bukhari, "Al-'Amal fi al-Salāt", 1216.

There are three types of talk in prayer according to Islamic law. The first type is talking deliberately about something that brings no benefit to the prayer. The second type is talking deliberately about something that brings benefit to the prayer such as correcting something wrong in the prayer. The third type is talking inadvertently during the prayer. There is consensus among scholars that the first type of talk nullifies the prayer. As for the second and third types, there is some disagreement among them on whether or not they invalidate it.²⁰²

قَالَ ذَكَوَانُ مَوْلَى عَائِشَةَ سَمِعْتُ عَائِشَةَ تَقُولُ: سَأَلْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْجَارِيَةِ يُكْحَمُهَا أَهْلِهَا أَسْتَأْمَرُ أَمْ لَا فَقَالَ لَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: " نَعَمْ تُسْتَأْمَرُ " . فَقَالَتْ عَائِشَةُ فَقُلْتُ لَهُ: فَأَيُّهَا تَسْتَحْيِي . فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: فَذَلِكَ إِذْنُهَا إِذَا هِيَ سَكَتَتْ²⁰³ .

SQ12: 'A'isha reported: "I asked Allah's Messenger about a virgin whose marriage is solemnized by her guardian, whether it was necessary or not to consult her. Allah's Messenger said: 'Yes, she must be consulted'. 'A'isha reported: I told him that she feels shy, whereupon Allah's Messenger said: 'Her silence implies her consent'.²⁰⁴

Commentary: The virgin's silent reply to a marriage proposal implies her consent. Silence, in this case, is equivalent to agreement as long as it is not accompanied with any sign of refusal such as leaving the room, changing the topic, crying and the like. In addition, the marriage contract remains valid even if the virgin states -later- that she did not know that her silence implies her consent.²⁰⁵

حَدَّثَنَا مُسَدَّدٌ، قَالَ: حَدَّثَنَا عَبْدُ الْوَارِثِ بْنِ زِيَادٍ، قَالَ: حَدَّثَنَا لَيْثٌ قَالَ: حَدَّثَنِي طَاوُسٌ، عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: عَلِّمُوا وَيَسِّرُوا، عَلِّمُوا وَيَسِّرُوا، ثَلَاثَ مَرَّاتٍ، وَإِذَا غَضِبْتُمْ فَاسْكُتُوا، مَرَّتَيْنِ²⁰⁶.

SQ13: Ibn 'Abbas said: The Messenger of Allah, may Allah bless him and grant him peace, said: 'Teach and make it easy. Teach and make it easy.' three times. He went on, 'When you are angry, be silent' twice.²⁰⁷

Commentary: In his book *Ihyā' 'Ulūm al-Dīn*, Ghazali states that anger is a built into all human beings to defend them from harm. However, humans are required to use it in a moderate way because excessive anger clouds the intellect, and its absence leads to cowardice. Ghazali also argues that maintaining composure when angry is an

²⁰² Lashin, Musa Shahin, *Fath Al-Mun'im Sharh Sahih Muslim*.

²⁰³ Muslim, "Al-Nikāh"., 1420.

²⁰⁴ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 8, *Hadith* 3305. <https://sunnah.com/muslim:1420>.

²⁰⁵ Lashin, Musa Shahin, *Fath Al-Mun'im Sharh Sahih Muslim*.

²⁰⁶ Bukhari, *Sahih Al-Adab al-Mufrad*, 2 vols. (Dar al-Siddiq li-Nashr wa Tawzi', 1997), 1320.

²⁰⁷ *Al-Adab al-Mufrad*. Grade: *Sahih* , English translation: Book 57, *Hadith* 1320. <https://sunnah.com/adab:1320>.

obligation and offers theoretical and practical ways to bring it under control. The theoretical treatment is to know that there is spiritual reward in suppressing anger. The practical treatment is seeking refuge with God from Satan, changing one's position, and remaining silent.²⁰⁸

وَحَدَّثَنِي زُهَيْرُ بْنُ حَرْبٍ، حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ، أَخْبَرَنَا الرَّبِيعُ بْنُ مُسْلِمٍ الْفَرَسِيُّ، عَنْ مُحَمَّدِ بْنِ زَيْدٍ، عَنْ أَبِي هُرَيْرَةَ، قَالَ حَطَبْنَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ " أَيُّهَا النَّاسُ قَدْ فَرَضَ اللَّهُ عَلَيْكُمُ الْحَجَّ فَحُجُّوا " . فَقَالَ رَجُلٌ أَكَلُ عَامَ يَا رَسُولَ اللَّهِ فَسَكَتَ حَتَّى قَالَهَا ثَلَاثًا فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " لَوْ قُلْتُمْ نَعَمْ لَوَجَّيْتُ وَأَمَّا اسْتَطَعْتُمْ - ثُمَّ قَالَ - ذُرُونِي مَا تَرَكْتُكُمْ فَإِنَّمَا هَلَكَ مَنْ كَانَ قَبْلَكُمْ بِكَثْرَةِ سُؤَالِهِمْ وَاخْتِلَافِهِمْ عَلَى أَنْبِيَائِهِمْ فَإِذَا أَمَرْتُكُمْ بِشَيْءٍ فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ وَإِذَا نَهَيْتُكُمْ عَنْ شَيْءٍ فَدَعُوهُ " ²⁰⁹.

SF4: Abu Huraira reported: Allah's Messenger (PBUH) addressed us and said: 'O people, Allah has made Hajj obligatory for you; so perform Hajj'. Thereupon a person said: 'Messenger of Allah, (is it to be performed) every year?' The **Prophet remained silent**, and the man repeated his question thrice, whereupon Allah's Messenger (PBUH) said: 'If I were to say "Yes," it would become obligatory (for you to perform it every year) and you would not be able to do it'. Then he said: 'Leave me with what I have left to you, for those who were before you were destroyed because of excessive questioning, and their opposition to their apostles. So, when I command you to do anything, do it as much as it lies in your power and when I forbid you to do anything, then abandon it'.²¹⁰

Commentary: Silence of the Prophet in this hadith is aimed at warning and discouraging his followers from asking unnecessary questions about matters that have not been explicitly mentioned in the Qur'an and the Sunnah. When the Prophet was asked whether Hajj should be performed every year, he remained silent because would have he said "yes", performing Hajj every year would have become an obligation. Would have the Prophet said "no", Muslims willing and able to perform Hajj every year would be discouraged from doing so. Therefore, the Prophet used silence to show that performing Hajj every year is neither obligatory nor reprehensible, but permissible.

قَالَ كَعْبُ بْنُ مَالِكٍ : لَمْ أَتَخَلَّفْ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي عَزْرَةِ عَزَاهَا قَطُّ ، إِلَّا فِي عَزْرَةِ تَبُوكَ ، غَيْرَ أَنِّي قَدْ تَخَلَّفْتُ فِي عَزْرَةِ بَدْرٍ وَلَمْ يُعَاتِبْ أَحَدًا تَخَلَّفَ عَنْهُ ، إِنَّمَا حَرَجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْمُسْلِمُونَ يُرِيدُونَ عَيْرَ فَرَنْشِ ، حَتَّى جَمَعَ اللَّهُ بَيْنَهُمْ وَبَيْنَ عَدُوِّهِمْ ، عَلَى غَيْرِ مِيعَادٍ ، وَلَقَدْ شَهِدْتُ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَيْلَةَ الْعَقَبَةِ ، حِينَ تَوَاقَفْنَا عَلَى الْإِسْلَامِ ، وَمَا أَحْبَبُّ أَنْ لِي بِهَا مَشْهَدٌ بَدْرٍ ، وَإِنْ كَانَتْ بَدْرٌ أَدَّكَرَ فِي النَّاسِ مِنْهَا ، وَكَانَ مِنْ خَبْرِي ، حِينَ تَخَلَّفْتُ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي عَزْرَةِ تَبُوكَ أَنِّي لَمْ أَكُنْ قَطُّ أَقْوَى وَلَا أَيْسَرَ مِنِّي حِينَ تَخَلَّفْتُ عَنْهُ فِي تِلْكَ الْعَزْرَةِ ، وَاللَّهِ مَا جَمَعْتُ قَبْلَهَا رَاجِلَيْنِ قَطُّ ، حَتَّى جَمَعْتُهُمَا فِي تِلْكَ الْعَزْرَةِ ، فَعَزَاهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي حَرِّ شَدِيدٍ وَاسْتَقْبَلَ سَفْرًا بَعِيدًا وَمَعَارًا ، وَاسْتَقْبَلَ عُدُوًّا كَثِيرًا ، فَجَلَّ لِلْمُسْلِمِينَ أَمْرُهُمْ لِنَيْتَاهُمَا أَهْبَةُ عَزْرِهِمْ ، فَأَخْبَرَ هُمْ بِوَجْهِهِ الَّذِي يُرِيدُ ، وَالْمُسْلِمُونَ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَثِيرٌ ، وَمَا لَمْ يَنْزِلْ فِيهِ وَحْيٌ مِنَ اللَّهِ عَزَّ وَجَلَّ ، وَعَزَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تِلْكَ الْعَزْرَةَ حِينَ طَابَتْ الثَّمَارُ وَالطَّلَالُ ، فَأَنَا إِلَيْهَا أَصْعُرُ ، فَتَجَهَّزَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْمُسْلِمُونَ مَعَهُ ،

²⁰⁸ Abu-Hamed Ghazali, "Kitāb Dham al-Ghadab," in *Ihya Ulum Al-Din*, 2nd ed., vol. 3, 5 vols. (Beirut: Dar Sader, 2004), 203–248.

²⁰⁹ Muslim, "Al-Hajj", 1337.

²¹⁰ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 7, *Hadith* 3095. <https://sunnah.com/muslim:1337>.

وَطَفِئْتُ أَغْوَى لِكَيْ أَنْجِزَهُ مَعَهُمْ ، فَأَرْجِعْ وَلَمْ أَفْضِ شَيْئًا ، وَأَقُولُ فِي نَفْسِي : أَنَا قَادِرٌ عَلَى ذَلِكَ ، إِذَا أَرَدْتُ ، فَلَمْ يَزَلْ ذَلِكَ يَتِمَادِي بِي حَتَّى اسْتَمَرَّ بِالنَّاسِ الْجُدُّ ، فَأَصْبَحَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ غَادِيًا وَالْمُسْلِمُونَ مَعَهُ ، وَلَمْ أَفْضِ مِنْ جِهَارِي شَيْئًا ، ثُمَّ عَدَوْتُ فَرَجَعْتُ وَلَمْ أَفْضِ شَيْئًا ، فَلَمْ يَزَلْ ذَلِكَ يَتِمَادِي بِي حَتَّى أَسْرَعُوا وَتَفَارَطَ الْعَرُوفُ ، فَهَمَمْتُ أَنْ أَنْتَحِلَ قَادِرُكُمْ ، فَبَا لَيْتَنِي فَعَلْتُ ، ثُمَّ لَمْ يَقْدِرْ ذَلِكَ لِي ، فَطَفِئْتُ ، إِذَا خَرَجْتُ فِي النَّاسِ ، بَعْدَ خُرُوجِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، يَخْرُنِي أَنِّي لَا أَرَى لِي أَسْوَأَ إِلَّا رَجُلًا مَعْمُوصًا عَلَيْهِ فِي النِّفَاقِ ، أَوْ رَجُلًا مِمَّنْ عَذَرَ اللَّهُ مِنَ الضُّعَفَاءِ ، وَلَمْ يَذْكُرْ لِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَتَّى بَلَغَ ثُبُوكَ فَقَالَ : وَهُوَ جَالِسٌ فِي الْقَوْمِ يَتُبُّوكَ مَا فَعَلَ كَعْبُ بْنُ مَالِكٍ ؟ قَالَ رَجُلٌ مِنْ بَنِي سَلَمَةَ يَا رَسُولَ اللَّهِ حَيْسَبَهُ بُرْدَاهُ وَالنَّظَرُ فِي عَطْفِيهِ ، فَقَالَ لَهُ مُعَاذُ بْنُ جَبَلٍ : بِنَسٍّ مَا قُلْتَ ، وَاللَّهِ يَا رَسُولَ اللَّهِ مَا عَلِمْنَا عَلَيْهِ إِلَّا خَيْرًا ، فَسَكَتَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَبَيْنَمَا هُوَ عَلَى ذَلِكَ رَأَى رَجُلًا مُتَبَيِّنًا يَزُولُ بِهِ السَّرَابُ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : كُنْ أَبَا حَيْثَمَةَ فَإِذَا هُوَ أَبُو حَيْثَمَةَ الْأَنْصَارِيُّ ، وَهُوَ الَّذِي تَصَدَّقَ بِصَاعِ الثَّمَرِ جِبِينَ لَمْرَةَ الْمُنَافِقُونَ ، فَقَالَ كَعْبُ بْنُ مَالِكٍ : فَلَمَّا بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَدْ تَوَجَّهَ قَافِلًا مِنْ ثُبُوكَ ، حَضَرَنِي بَيْتِي ، فَطَفِئْتُ أَنْتَذِرُ الْكُذِبَ وَأَقُولُ : بِمِمْ أَخْرُجُ مِنْ سَخَطِهِ عَدَا ؟ وَأَسْتَعِينُ عَلَى ذَلِكَ كُلِّ ذِي رَأْيٍ مِنْ أَهْلِي ، فَلَمَّا قِيلَ لِي : إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَدْ أَطَالَ قَادِمًا ، زَاخَ عَنِّي الْبَاطِلُ ، حَتَّى عَرَفْتُ أَنِّي لَنْ أَنْجُو مِنْهُ بِشَيْءٍ أَبَدًا ، فَأَجْمَعْتُ صِدْقَهُ ، وَصَبَّحْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَادِمًا ، وَكَانَ إِذَا قَدِمَ مِنْ سَفَرٍ ، بَدَأَ بِالْمَسْجِدِ فَرَكِعَ فِيهِ رُكْعَتَيْنِ ، ثُمَّ جَلَسَ لِلنَّاسِ ، فَلَمَّا فَعَلَ ذَلِكَ جَاءَهُ الْمُخَلْفُونَ ، فَطَفِقُوا يَعْتَزِرُونَ إِلَيْهِ ، وَيَخْلَفُونَ لَهُ ، وَكَانُوا يَضَعُوهُ وَثَمَانِينَ رَجُلًا ، فَقِيلَ لَهُمْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَانِيَتُهُمْ ، وَبِأَيْعُهُمْ وَاسْتَعْفَرُوا لَهُمْ ، وَوَكَّلَ سَرَانِرَهُمْ إِلَى اللَّهِ ، حَتَّى جِئْتُ ، فَلَمَّا سَلَّمْتُ تَبَسَّمَ تَبَسُّمَ الْمُغْضَبِ ، ثُمَّ قَالَ : تَعَالِ فَجِئْتُ أَمْسِي حَتَّى جَلَسْتُ بَيْنَ يَدَيْهِ ، فَقَالَ لِي : مَا خَلَفَكَ ؟ أَلَمْ تَكُنْ قَدْ اتَّبَعْتَ ظَهْرَكَ ؟ قَالَ : قُلْتُ : يَا رَسُولَ اللَّهِ إِنِّي ، وَاللَّهِ لَوْ جَلَسْتُ عِنْدَ غَيْرِكَ مِنْ أَهْلِ الدُّنْيَا ، لَرَأَيْتُ أَنِّي سَاحِرٌ مِنْ سَخَطِهِ بَعْدُ ، وَلَقَدْ أُعْطِيتُ جَدَلًا ، وَلِكَيْتِي وَاللَّهِ لَقَدْ عَلِمْتُ ، لِنِئْنِ حَدِيثِكَ الْيَوْمَ حَدِيثٌ كَذِبٌ تَرْضَى بِهِ عَنِّي لِيُوشِكَنَّ اللَّهُ أَنْ يُسَخِطَكَ عَلَيَّ وَلِنِئْنِ حَدِيثِكَ حَدِيثٌ صِدْقٌ تَجِدُ عَلَيَّ فِيهِ ، إِنِّي لَأَرْجُو فِيهِ عَفْوِي اللَّهُ ، وَاللَّهِ مَا كَانَ لِي عُدُوٌّ ، وَاللَّهِ مَا كُنْتُ قَطُّ أَقْوَى وَلَا أُنْسِرُ مِنِّي جِبِينَ تَخَلَّفْتُ عَنْكَ ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : أَمَا هَذَا ، فَقَدْ صَدَّقَ ، فَقُمْتُ حَتَّى يَقْضِي اللَّهُ فِيكَ قَضَاءَهُ ، وَتَارَ رَجُلًا مِنْ بَنِي سَلَمَةَ فَاتَّبَعُونِي ، فَقَالُوا لِي : وَاللَّهِ مَا عَلِمْنَاكَ أَنْ تَذُنِبَ ذَنْبًا قَبْلَ هَذَا ، لَقَدْ عَجَزْتَ فِي أَنْ لَا تَكُونَ اعْتَدَرْتَ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، بِمَا اعْتَدَرَ بِهِ إِلَيْهِ الْمُخَلْفُونَ ، فَقَدْ كَانَ كَافِيكَ ذَنْبِكَ ، اسْتَعْفَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَكَ ، قَالَ : فَوَاللَّهِ مَا زَالُوا يُؤْتِيُونِي حَتَّى أَرَدْتُ أَنْ أَرْجِعَ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَأَكْذَبْتُ نَفْسِي ، قَالَ ثُمَّ قُلْتُ لَهُمْ : هَلْ لَفِي هَذَا مَعِي مِنْ أَحَدٍ ؟ قَالُوا : نَعَمْ ، لَقِيَهُ مَعَكَ رَجُلَانِ ، قَالَا مِثْلَ مَا قُلْتَ ، فَقِيلَ لَهُمَا مِثْلَ مَا قِيلَ لَكَ ، قَالَ قُلْتُ : مَنْ هُمَا ؟ قَالُوا : مُرَارَةُ بْنُ الرَّبِيعَةَ الْعَامِرِيُّ وَهَيْلَالُ بْنُ أُمَيَّةَ الْوَاقِفِيُّ ، قَالَ : فَذَكَرُوا لِي رَجُلَيْنِ صَالِحَيْنِ قَدْ شَهِدَا بَدْرًا ، فِيهِمَا أَسْوَةٌ ، قَالَ : فَمَضَيْتُ جِبِينَ ذَكَرُوا هُمَا لِي ، قَالَ وَنَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمُسْلِمِينَ عَنْ كَلَامِنَا ، أَيُّهَا الثَّلَاثَةُ ، مِنْ بَيْنِ مَنْ تَخَلَّفَ عَنْهُ ، قَالَ : فَاجْتَنَبْنَا النَّاسَ ، وَقَالَ : تَعَيَّرُوا لَنَا حَتَّى تَتَكَّرَتْ لِي فِي نَفْسِي الْأَرْضُ ، فَمَا هِيَ بِالْأَرْضِ الَّتِي أَعْرَفُ ، فَلَبِثْنَا عَلَى ذَلِكَ خَمْسِينَ لَيْلَةً ، فَأَمَّا صَاحِبَايَ فَاسْتَكَانَا وَقَعَدَا فِي بُيُوتِهِمَا بِنِكَيَانِ ، وَأَمَّا أَنَا فَكُنْتُ أَشَبَّ الْقَوْمِ وَأَجْدَهُمْ ، فَكُنْتُ أَخْرُجُ فَأَشْهَدُ الصَّلَاةَ وَأَطُوفُ فِي الْأَسْوَاقِ وَلَا يَكْلُمُنِي أَحَدٌ ، وَآتَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَاسْلَمَ عَلَيْهِ ، وَهُوَ فِي مَجْلِسِهِ بَعْدَ الصَّلَاةِ ، فَأَقُولُ فِي نَفْسِي : هَلْ حَرَكَتُ شَفَقَتِيهِ بِرَدِّ السَّلَامِ ، أَمْ لَا ؟ ثُمَّ أَصَلِيَ قَرِيبًا مِنْهُ وَأَسَارَفُهُ النَّظَرَ ، فَإِذَا أَقْبَلْتُ عَلَى صَلَاتِي نَظَرَ إِلَيَّ وَإِذَا انْتَفَتَحَتْ نَحْوَهُ أَعْرَضَ عَنِّي ، حَتَّى إِذَا طَالَ ذَلِكَ عَلَيَّ مِنْ جَفْوَةِ الْمُسْلِمِينَ ، مَشَيْتُ حَتَّى تَسَوَّرْتُ جِدَارَ حَائِطِ أَبِي قَتَادَةَ ، وَهُوَ ابْنُ عَمِّي ، وَأَحَبُّ النَّاسِ إِلَيَّ ، فَسَلَّمْتُ عَلَيْهِ ، فَوَاللَّهِ مَا رَدَّ عَلَيَّ السَّلَامَ . فَقُلْتُ لَهُ : يَا أَبَا قَتَادَةَ أَتَشَدُّكَ بِاللَّهِ هَلْ تَعْلَمُنَّ أَنِّي أَحِبُّ اللَّهَ وَرَسُولَهُ ؟ قَالَ : فَسَكَتَ ، فَعَدْتُ فَنَاشِدْتُهُ ، فَسَكَتَ ، فَعَدْتُ فَنَاشِدْتُهُ ، فَقَالَ : اللَّهُ وَرَسُولُهُ أَعْلَمُ ، فَصَاحَتُ عَيْنَايَ ، وَتَوَلَّيْتُ ، حَتَّى تَسَوَّرْتُ الْجِدَارَ ، فَبَيْنَمَا أَنَا أَمْسِي فِي سُوْقِ الْمَدِينَةِ ، إِذَا نَبْطِيٌّ مِنْ نَبْطِ أَهْلِ الشَّامِ ، مِمَّنْ قَدِمَ بِالطَّعَامِ يَبِيعُهُ بِالْمَدِينَةِ ، يَقُولُ : مَنْ يَبُلُّ عَلَى كَعْبِ بْنِ مَالِكٍ ، قَالَ : فَطَفِقَ النَّاسُ يُشِيرُونَ لَهُ إِلَيَّ ، حَتَّى جَاءَنِي فَدَفَعَ إِلَيَّ كِتَابًا مِنْ مَلِكِ غَسَّانَ ، وَكُنْتُ كَاتِبًا ، فَفَرَأْتُهُ قَادِمًا فِيهِ : أَمَا بَعْدُ ، فَأَبَهُ قَدْ بَلَعْنَا أَنَّ صَاحِبَكَ قَدْ جَفَاكَ ، وَلَمْ يَجْعَلْكَ اللَّهُ بَدَارَ هَوَانٍ وَلَا مَضْبِغَةَ ، فَالْحَقُّ بِنَا نَوَاسِكَ ، قَالَ فَقُلْتُ : جِبِينَ قَرَأْتَهَا : وَهَذِهِ أَيْضًا مِنَ الْبَلَاءِ فَبَيْنَا مِمَّنْ بَهَا التَّنَوُّرُ فَسَجَرَتْهَا بِهَا ، حَتَّى إِذَا مَضَتْ أَنْ رُبِعُونَ مِنَ الْخَمْسِينَ ، وَاسْتَلْبَثْتُ الْوَحْيَ ، إِذَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَأْتِينِي ، فَقَالَ : إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَأْمُرُكَ أَنْ تَعْتَزَلَ أَمْرَاتِكَ ، قَالَ : فَقُلْتُ : أَطْلُقُهَا أَمْ مَاذَا أَفْعَلُ ؟ قَالَ : لَا ، بَلِ اعْتَزَلْهَا ، فَلَا تَفْرُبْنَهَا ، قَالَ : فَأَرْسَلْتُ إِلَى صَاحِبَتِي بِمِثْلِ ذَلِكَ ، قَالَ : فَقُلْتُ لِأَمْرَاتِي : الْحَقِّي بِأَهْلِكَ فَكُونِي عِنْدَهُمْ حَتَّى يَقْضِي اللَّهُ فِي هَذَا الْأَمْرِ ، قَالَ : فَجَاءَتْ أَمْرَأَةُ هَيْلَالِ بْنِ أُمَيَّةَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَقَالَتْ لَهُ : يَا رَسُولَ اللَّهِ إِنَّ هَيْلَالَ بْنَ أُمَيَّةَ شَيْخٌ صَانِعٌ لَيْسَ لَهُ خَادِمٌ ، فَهَلْ تَكْرَهُ أَنْ أُخْدَمَهُ ؟ قَالَ : لَا ، وَلَكِنْ لَا يَقْرَبَنَّكَ فَقَالَتْ : إِنَّهُ ، وَاللَّهِ مَا بِهِ حَرَكَةٌ إِلَى شَيْءٍ ، وَوَاللَّهِ مَا زَالَ يَبْكِي مِنْذُ كَانَ مِنْ أَمْرِهِ مَا كَانَ ، إِلَى يَوْمِهِ هَذَا ، قَالَ : فَقَالَ لِي بَعْضُ أَهْلِي : لَوْ اسْتَأْذَنْتَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي أَمْرَاتِكَ ؟ فَقَدْ أَدْنَى لَأَمْرَأَةِ هَيْلَالِ بْنِ أُمَيَّةَ أَنْ تَخْدَمَهُ ، قَالَ : فَقُلْتُ : لَا اسْتَأْذَنْتُ فِيهَا رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، وَمَا يُدْرِينِي مَاذَا يَقُولُ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، إِذَا اسْتَأْذَنْتُهُ فِيهَا ، وَأَنَا رَجُلٌ شَابٌّ ، قَالَ : فَأَبَيْتُ بِذَلِكَ عَشْرَ لَيَالٍ ، فَكَفَلْنَا لَنَا خَمْسُونَ لَيْلَةً مِنْ جِبِينَ نَهْيٍ عَنْ كَلَامِنَا ، قَالَ ثُمَّ صَلَّيْتُ صَلَاةَ الْفَجْرِ صَبَاحَ خَمْسِينَ لَيْلَةً ، عَلَى ظَهْرِ بَيْتٍ مِنْ بُيُوتِنَا فَبَيْنَمَا أَنَا جَالِسٌ عَلَى الْحَالِ الَّتِي ذَكَرَ اللَّهُ عَزَّ وَجَلَّ مِنَّا ، فَذُ صَاحَتُ عَلَيَّ نَفْسِي وَصَاحَتُ عَلَيَّ الْأَرْضُ بِمَا رَحِيَتْ ، سَمِعْتُ صَوْتِ صَارِخٍ أَوْفَى عَلَيَّ سَلَعٌ يَقُولُ بِأَعْلَى صَوْتِهِ : يَا كَعْبُ بْنُ مَالِكٍ أَتُشِيرُ ، قَالَ : فَخَرَزْتُ سَاجِدًا وَعَرَفْتُ أَنْ قَدْ جَاءَ فَرَجٌ ، قَالَ : قَادَنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ النَّاسَ بِتُوبَةِ اللَّهِ عَلَيْنَا ، جِبِينَ صَلَّى صَلَاةَ الْفَجْرِ ، فَذَهَبَ النَّاسُ يُشِيرُونَ ، فَذَهَبَ قَبْلَ صَاحِبَتِي مُشِيرُونَ ، وَرَكَضَ رَجُلٌ إِلَيَّ فَرَسًا ، وَسَعَى سَاعَ مِنْ أَسْلَمَ قَبْلِي ، وَأَوْفَى الْجَبَلِ ، فَكَانَ الصَّوْتُ أَسْرَعَ مِنَ الْفَرَسِ ، فَلَمَّا جَاءَنِي الَّذِي سَمِعْتُ صَوْتَهُ يُشِيرُنِي ، فَتَرَعْتُ لَهُ تُوْبِي فَكَسَوْتُهُمَا آيَاهُ بِيَشَارَتِهِ ، وَاللَّهِ مَا أَمْلِكُ غَيْرَ هُمَا يَوْمِنِي ، وَاسْتَعْرْتُ تُوْبَيْنِ فَلَيْسَتْهُمَا ، فَانْقَلَبْتُ أَنْتَأْمُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، يَتَلَقَّانِي النَّاسُ فَوْجًا

قَوْجًا ، يُهَيِّئُونِي بِالتَّوْبَةِ وَيُقَوِّلُونَ : لِتَهْنِئِكَ تَوْبَةُ اللَّهِ عَلَيْكَ حَتَّى دَخَلْتُ الْمَسْجِدَ ، فَإِذَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَالِسٌ فِي الْمَسْجِدِ وَحَوْلَهُ النَّاسُ ، فَقَامَ طَلْحَةُ بْنُ عُبَيْدِ اللَّهِ يُهَيِّئُ اللَّهُ يُهَيِّئُ حَتَّى صَافَحَنِي وَهَتَّأَنِي ، وَاللَّهِ مَا قَامَ رَجُلٌ مِنَ الْمُهَاجِرِينَ غَيْرُهُ ، قَالَ فَكَانَ كَعْبٌ لَا يَسْأَلُهَا لِطَلْحَةَ . قَالَ كَعْبٌ : فَلَمَّا سَلَّمْتُ عَلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : وَهُوَ يَبْزُقُ وَجْهَهُ مِنَ السُّرُورِ وَيُقَوِّلُ : أَتَيْتُ بِخَيْرٍ يَوْمٍ مَرَّ عَلَيْكَ مُنْذُ وَلَدْتِكَ أَمْكَ قَالَ فَقُلْتُ : أَمِنَ عِنْدِكَ ؟ يَا رَسُولَ اللَّهِ أَمْ مِنْ عِنْدِ اللَّهِ فَقَالَ : لَا ، بَلْ مِنْ عِنْدِ اللَّهِ وَكَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، إِذَا سُرَّ اسْتَنَّارَ وَجْهَهُ ، كَأَنَّ وَجْهَهُ قِطْعَةُ قَمَرٍ ، قَالَ : وَكُنَّا نَعْرِفُ ذَلِكَ ، قَالَ : فَلَمَّا جَلَسْتُ بَيْنَ يَدَيْهِ قُلْتُ : يَا رَسُولَ اللَّهِ إِنَّ مِنْ تَوْبَتِي أَنْ أَنْخَلِعَ مِنْ مَالِي صَدَقَةً إِلَى اللَّهِ وَإِلَى رَسُولِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : أَمْسِكْ بَعْضَ مَالِكَ ، فَهُوَ خَيْرٌ لَكَ قَالَ : فَقُلْتُ : فَأَتَيْتُ أَمْسِكُ سَهْمِي الَّذِي بِخَيْرٍ ، قَالَ : وَقُلْتُ : يَا رَسُولَ اللَّهِ إِنَّ اللَّهَ إِنَّمَا أَنْجَانِي بِالصَّدَقِ ، وَإِنَّ مِنْ تَوْبَتِي أَنْ لَا أُحَدِّثَ إِلَّا صِدْقًا مَا يَقْبِثُ ، قَالَ : فَوَاللَّهِ مَا عَلِمْتُ أَنَّ أَحَدًا مِنَ الْمُسْلِمِينَ أَنْبَأَهُ اللَّهُ فِي صِدْقِ الْحَدِيثِ ، مُنْذُ ذَكَرْتُ ذَلِكَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَى يَوْمِي هَذَا ، أَحْسَنَ مِمَّا أَنْبَأَنِي اللَّهُ بِهِ ، وَاللَّهِ مَا تَعَمَّدْتُ كَذِبَةً مُنْذُ قُلْتُ ذَلِكَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، إِلَى يَوْمِي هَذَا ، وَإِنِّي لَأَرْجُو أَنْ يَحْفَظَنِي اللَّهُ فِيمَا بَقِيَ ، قَالَ : فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ : ﴿ لَقَدْ تَابَ اللَّهُ عَلَى النَّبِيِّ وَالْمُهَاجِرِينَ وَالْأَنْصَارِ الَّذِينَ اتَّبَعُوهُ فِي سَاعَةِ الْعُسْرَةِ مِنْ بَعْدِ مَا كَادَ يَزِيغُ قُلُوبَ فَرِيقٍ مِمَّنْهُمْ ثُمَّ تَابَ عَلَيْهِمْ ، إِنَّهُ بِهِمْ رَءُوفٌ رَحِيمٌ ، وَعَلَى الثَّلَاثَةِ الَّذِينَ خَلَفُوا حَتَّى إِذَا ضَاقَتْ عَلَيْهِمُ الْأَرْضُ بِمَا رَحُبَتْ وَضَاقَتْ عَلَيْهِمْ أَنْفُسُهُمْ ﴾ حَتَّى بَلَغَ : ﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَكُونُوا مَعَ الصَّادِقِينَ ﴾ ، قَالَ كَعْبٌ : وَاللَّهِ مَا أَنْعَمَ اللَّهُ عَلَيَّ مِنْ نِعْمَةٍ قَطُّ ، بَعْدَ إِذْ هَدَانِي اللَّهُ لِلْإِسْلَامِ ، أَعْظَمَ فِي نَفْسِي ، مِنْ صِدْقِي رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، أَنْ لَا أَكُونَ كَذِبِيَّةً فَأَهْلَكَ كَمَا هَلَكَ الَّذِينَ كَذَبُوا ، إِنَّ اللَّهَ قَالَ لِلَّذِينَ كَذَبُوا ، حِينَ أَنْزَلَ الْوَحْيَ ، شَرٌّ مَا قَالَ لِأَحَدٍ . وَقَالَ اللَّهُ : ﴿ سَيَخْلِفُونَ بِاللَّهِ لَكُمْ إِذَا انْقَلَبْتُمْ إِلَيْهِمْ لِنِعْمَتِهِمْ ، فَأَعْرَضُوا عَنْهُمْ ، إِنَّهُمْ رَجَسٌ ، وَمَا وَاهُمْ جَهَنَّمَ جَزَاءً بِمَا كَانُوا يَكْسِبُونَ ، يَخْلِفُونَ لَكُمْ لِنِعْمَتِهِمْ ، فَإِنْ تَرَضُوا عَنْهُمْ ، فَإِنَّ اللَّهَ لَا يَرْضَى عَنِ الْقَوْمِ الْفَاسِقِينَ ﴾ ، قَالَ كَعْبٌ : كُنَّا خُلَفْنَا أَيُّهَا الثَّلَاثَةُ عَنْ أَمْرِ أَوْلِيائِكَ الَّذِينَ قَبِلَ مِنْهُمْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حِينَ خَلَفُوا لَهُ ، فَبَايَعَهُمْ وَاسْتَعْفَرَ لَهُمْ وَأَرْجَأَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَمْرَنَا حَتَّى قَضَى اللَّهُ فِيهِ ، فَبِذَلِكَ قَالَ اللَّهُ عَزَّ وَجَلَّ : ﴿ وَعَلَى الثَّلَاثَةِ الَّذِينَ خَلَفُوا ، وَلَيْسَ الَّذِي ذَكَرَ اللَّهُ مِمَّا خُلِفْنَا ، تَخَلَّفْنَا عَنِ الْعَزْرِ ، وَإِنَّمَا هُوَ تَخْلِيْفُهُ إِيَّانَا ، وَإِنْ جَاؤُهُ أَمْرُنَا ، عَمَّنْ حَلَفَ لَهُ وَاعْتَدَرَ إِلَيْهِ قَبْلَ مِنْهُ 211 .

SF5: Ka'b b. Malik narrates the story of his remaining behind Allah's Messenger in the Battle of Tabuk. He said:

...Few were the persons who wanted to absent themselves and were under the impression that they could easily conceal themselves (and thus remain undetected) until revelations from Allah, the Exalted and Glorious (descended in connection with them). And Allah's Messenger set out on an expedition when the fruits were ripe, and their shadows had been lengthened. It was during this season that Allah's Messenger made preparations and the Muslims too along with them. I also set out in the morning so that I should make preparations along with them, but I came back and did nothing and said to myself: I have means enough (to make preparations) as soon as I like. And I went on doing this (postponing my preparations) until people were about to depart and it was in the morning that Allah's Messenger set out and the Muslims, too, along with him, but I made no preparations. I went early in the morning and came back, but I made no decision. I continued to do so until they (the Muslims) hastened and covered a good deal of distance. I also made up my mind to march on and to meet them. Would that I had done that but perhaps it was not destined for me. After the departure of Allah's Messenger as I went out amongst people, I was shocked to find that I did not find anyone like me but people who were labelled as hypocrites or the people whom Allah granted exemption because of their incapacity and Allah's Messenger took no notice of me until he had reached Tabuk. (One day as he was sitting amongst the people in Tabuk) he said: 'What has happened to Ka'b b. Malik?'. A person from Banu' Salama said: 'Allah's Messenger, the (beauty) of his cloak and his appreciation of his sides have allured him and he was thus detained'. Mua'dh b. Jabal said: 'Woe be upon that what you contend. Allah's Messenger, by Allah, we know nothing about him but good'. Allah's Messenger, however, **remained silent**...Ka'b b. Malik farther said: 'When the news reached me that Allah's Messenger was on his way back from Tabuk I was greatly perturbed. I thought of fabricating false stories and asked myself how I would save myself from his anger on the following day. In this connection, I

211 Muslim, "Al-Tawbah", 2769.

sought the help of every prudent man from amongst the members of my family and when it was said to me that Allah's Messenger was about to arrive, all the false ideas banished (from my mind) and I came to the conclusion that nothing could save me but the telling of truth, so I decided to speak the truth.

Allah's Messenger arrived (in Medina) in the morning and it was his habit that as he came back from a journey, he first goes to the mosque to pray (as a mark of gratitude) and then later sits amongst people. And as he did that, those who had remained behind him began to put forward their excuses and take an oath before him and they were more than eighty persons. Allah's Messenger accepted their excuses on the very face of them and accepted their allegiance and sought forgiveness for them and left their secret (intentions) to Allah, until I presented myself to him. I greeted him and he smiled and there was a tinge of anger in that. He (the Prophet) then said to me: Come forward. I went forward until I sat in front of him. He said to me: What kept you back? Could you not afford to go in for a ride? I said: Allah's Messenger, by Allah, if I were to sit in the presence of anybody else from amongst the worldly people I would have definitely saved myself from his anger on one pretext (or the other) and I have also the knack to fall into argumentation, but, by Allah, I am fully aware of the fact that if I were to put forward before you a false excuse to please you, Allah would definitely provoke your wrath upon me, and if I speak the truth you may be annoyed with me, but I hope that Allah would make its end well and, by Allah, there is no valid excuse for me. By Allah, I never possessed so good means, and I never had such favorable conditions for me as I had when I stayed behind you (failed to join the expedition). Thereupon, Allah's Messenger said: 'This man told the truth, so get up until Allah gives a decision in your case'. I stood up and some people of Banu' Salama followed me in hot haste, and they said to me: 'By Allah, we do not know about you that you committed a sin prior to this. You, however, showed inability to put forward an excuse before Allah's Messenger as those who stayed behind him have put forward excuses. It would have been enough for the forgiveness of your sin that Allah's Messenger would have sought forgiveness for you'. By Allah, they continued to incite me until I thought of going back to Allah's Messenger and contradict myself. Then I said to them: Has anyone else also met the same fate? They said: Yes, two persons have met the same fate as has fallen to you and they have made the same statement as you have made, and the same verdict has been delivered in their case as it has been delivered in your case. I said: Who are they? They said: Murara b. al-Rabi'a al-'Amiri and Hilal b. Umayya al-Waqafi. They made a mention of these two pious persons to me who had participated in the Battle of Badr and there was an example for me in them. I went away when they named these two persons. **Allah's Messenger forbade the Muslims to talk with three of us** from amongst those (persons) who had stayed behind him. The people began to avoid us and their attitude towards us underwent a change and it seemed as if the whole atmosphere had turned (hostile) against us and it was in fact the same atmosphere of which I was fully aware and in which I had lived (for a fairly long time). We spent fifty nights in this very state and my two friends confined themselves within their houses and spent (most of the) time in weeping, but as I was young and strong amongst them, I got out of my house, participated in congregational prayers, moved about in the bazar; but **none spoke to me**. I came to Allah's Messenger as he sat amongst (people) after the prayer, greeted him and asked myself whether his lips stirred in response to my greetings (or not). Then I observed prayer beside him and looked at him with stealing glances and when I attended to my prayer, he looked at me and when I cast a glance at him, he **turned away** his eyes from me. And when the harsh treatment of the Muslims towards me extended to a (considerable) length of time, I walked until I climbed upon the wall of the garden of Abu Qatada, and he was

my cousin, and I had the greatest love for him. I greeted him but, by Allah, **he did not respond to my greetings**. I said to him: Abu Qatada, I adjure you by Allah, aren't you well aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again repeated saying: I adjure you by Allah, aren't you aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again adjured him, whereupon he said: Allah and the Messenger are best aware of it. My eyes began to shed tears and I came back climbing down from the wall and as I was walking in the bazar of Medina a Nabatean from amongst the Nabateans of Syria, who had come to sell food grains in Medina, asked people to direct him to Ka'b bin Malik. People gave him the indication by pointing towards me. He came to me and delivered to me a letter of the King of Ghassan and as I was a scribe I read that letter and it was written like this: Coming to my point, it has been conveyed to us that your friend (the Prophet) is subjecting you to cruelty and Allah has not created you for a place where you are to be degraded and where you cannot find your right place, so you come to us that we should accord you honor. As I read that letter, I said: This is also a calamity, so I burnt it in the oven. When out of the fifty days, forty days had passed and Allah's Messenger received no revelation, there came a messenger of Allah's Messenger to me and said: 'Verily, Allah's Messenger has commanded you to remain separate from your wife'. I said: 'Should I divorce her or what (else) should I do?' He said: 'No, but only remain separate from her and don't have sexual contact with her'. The same message was sent to my companions. So, I said to my wife: 'You better go to your parents and stay there with them until Allah gives the decision in my case'. The wife of Hilal b. Umayya came to Allah's Messenger and said: 'Allah's Messenger, Hilal b. Umayya is a senile person, he has no servant. Do you disapprove of my serving him?' He said: 'No, but don't go near him'. She said: 'By Allah, he has no such instinct in him. By Allah, he spends his time in weeping from that day to this day'. Some of the members of my family said to me: 'Were you to seek permission from Allah's Messenger regarding your wife as he has granted permission to the wife of Hilal b. Umayya to serve him'. I said: 'I would not seek permission from Allah's Messenger, for I cannot say what Allah's Apostle may say in response to seeking my permission'. Moreover, I am a young man. It was in this state that I spent ten more nights and thus fifty nights had passed that (people) had observed **boycott** with us. It was on the morning of the fiftieth night that I observed my dawn prayer and was sitting on one of the roofs of our houses. And I was in fact sitting in that very state which Allah, the Exalted and Glorious, has described about us in these words: 'Life had become hard for myself, and the earth had compressed despite its vastness', that I heard the noise of an announcer from the peak of the hill of Sal' saying at the top of his voice: 'Ka'b b. Malik, there is glad tidings for you'. I fell down in prostration and came to realize that there was (a message of) relief for me. Allah's Messenger had informed the people of the acceptance of our repentance by Allah as he offered the dawn prayer. So, the people went on to give us glad tidings and some of them went to my friends in order to give them the glad tidings and a person galloped his horse and came from the tribe of Aslam and his horse reached me more quickly than his voice. And when he came to me whose sound I heard, he gave me the glad tidings. I took off my clothes and clothed him with them because of his bringing good news to me and, by Allah, I possessed nothing else (in the form of clothes) than these two on that occasion, and I asked one to lend me two clothes and dressed myself in them. I came to Allah's Messenger and on my way, I met groups of people who greeted me because of (the acceptance of) repentance and they said: Here is a greeting for you for your repentance being accepted by Allah. (I moved on) until I came to the mosque and Allah's Messenger had been sitting there amongst persons. So Talha b. 'Ubaidullah got up and rushed

towards me and he shook hands with me and greeted me and, by Allah, no person stood up (to greet me) from amongst the emigrants except him. Ka'b said that he never forgot (this good gesture of) Talha. Ka'b further said: I greeted Allah's Messenger and his face was glistening because of delight, and he said: 'Let there be glad tidings and blessings for you, the like of which (you have neither found nor you will find, as you find today) since your mother gave your birth'. I said: 'Allah's Messenger, is this acceptance of repentance from you or from Allah?' He said: 'No, (it is not from me), it is from Allah'. And it was common with Allah's Messenger that as he was happy his face brightened up and it looked like a part of the moon, and it was from this that we recognized it (his delight). As I sat before him, I said: 'Allah's Messenger, am I allowed to give in charity my wealth for Allah's sake and for the sake of His Messenger?' Thereupon Allah's Messenger said: 'Keep some property with you as it is better for you'. I said: 'I shall keep with me that part (of my property) which fell to my lot (on the occasion of the expedition of) Khaybar'. I said: 'Allah's Messenger, verily, Allah has granted me salvation because of truth and, therefore, (I think) that repentance implies that I should not speak anything but truth as long as I live'. By Allah, I do not know whether anyone amongst the Muslims was put to more severe trial than I by Allah because of telling the truth. And since I made a mention of this to Allah's Messenger up to this day, I have not told any lie and, by Allah, I have decided not to tell a lie and I hope that Allah would save me (from trials) for the rest of my life. Allah, the Exalted and Glorious, revealed these verses: 'Certainly, Allah has turned in Mercy to the Prophet and the emigrants and the helpers who followed him in the hour of hardship after the hearts of a part of them were about to deviate; then He turned to them in mercy. Surely, to them He is Compassionate, Merciful and (He turned in Mercy) to the three who were left behind until the earth despite its vastness became straight for them and their souls were also straitened to them'. And this revelation reached up to the (words): 'O you who believe, develop God consciousness, and be with the truthful'. Ka'b said: By Allah, since Allah directed me to Islam there has been no blessing more significant for me than this truth of mine which I spoke to Allah's Messenger and if I were to tell a lie I would have been ruined as were ruined those who told lies, for in regard to those who told lies Allah used harshest words used for anyone as He descended revelation (and the words of Allah are): 'They will swear by Allah to you when you return to them so that you may leave them alone. So, leave them alone. Surely, they are unclean, and their resort is Hell, recompense for what they earned. They will swear to you that you may be pleased with them but if you are pleased with them, yet surely Allah is not pleased with the transgressing people'. K'ab said that the matter of us three persons was deferred as compared with those who took an oath in the presence of Allah's Messenger, and he accepted their allegiance and sought forgiveness for them²¹².

Commentary: Prophet Muhammad used different educative methods with different people. One of these methods is *hajr*, which may be translated as boycott or ostracism. The Prophet used *hajr* as a corrective measure to educate the wrongdoer and deter them from doing the same mistake again, or to increase awareness about the seriousness of the wrong action committed and thus prevent other people from doing

²¹² *Sahih Muslim*, Grade: *Sahih*, English translation: Book 37, *Hadith* 6670. <https://sunnah.com/muslim:2769a>.

it. This is illustrated in the case of Ka'ab b. Malik and his two companions. When *hajr* is not deemed to deter the wrong doer or prevent the spread of evil, it is considered unlawful. In such cases, it is more appropriate to use *Ta'lif* (reconciling hearts) as did the Prophet with the in the story with those who took an oath in His presence to win their hearts since they were leaders of their tribes and thus *hajr* would have generated more harm than benefit.²¹³

2.3. Silence as 'adam al-kalām (not talking)

- In the Qur'ān :

قَالَ رَبِّ اجْعَلْ لِي آيَةً قَالَ آيَتُكَ أَلَّا تُكَلِّمَ النَّاسَ ثَلَاثَةَ أَيَّامٍ إِلَّا رَمْرًا وَادْكُرْ رَبَّكَ كَثِيرًا وَسَتِخَّ بِالْعَشِيِّ وَالْإِبْكَارِ.²¹⁴

Q13: [Zakariyya] said: 'My Lord, make for me a sign'. He Said: 'Your sign is that you will not [be able to] speak to the people for three days except by gesture. And remember your Lord much and exalt [Him with praise] in the evening and the morning'.²¹⁵

قَالَ رَبِّ اجْعَلْ لِي آيَةً قَالَ آيَتُكَ أَلَّا تُكَلِّمَ النَّاسَ ثَلَاثَ لَيَالٍ سَوِيًّا.²¹⁶

Q14: [Zakariyya] said: 'My Lord, make for me a sign'. He said: 'Your sign is that you will not speak to the people for three nights, [being] sound'.²¹⁷

فَكَلِمَى وَأَشْرَبِي وَقَرِّي عَيْنًا فَإِمَّا تَرَيِنَّ مِنَ الْبَشَرِ أَحَدًا فَقُولِي إِنِّي نَذَرْتُ لِلرَّحْمَنِ صَوْمًا فَلَنْ أُكَلِّمَ الْيَوْمَ إِنْسِيًّا.²¹⁸

Q15: And if you see from among humanity anyone, say, 'Indeed, I have vowed to the Most Merciful abstention, so I will not speak today to [any] man'.²¹⁹

Commentary: Ibn Kathir and other scholars stated that in the legislation at the time of Maryam (Mary) and Zakariyya (Zachariah), when they fasted, they would neither eat nor speak. When Zakariyya abstained from speaking, he did not do so as an act of worship. Rather, it was beyond his control and was a sign for him indicating that his wife became pregnant. Allah Says: {He said, "My Lord, make for me a sign.", meaning a sign indicating that I will have a son. {He said, "Your sign is that you will not [be able to] speak to the people for three days except by sign." meaning that you will not be able to speak to them despite the fact that you are in sound and good health; this is emphasized in Q2 in which Allah said:, "Your sign is that you will not speak to

²¹³ Suyuti, Jalal al-Din, *Al-Zajr Bi al-Hajr*, 1st ed. (Tanta: Maktabat al-Sahabah, 1987).

²¹⁴ Qur'an 3:41.

²¹⁵ <https://quran.com/3>.

²¹⁶ Qur'an 19:10.

²¹⁷ <https://quran.com/19>.

²¹⁸ Qur'an 19:26.

²¹⁹ <https://quran.com/19>.

the people for three nights, [being] sound".²²⁰ The sign mentioned in Q2 is interpreted as being a gesture or concealed talk (*kalām khafī*).²²¹

There are also two interpretations of Zakariyya's silence. One is that Allah silenced his tongue from worldly talk and enabled him to glorify Him with his tongue. The other interpretation is that He silenced his tongue and enabled him to remember him with his heart through silent (concealed) remembrance. The fasting of Maryam (Mary) was an act of worship, and the wisdom thereof is to show that she was virgin and innocent of illegal sexual acts, when she would point to 'Issa (Jesus) and he would speak in the cradle and explain his situation to the people.²²²

وعن قيس بن أبي حازم قال: دخل أبو بكر الصديق رضي الله عنه على امرأة من أحمس يقال لها: زينب، فرأها لا تتكلم. فقال: ما لها لا تتكلم؟ فقالوا: حجت مصمتة، فقال لها: تكلمي فإن هذا لا يحل، هذا من عمل الجاهلية! فتكلمت.²²³

SF6: Abu Bakr went to a lady from the Ahmas tribe called Zainab bint Al-Muhajir and found that **she refused to speak**. He asked, "Why does she not speak." The people said, "She has intended to perform Hajj without speaking." He said to her, "Speak, for it is illegal not to speak, as it is an action of the pre-Islamic period of ignorance. So, she spoke."²²⁴

Commentary: The vow of silence (*nadhr al-samt*) was one of the rituals of the pre-Islamic period (*Jahiliyya*). This ritual was especially common during the month of Ramadan where people used to seclude themselves and remain silent for a specific period of time to worship God. This practice was banned by Islam where speaking good is the rule and remaining silent is the exception as stated in SQ9.²²⁵

2.4.Silence as *Insāt* (listening)

• In the Qur'ān :

"وإذا قرئ القرآن فاستمعوا وأصتوا له لعلكم ترحمون"²²⁶.

Q16: "So, when the Qur'ān is recited, **listen to it, and be silent** that you may receive mercy".²²⁷

²²⁰ Ibn Kathir, *Tafsīr Ibn Kathir*.

²²¹ Razi, *Al-Tafsīr al-Kabīr*.

²²² Ibn Kathir, *Tafsīr Ibn Kathir*.

²²³ Bukhari, "Manāqib al-Ansār", 3834.

²²⁴ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 58, *Hadith* 175. <https://sunnah.com/bukhari:3834>.

²²⁵ Ibn Hajar Asqalani, *Fath Al-Bari Sharh Al-Bukhari*, 1st ed. (Cairo: Al-Matba'a al-Salafiyya, n.d.).

²²⁶ Qur'an 7:204

²²⁷ <https://quran.com/7>.

Commentary: In Q16 Allah commands the believers to listen and be silent when the Quran is recited. Some scholars state that this verse is general and applicable to all situations where the Qur’ān is recited. Some others argue that it only concerns recitation of the Qur’ān by the Imam during prayer. Others state that it is even more specific than that, and that what is meant is recitation of the Qur’ān during the Friday sermon.²²⁸

The verse is ended with the expected reward of the act of remaining silence and listening to the Qur’ān, namely receiving mercy. In another verse, Allah says:

And We send down of the Qur’ān that which is healing and mercy for the believers, but it does not increase the wrongdoers except in loss.²²⁹

It is stated in this verse that the Qur’ān is both healing and mercy for believers. It is healing because it heals their hearts from false beliefs and blameworthy qualities and mercy because it edifies them.²³⁰ For this act of edification to happen, one must remain silent and listen attentively to the Qur’ān when it is recited.

There are two types of listening, listening of the common people and listening of the elect. Common people listen with the ear to sound and its melodies while the elect listen with their hearts to subtlety in the midst of sound and its meanings and allusions.

- **In the Sunnah:**

حَدَّثَنَا يَحْيَى بْنُ مُحَمَّدِ بْنِ السَّكَنِ، حَدَّثَنَا حَبِيبُ بْنُ هِلَالٍ أَبُو حَبِيبٍ، حَدَّثَنَا هَارُونُ الْمُعَرِّيُّ، حَدَّثَنَا الزُّبَيْرُ بْنُ الْحَرَبِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ، قَالَ حَدَّثَ النَّاسَ، كُلَّ جُمُعَةٍ مَرَّةً، فَإِنْ أَبَيْتَ فَمَرَّتَيْنِ، فَإِنْ أَكْثَرْتَ فَثَلَاثَ مِرَارٍ وَلَا تُمِلْ النَّاسَ هَذَا الْقُرْآنَ، وَلَا الْفَيْتَكَ تَأْتِي الْقَوْمَ وَهُمْ فِي حَدِيثٍ مِنْ حَدِيثِهِمْ فَتَقْطَعُ عَلَيْهِمْ حَدِيثَهُمْ فَنُفِّلُهُمْ، وَلَكِنْ أَنْصِتْ، فَإِذَا أَمْرُوكَ فَحَدِّثْهُمْ وَهُمْ بَسْتَهْوَاهُ، فَانظُرِ السَّجْعَ مِنَ الدُّعَاءِ فَاجْتَنِبْهُ، فَإِنِّي عَاهَدْتُ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَأَصْحَابَهُ لَا يَفْعَلُونَ إِلَّا ذَلِكَ. يَعْني لَا يَفْعَلُونَ إِلَّا ذَلِكَ الْاجْتِنَابَ.²³¹

*SQ14: Ibn `Abbas said: "Preach to the people once a week, and if you won't, then preach them twice, but if you want to preach more, then let it be three times (a week only), and do not make the people fed-up with this Qur'ān. If you come to some people who are engaged in a talk, don't start interrupting their talk by preaching, lest you should cause them to be bored. You should rather **listen** to them **and remain silent**, and if they ask you, then preach to them at the time when they are eager to hear what you say. And avoid the use of rhymed prose in invocation for I noticed that Allah's Messenger and his companions always avoided it".²³²*

²²⁸ Razi, *Al-Tafsīr al-Kabīr*.

²²⁹ Qur'an 17:82

²³⁰ Razi, *Al-Tafsīr al-Kabīr*.

²³¹ Bukhari, "Al-Da'awāt", 6337.

²³² *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 75, *Hadith* 349. <https://sunnah.com/bukhari:6337>.

Commentary: SQ14 lists few important rules about preaching. The first rule is about the frequency of preaching which should not exceed three times a week. The second is refraining from interrupting people if they are engaged in a conversation. The third rule is to remain silent and listen attentively to their conversation. The fourth is to preach only to those who are willing and eager to listen. And the fifth rule is to avoid prose while preaching.

عَنْ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: " مَنْ اغْتَسَلَ ثُمَّ أَتَى الْجُمُعَةَ فَصَلَّى مَا قُدِّرَ لَهُ ثُمَّ أَنْصَتَ حَتَّى يُفْرَغَ مِنْ خُطْبَتِهِ ثُمَّ يُصَلِّيَ مَعَهُ غُفِرَ لَهُ مَا بَيْنَهُ وَبَيْنَ الْجُمُعَةِ الْأُخْرَى وَقُضِيَ ثَلَاثَةٌ أَيَّامٌ " .²³³

*SQ15: Prophet Muhammad said: He who took a bath and then came for Jum'u'a prayer and then prayed what was fixed for him, then **listened and remained silent** till the Imam finished the sermon, and then prayed along with him, his sins between that time and the next Friday would be forgiven, and even of three days more.*²³⁴

Commentary: Muslims come together to worship Allah, glorify Him and thank Him during the Friday prayer. Because of the significance of that day and its importance, Muslims are commanded to observe a set of rules before, during and after the congregational prayer. They have to come to the sermon well prepared and avoid all kinds of actions that would possibly distract them such as talking or sleeping. They should remain silent and listen to the Friday sermon attentively until it is finished. The main purpose of silence during the sermon is to listen to the edifying words uttered during the sermon. The reward of strict observance of those rules is forgiveness of the sins between that time and the next Friday.

وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ، وَمُحَمَّدُ بْنُ رُحْمَةَ بْنِ الْمُهَاجِرِ، قَالَ ابْنُ رُحْمَةَ أَخْبَرَنَا اللَّيْثُ، عَنْ عُقَيْلٍ، عَنِ ابْنِ شِهَابٍ، أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيَّبِ، أَنَّ أَبَا هُرَيْرَةَ، أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " إِذَا قُلْتَ لِصَاحِبِكَ أَنْصِتْ . يَوْمَ الْجُمُعَةِ وَالْإِمَامُ يَخْطُبُ فَفَدِّ لَعُونَتِ " .²³⁵

*SQ16: Prophet Muhammad said: "Whoever says to his companion on Friday, when the imam is delivering the sermon: '**Listen and be silent**' has engaged in idle talk".*²³⁶

Commentary: SQ15 stresses the importance of silence while listening to the Friday sermon mentioned in SQ16. It also clarifies the extent of silence required.

²³³ Muslim, "Al-Jumu'a", 857.

²³⁴ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 4, *Hadith* 1867. <https://sunnah.com/muslim:857a>.

²³⁵ Muslim, "Al-Jumu'a", 851.

²³⁶ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 4, *Hadith* 1846. <https://sunnah.com/muslim:851a>

حَدَّثَنَا مُحَمَّدُ بْنُ آدَمَ الْمَصْتَبِيُّ، حَدَّثَنَا أَبُو خَالِدٍ، عَنِ ابْنِ عَجَلَانَ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " إِنَّمَا جُعِلَ الْإِمَامُ لِيُؤْتَمَّ بِهِ " . بِهَذَا الْخَبَرِ زَادَ " وَإِذَا قَرَأَ فَأَنْصِتُوا " . قَالَ أَبُو دَاوُدَ وَهَذَا الزِّيَادَةُ " وَإِذَا قَرَأَ فَأَنْصِتُوا " . لَيْسَتْ بِمَحْفُوظَةٍ أَلَوْ هُمْ عِنْدَنَا مِنْ أَبِي خَالِدٍ .²³⁷

SQ17: Prophet Muhammad said: "The Imam is appointed to be followed, so when he says the takbir, say the takbir, and when he recites, **listen and be silent**."²³⁸

Commentary: Muslims perform five prayers a day. The Qur'ān is recited aloud in three of them and recited silently in the other two. It is narrated that Abu Huraira said:

The Qur'ān is recited in every prayer and in those prayers in which Allah's Messenger (PBUH) recited aloud for us, we recite aloud in the same prayers for you; and the prayers in which the Prophet (PBUH) recited quietly, we recite quietly. If you recite "Al-Fatiha" only it is sufficient but if you recite something else in addition, it is better.²³⁹

SQ17 commands believers to remain silent when the Imam recites the Qur'ān -aloud- during the prayer.

2.5.Silence as 'adam al-ijāba (not responding)

حَدَّثَنَا عَلِيُّ بْنُ عَبْدِ اللَّهِ، حَدَّثَنَا سُفْيَانُ، سَمِعْتُ أَبَا حَازِمٍ، يَقُولُ سَمِعْتُ سَهْلَ بْنَ سَعْدِ السَّاعِدِيِّ، يَقُولُ إِنِّي لَفِي الْقَوْمِ عِنْدَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذْ قَامَتِ امْرَأَةٌ فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّهَا قَدْ وَهَبَتْ نَفْسَهَا لَكَ فَرَأَيْتَ فِيهَا رَأْيَكَ فَلَمْ يُجِبْهَا شَيْئًا ثُمَّ قَامَتْ فَقَالَتْ يَا رَسُولَ اللَّهِ إِنَّهَا قَدْ وَهَبَتْ نَفْسَهَا لَكَ فَرَأَيْتَ فِيهَا رَأْيَكَ فَلَمْ يُجِبْهَا شَيْئًا ثُمَّ قَامَتِ الثَّلَاثَةَ فَقَالَتْ إِنَّهَا قَدْ وَهَبَتْ نَفْسَهَا لَكَ فَرَأَيْتَ فِيهَا رَأْيَكَ فَقَالَ يَا رَسُولَ اللَّهِ أَنْكِحْنِيهَا . قَالَ " هَلْ عِنْدَكَ مِنْ شَيْءٍ " . قَالَ لَا . قَالَ " أَذْهَبَ فَاطْلُبُ وَلَوْ خَاتَمًا مِنْ حَدِيدٍ " . فَذَهَبَ فَطَلَبَ ثُمَّ جَاءَ فَقَالَ مَا وَجَدْتُ شَيْئًا وَلَا خَاتَمًا مِنْ حَدِيدٍ . فَقَالَ " هَلْ مَعَكَ مِنَ الْقُرْآنِ شَيْءٌ " . قَالَ مَعِيَ سُورَةٌ كَذَا وَسُورَةٌ كَذَا . قَالَ " أَذْهَبَ فَقَدْ أَنْكِحْتُكَهَا بِمَا مَعَكَ مِنَ الْقُرْآنِ " .²⁴⁰

SF7: Sahl b. Sa`d As-Sa`idi reported: While I was (sitting) among the people in the company of Allah's Messenger (PBUH), a woman stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet **did not give her any reply**. She again stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet **did not give her any reply**. She again stood up for the third time and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. Then, a man stood up and said: 'O Allah's Messenger! Marry her to me'. The Prophet asked him: 'Have you got anything (to offer her as dower)?' He said: 'No'. The Prophet said: 'Go and search for something, even if it were an iron ring'. The man went and searched and then returned saying: 'I could not find anything, not even an iron ring.' Then the Prophet said: 'Do you know something of the Qur'ān (by heart)?' He

²³⁷ Abu Dawud, "Al-Salāt", 604.

²³⁸ Sunan Abi Dawud , Grade: Sahih , English translation: Book 2, Hadith 604. <https://sunnah.com/abudawud:604>.

²³⁹ Bukhari, "Al-Ādhān", 772.

²⁴⁰ Bukhari, "Al-Nikāh", 5149.

replied, 'I know (by heart) such chapter and such chapter.' The Prophet said: 'I have married her to you for what you know of the Qur'ān (by heart)'.²⁴¹

Commentary: Silence of the Prophet in this case is subject to various interpretations, but it basically expresses his disapproval. One of the motives behind the Prophet's silent response in this situation would be prevention of harm because his explicit refusal might disgrace the woman, so that no one would propose to her, but silence preserved her dignity until one of the companions offered her. Another motivation would be that the Prophet's silence is evidence of acceptance, but not an acceptance to marry the woman, but an acceptance of the principle of women proposing marriage. Yet, the absence of any explicit answer shows that although marriage in this way would be permissible, the Prophet did not encourage it.²⁴²

II. A TAXONOMY OF SILENCE IN THE QUR'ĀN AND THE SUNNAH

1. Silent Communication

A close look at the texts under study shows that there are at least two modes of communication through silence. The first mode is *silent communication*. This mode of communication often takes place in human-divine communication as illustrated in the following texts:

*Q7: 'Supplicate your Lord in pleading and **in secret**'.*

*Q8: 'A reminder of the mercy of your Lord to His servant Zakariyya when he called his Lord with a **call in secret**'.*

*Q9: 'And remember your Lord **within yourself**, humbly and with fear and without loudness in words in the mornings and in the afternoons and be not of those who are neglectful'.*

Q13: [Zakariyya] said: 'My Lord, make for me a sign'. He Said: 'Your sign is that you will not [be able to] speak to the people for three days except by gesture. And remember your Lord much and exalt [Him with praise] in the evening and the morning'.

Q14: [Zakariyya] said: 'My Lord, make for me a sign'. He said: 'Your sign is that you will not speak to the people for three nights, [being] sound'.

Q15: And if you see from among humanity anyone, say, 'Indeed, I have vowed to the Most Merciful abstention, so I will not speak today to [any] man.

²⁴¹ *Sahih Bukhari* , Grade: *Sahih* , English translation: Book 62, *Hadith* 54. <https://sunnah.com/bukhari:5121>.

²⁴² Ayni, Badr al-Din, '*Umdat al-Qari Sharh Sahih al-Bukhari*.

The second is *silence in communication*, which is illustrated in the remaining texts. In *silent communication*, silence is used as the sole medium of communication both to convey a message and to respond to it; whereas *silence in communication* is often used as a response to an utterance or an action. *Pragmatics of silent communication* are beyond the scope of this dissertation. Our focus will rather be on *pragmatics of silence in communication*. For this reason, we will exclusively focus on the texts under the second category, namely *silence in communication*.

The texts under analysis can be divided into two main categories, namely 1) texts which emphasize the effect(s) or the illocutionary force of silence, and 2) texts which emphasize the virtues or vices associated with silence. We will refer to silence in the former category as *eloquent silence* and to silence under the second category as virtuous or vicious silence.

2. Silence in Communication

2.1. Eloquent Silence

Some texts emphasize the external effect(s) of silence in communication as is the case in SQ12, where 'A'isha reported:

I asked Allah's Messenger about a virgin whose marriage is solemnized by her guardian, whether it was necessary or not to consult her. Allah's Messenger said: 'Yes, she must be consulted'. 'A'isha reported: I told him that she feels shy, whereupon Allah's Messenger said: 'Her **silence** implies her consent'.²⁴³

The virgin's silent reply to a marriage proposal implies her consent. Silence, in this case, is equivalent to agreement as long as it is not accompanied with any sign of refusal such as leaving the room, changing the topic, crying and the like. In addition, the marriage contract remains valid even if the virgin states -later- that she did not know that her silence implies her consent.²⁴⁴

Another example of silence under this category is silence of the Prophet in SF7, which runs as follows:

Sahl b. Sa'd As-Sa'idi reported:

While I was (sitting) among the people in the company of Allah's Messenger (PBUH), a woman stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet did not give her any reply. She again

²⁴³ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 8, *Hadith* 3305. <https://sunnah.com/muslim:1420>

²⁴⁴ Lashin, Musa Shahin, *Fath Al-Mun'im Sharh Sahih Muslim*.

stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet did not give her any reply. She again stood up for the third time and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. Then, a man stood up and said: 'O Allah's Messenger! Marry her to me'. The Prophet asked him: 'Have you got anything (to offer her as dower)?' He said: 'No'. The Prophet said: 'Go and search for something, even if it were an iron ring'. The man went and searched and then returned saying: 'I could not find anything, not even an iron ring.' Then the Prophet said: 'Do you know something of the Qur'ān (by heart)?' He replied, 'I know (by heart) such chapter and such chapter.' The Prophet said: 'I have married her to you for what you know of the Qur'ān (by heart)'.²⁴⁵

Silence of the Prophet in this hadith is subject to various interpretations, but it basically expresses his disapproval. One of the motives behind the Prophet's silent response in this situation would be prevention of harm because his explicit refusal might disgrace the woman, so that no one would propose to her, but silence preserved her dignity until one of the companions offered her. Another motivation would be that the Prophet's silence is evidence of acceptance, but not an acceptance to marry the woman, but an acceptance of the principle of women proposing marriage. Yet, the absence of any explicit answer shows that although marriage in this way would be permissible, the Prophet did not encourage it.²⁴⁶

These two texts shed light on the illocutionary force of silence as a response to an offer, which is in this case expression of consent or dissent, respectively. In addition to expressing disapproval, silence in the second hadith is considered a legislative act. Some other texts emphasize the internal effects of silence as illustrated in SF5, which runs as follows:

Ka'b b. Malik narrates the story of his remaining behind Allah's Messenger in the expedition of Tabuk. He said:

...Few were the persons who wanted to absent themselves and were under the impression that they could easily conceal themselves (and thus remain undetected) until revelations from Allah, the Exalted and Glorious (descended in connection with them). And Allah's Messenger set out on an expedition when the fruits were ripe, and their shadows had been lengthened. It was during this season that Allah's Messenger made preparations and the Muslims too along with them. I also set out in the morning so that I should make preparations along with them, but I came back and did nothing and said to myself: I have means enough (to make preparations) as soon as I like. And I went on doing this (postponing my preparations) until people were about to depart and it was in the morning that Allah's Messenger set out and the Muslims, too, along with him, but I made no preparations. I went early in the morning and came back, but I made no decision. I continued to do so until they (the Muslims) hastened and covered

²⁴⁵ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 62, *Hadith* 54. <https://sunnah.com/bukhari:5121>

²⁴⁶ Ayni, Badr al-Din, *'Umdat al-Qari Sharh Sahih al-Bukhari*.

a good deal of distance. I also made up my mind to march on and to meet them. Would that I had done that but perhaps it was not destined for me. After the departure of Allah's Messenger as I went out amongst people, I was shocked to find that I did not find anyone like me but people who were labelled as hypocrites or the people whom Allah granted exemption because of their incapacity and Allah's Messenger took no notice of me until he had reached Tabuk. (One day as he was sitting amongst the people in Tabuk) he said: 'What has happened to Ka'b b. Malik?'. A person from Banu' Salama said: 'Allah's Messenger, the (beauty) of his cloak and his appreciation of his sides have allured him and he was thus detained'. Mua'dh b. Jabal said: 'Woe be upon that what you contend. Allah's Messenger, by Allah, we know nothing about him but good'. Allah's Messenger, however, **remained silent**...Ka'b b. Malik farther said: 'When the news reached me that Allah's Messenger was on his way back from Tabuk I was greatly perturbed. I thought of fabricating false stories and asked myself how I would save myself from his anger on the following day. In this connection, I sought the help of every prudent man from amongst the members of my family and when it was said to me that Allah's Messenger was about to arrive, all the false ideas banished (from my mind) and I came to the conclusion that nothing could save me but the telling of truth, so I decided to speak the truth.

Allah's Messenger arrived (in Medina) in the morning and it was his habit that as he came back from a journey, he first goes to the mosque to pray (as a mark of gratitude) and then later sits amongst people. And as he did that, those who had remained behind him began to put forward their excuses and take an oath before him and they were more than eighty persons. Allah's Messenger accepted their excuses on the very face of them and accepted their allegiance and sought forgiveness for them and left their secret (intentions) to Allah, until I presented myself to him. I greeted him and he smiled and there was a tinge of anger in that. He (the Prophet) then said to me: Come forward. I went forward until I sat in front of him. He said to me: What kept you back? Could you not afford to go in for a ride? I said: Allah's Messenger, by Allah, if I were to sit in the presence of anybody else from amongst the worldly people I would have definitely saved myself from his anger on one pretext (or the other) and I have also the knack to fall into argumentation, but, by Allah, I am fully aware of the fact that if I were to put forward before you a false excuse to please you, Allah would definitely provoke your wrath upon me, and if I speak the truth you may be annoyed with me, but I hope that Allah would make its end well and, by Allah, there is no valid excuse for me. By Allah, I never possessed so good means, and I never had such favorable conditions for me as I had when I stayed behind you (failed to join the expedition). Thereupon, Allah's Messenger said: 'This man told the truth, so get up until Allah gives a decision in your case'. I stood up and some people of Banu' Salama followed me in hot haste, and they said to me: 'By Allah, we do not know about you that you committed a sin prior to this. You, however, showed inability to put forward an excuse before Allah's Messenger as those who stayed behind him have put forward excuses. It would have been enough for the forgiveness of your sin that Allah's Messenger would have sought forgiveness for you'. By Allah, they continued to incite me until I thought of going back to Allah's Messenger and contradict myself. Then I said to them: Has anyone else also met the same fate? They said: Yes, two persons have met the same fate as has fallen to you and they have made the same statement as you have made, and the same verdict has been delivered in their case as it has been delivered in your case. I said: Who are they? They said: Murara b. al-Rabi' al-'Amiri and Hilal b. Umayya al-Waqafi. They made a mention of these two pious persons to me who had participated in the Battle of Badr and there was an example for me in them. I went away when they named these two persons. **Allah's Messenger forbade the Muslims**

to talk with three of us from amongst those (persons) who had stayed behind him. The people began to avoid us and their attitude towards us underwent a change and it seemed as if the whole atmosphere had turned (hostile) against us and it was in fact the same atmosphere of which I was fully aware and in which I had lived (for a fairly long time). We spent fifty nights in this very state and my two friends confined themselves within their houses and spent (most of the) time in weeping, but as I was young and strong amongst them I got out of my house, participated in congregational prayers, moved about in the bazar; but **none spoke to me**. I came to Allah's Messenger as he sat amongst (people) after the prayer, greeted him and asked myself whether his lips stirred in response to my greetings (or not). Then I observed prayer beside him and looked at him with stealing glances and when I attended to my prayer, he looked at me and when I cast a glance at him he **turned away** his eyes from me. And when the harsh treatment of the Muslims towards me extended to a (considerable) length of time, I walked until I climbed upon the wall of the garden of Abu Qatada, and he was my cousin, and I had the greatest love for him. I greeted him but, by Allah, **he did not respond to my greetings**. I said to him: Abu Qatada, I adjure you by Allah, aren't you well aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again repeated saying: I adjure you by Allah, aren't you aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again adjured him, whereupon he said: Allah and the Messenger are best aware of it. My eyes began to shed tears and I came back climbing down from the wall and as I was walking in the bazar of Medina a Nabatean from amongst the Nabateans of Syria, who had come to sell food grains in Medina, asked people to direct him to Ka'b bin Malik. People gave him the indication by pointing towards me. He came to me and delivered to me a letter of the King of Ghassan and as I was a scribe I read that letter and it was written like this: Coming to my point, it has been conveyed to us that your friend (the Prophet) is subjecting you to cruelty and Allah has not created you for a place where you are to be degraded and where you cannot find your right place, so you come to us that we should accord you honor. As I read that letter, I said: This is also a calamity, so I burnt it in the oven. When out of the fifty days, forty days had passed and Allah's Messenger received no revelation, there came a messenger of Allah's Messenger to me and said: 'Verily, Allah's Messenger has commanded you to remain separate from your wife'. I said: 'Should I divorce her or what (else) should I do?' He said: 'No, but only remain separate from her and don't have sexual contact with her'. The same message was sent to my companions. So, I said to my wife: 'You better go to your parents and stay there with them until Allah gives the decision in my case'. The wife of Hilal b. Umayya came to Allah's Messenger and said: 'Allah's Messenger, Hilal b. Umayya is a senile person, he has no servant. Do you disapprove of my serving him?' He said: 'No, but don't go near him'. She said: 'By Allah, he has no such instinct in him. By Allah, he spends his time in weeping from that day to this day'. Some of the members of my family said to me: 'Were you to seek permission from Allah's Messenger regarding your wife as he has granted permission to the wife of Hilal b. Umayya to serve him'. I said: 'I would not seek permission from Allah's Messenger, for I cannot say what Allah's Apostle may say in response to seeking my permission'. Moreover, I am a young man. It was in this state that I spent ten more nights and thus fifty nights had passed that (people) had observed **boycott** with us. It was on the morning of the fiftieth night that I observed my dawn prayer and was sitting on one of the roofs of our houses. And I was in fact sitting in that very state which Allah, the Exalted and Glorious, has described about us in these words: 'Life had become hard for myself, and the earth had compressed despite its vastness', that I heard the noise of an announcer from the peak of the hill of Sal' saying at the top of his voice: 'Ka'b b. Malik, there is glad

tidings for you'. I fell down in prostration and came to realize that there was (a message of) relief for me. Allah's Messenger had informed the people of the acceptance of our repentance by Allah as he offered the dawn prayer. So, the people went on to give us glad tidings and some of them went to my friends in order to give them the glad tidings and a person galloped his horse and came from the tribe of Aslam and his horse reached me more quickly than his voice. And when he came to me whose sound I heard, he gave me the glad tidings. I took off my clothes and clothed him with them because of his bringing good news to me and, by Allah, I possessed nothing else (in the form of clothes) than these two on that occasion, and I asked one to lend me two clothes and dressed myself in them. I came to Allah's Messenger and on my way, I met groups of people who greeted me because of (the acceptance of) repentance and they said: Here is a greeting for you for your repentance being accepted by Allah. (I moved on) until I came to the mosque and Allah's Messenger had been sitting there amongst persons. So Talha b. 'Ubaidullah got up and rushed towards me and he shook hands with me and greeted me and, by Allah, no person stood up (to greet me) from amongst the emigrants except him. Ka'b said that he never forgot (this good gesture of) Talha. Ka'b further said: I greeted Allah's Messenger and his face was glistening because of delight, and he said: 'Let there be glad tidings and blessings for you, the like of which (you have neither found nor you will find, as you find today) since your mother gave your birth'. I said: 'Allah's Messenger, is this acceptance of repentance from you or from Allah?' He said: 'No, (it is not from me), it is from Allah'. And it was common with Allah's Messenger that as he was happy his face brightened up and it looked like a part of the moon, and it was from this that we recognized it (his delight). As I sat before him, I said: 'Allah's Messenger, am I allowed to give in charity my wealth for Allah's sake and for the sake of His Messenger?' Thereupon Allah's Messenger said: 'Keep some property with you as it is better for you'. I said: 'I shall keep with me that part (of my property) which fell to my lot (on the occasion of the expedition of) Khaibar'. I said: 'Allah's Messenger, verily, Allah has granted me salvation because of truth and, therefore, (I think) that repentance implies that I should not speak anything but truth as long as I live'. By Allah, I do not know whether anyone amongst the Muslims was put to more severe trial than I by Allah because of telling the truth. And since I made a mention of this to Allah's Messenger up to this day, I have not told any lie and, by Allah, I have decided not to tell a lie and I hope that Allah would save me (from trials) for the rest of my life. Allah, the Exalted and Glorious, revealed these verses: 'Certainly, Allah has turned in Mercy to the Prophet and the emigrants and the helpers who followed him in the hour of hardship after the hearts of a part of them were about to deviate; then He turned to them in mercy. Surely, to them He is Compassionate, Merciful and (He turned in Mercy) to the three who were left behind until the earth despite its vastness became straight for them and their souls were also straitened to them'. And this revelation reached up to the (words): 'O you who believe, develop God consciousness, and be with the truthful'. Ka'b said: By Allah, since Allah directed me to Islam there has been no blessing more significant for me than this truth of mine which I spoke to Allah's Messenger and if I were to tell a lie I would have been ruined as were ruined those who told lies, for in regard to those who told lies Allah used harshest words used for anyone as He descended revelation (and the words of Allah are): 'They will swear by Allah to you when you return to them so that you may leave them alone. So, leave them alone. Surely, they are unclean, and their resort is Hell, recompense for what they earned. They will swear to you that you may be pleased with them but if you are pleased with them, yet surely Allah is not pleased with the transgressing people'. Ka'b said that the matter of us three persons

was deferred as compared with those who took an oath in the presence of Allah's Messenger, and he accepted their allegiance and sought forgiveness for them.²⁴⁷

This hadith sheds light on the use of punishment through silence (ostracism) in response to an offense. In this narration, Ka'ab b. Malik describes in detail the attitudes of the Prophet and the Muslim community towards him and his two companions Murara b. al-Rabi' and Hilal b. Umayya who have been ostracized by the Muslim community for fifty days. He also describes his inner states during this process. We can see that the increase in the magnitude of ostracism was accompanied with an intensity in his feelings of guilt and regret, which were manifested in grief and sorrow and profusion of tears.

Silence under this category is also illustrated in SQ8 and SQ12. Since silence under this category is deliberately chosen by the silent person and occurs when talk is absent while it could have been present²⁴⁸, we will refer to it as *eloquent silence*.

2.2. Silence as Proper Use of Speech

Other texts treat silence as proper use of speech or taciturnity, which is referred to as *sawm al-lisān* in Arabic²⁴⁹. Silence under this category is used mainly to avoid sin or to practice virtue. Speech and silence under this category are regulated by SQ9, in which Prophet Muhammad said: "He who believes in Allah and the Last Day ... speaks good or remains silent".²⁵⁰

There are five main categories of talk according to Islamic law. Talk can be either obligatory, recommended, prohibited, reprehensible, or permissible. The first part of the Hadith- speaking good-concerns the first two categories. The second part concerns the third and fourth categories. In other words, talk is obligatory or recommended when it is purely beneficial and is prohibited or reprehensible when it is purely harmful or when its harm outweighs its benefit. Silence is either forbidden or reprehensible in the first two cases and is obligatory or recommended in the second

²⁴⁷ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 37, *Hadith* 6670. <https://sunnah.com/muslim:2769a>

²⁴⁸ Ephratt, "The Functions of Silence."

²⁴⁹ Abu-Hamed Ghazali, "Kitāb Āfāt al-lisān" in *Ihya Ulum Al-Din*, 2nd ed., vol. 3, 5 vols. (Beirut: Dar Sader, 2004), 3–74.

²⁵⁰ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 76, *Hadith* 483. <https://sunnah.com/bukhari:6476>.

two cases, respectively. When talk is neither beneficial nor harmful or when its benefit outweighs its harm silence is permissible.²⁵¹

Examples of obligatory silence (*al-sukūt al-wājib*) include silence during *salāt*, as illustrated in the SQ10, in which Mu'awiya b. al-Hakam reports:

While I was praying with the Messenger of Allah, a man in the company sneezed. I said: 'Allah have mercy on you!'. The people stared at me with disapproving looks, so I said: 'Woe be upon me, why is it that you stare at me?' They began to strike their hands on their thighs, and when I saw them urging me to observe silence (I became angry) but I said nothing. When the Messenger of Allah finished the prayer (and I declare that neither before him nor after him have I seen a leader who gave better instruction than he for whom I would give my father and mother as ransom). I swear that he did not scold, beat or revile me but said: 'Talking to persons is not fitting during the prayer, for it consists of glorifying Allah, declaring his Greatness. and recitation of the Qur'ān or words to that effect'.²⁵²

This hadith sheds light on the necessity of observing silence during *salāt* where all kinds of human speech are prohibited because it consists of glorifying Allah, declaring His Greatness, and reciting the Qur'ān . Silence in this example is used as a response to the Divine Speech.

Recommended silence (*al-sukūt al-mandūb*) is illustrated in SF5, in which Sa'id ibn al-Musayyab reports:

While the Messenger of Allah was sitting with some of his companions, a man reviled Abu Bakr and insulted him. But Abu Bakr remained silent. He insulted him twice, but Abu Bakr controlled himself. He insulted him thrice and Abu Bakr took revenge on him. Then the Messenger of Allah got up when Abu Bakr took revenge. Abu Bakr said: Were you angry with me, Messenger of Allah?

The Messenger of Allah replied: An angel came down from Heaven and he was rejecting what he had said to you. When you took revenge, a devil came down. I was not going to sit when the devil came down.²⁵³

Prophet Muhammad teaches us in this hadith that by stooping to the level of the ignorant, one not only permits the devil to take control over their emotions and hijack them, but also deprive themselves from divine support. Silence as a response to verbal aggressiveness in general is recommended in Islam.

Other examples of silence under these two categories, which we will refer to as virtuous silence throughout this study, include silence about one's charitable

²⁵¹ Lashin, Musa Shahin, *Fath Al-Mun'im Sharh Sahih Muslim*.

²⁵² *Sahih Muslim* , Grade: *Sahih* , English translation: Book 4, *Hadith* 1094. <https://sunnah.com/muslim:537a>.

²⁵³ *Sunan Abi Dawud* , Grade: *hasan li-ghayrih* , English translation: Book 42, *Hadith* 4878. <https://sunnah.com/abudawud:4878>

expenditures, faults and sins (*sitr*), and evil dreams as illustrated in Q11, Q12, SQ3, SQ4, SQ5, SF1, SQ6, SQ7, and SF2.

As for prohibited silence (*al-sukūt al-harām*), it is illustrated in SF6, which runs as follows:

Abu Bakr went to a lady from the Ahmas tribe called Zainab bint Al-Muhajir and found that she refused to speak. He asked, "Why does she not speak." The people said, "She has intended to perform Hajj without speaking." He said to her, "Speak, for it is illegal not to speak, as it is an action of the pre-Islamic period of ignorance. So, she spoke."²⁵⁴

Silence in this hadith is associated with sin and is therefore prohibited.

Other examples of silence under this category, which we will refer to as vicious silence throughout this study, include silence about knowledge (*kitmān al-‘ilm*), truth (*kitmān al-haqq*), testimony (*kitmān al-shahāda*), pregnancy (*kitmān al-haml*), Allah’s bounties (*kitmān fadl Allah*), lost and found items (*kitmān al-loqta*), defects (*kitmān al-‘ayb*) as illustrated in Q1,Q2,Q3,Q4, Q5,Q6, SQ1, and SQ2.

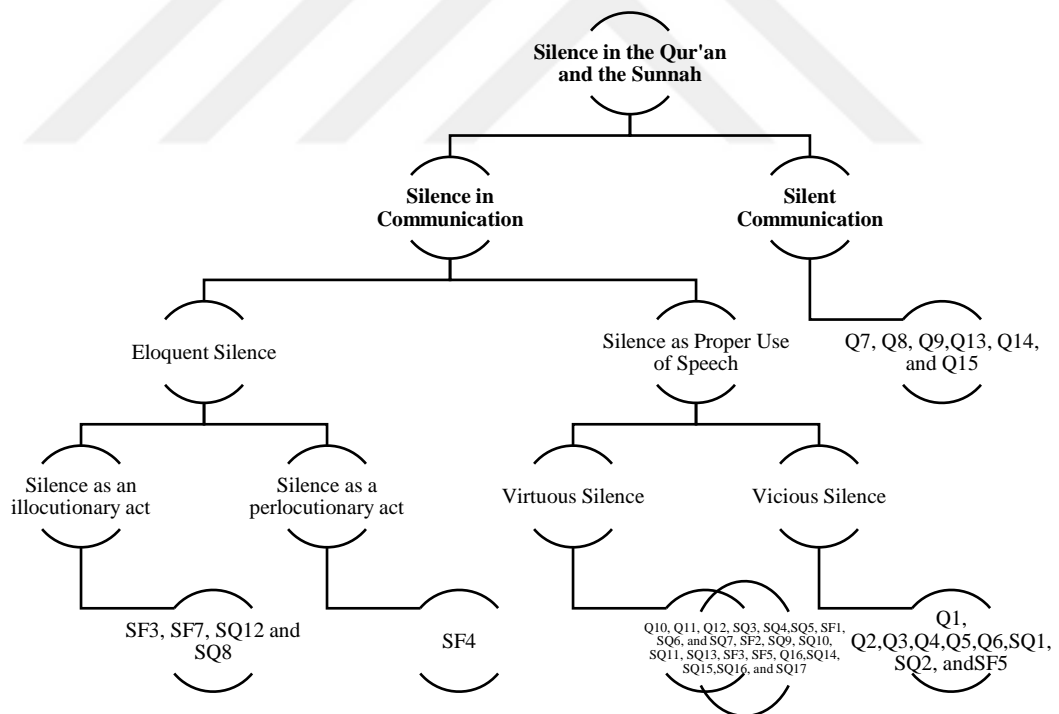


Figure 2.1: A Taxonomy of communicative silence in the Qur’ān and the Sunnah

²⁵⁴ *Sahih Bukhari* , Grade: *Sahih* , English translation: Book 58, *Hadith* 175. <https://sunnah.com/bukhari:3834>

In this dissertation we will explore pragmatics of eloquent silence and pragmatics of silence as proper use of speech with an emphasis on:

- 1) Pragmatics of silence as response to offer.
- 2) Pragmatics of silence as a response to offense.
- 3) Pragmatics of silence as a response to verbal aggressiveness.
- 4) Pragmatics of silence as a response to the Divine Speech.

We will investigate *pragmatics of silence as a response to offer* in the third chapter, in which we will also shed light on silence of the Prophet as a legislative act. This chapter will be analyzed in light of SQ12 and SF5, which run as follows:

'A'isha reported:

I asked Allah's Messenger about a virgin whose marriage is solemnized by her guardian, whether it was necessary or not to consult her. Allah's Messenger said: 'Yes, she must be consulted'. 'A'isha reported: I told him that she feels shy, whereupon Allah's Messenger said: 'Her silence implies her consent'.²⁵⁵

Sahl b. Sa`d As-Sa`idi reported:

While I was (sitting) among the people in the company of Allah's Messenger (PBUH), a woman stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet did not give her any reply. She again stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet did not give her any reply. She again stood up for the third time and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. Then, a man stood up and said: 'O Allah's Messenger! Marry her to me'. The Prophet asked him: 'Have you got anything (to offer her as dower)?' He said: 'No'. The Prophet said: 'Go and search for something, even if it were an iron ring'. The man went and searched and then returned saying: 'I could not find anything, not even an iron ring.' Then the Prophet said: 'Do you know something of the Qur`ān (by heart)?' He replied, 'I know (by heart) such chapter and such chapter.' The Prophet said: 'I have married her to you for what you know of the Qur`ān (by heart)'.²⁵⁶

Pragmatics of silence as a response to offense will be analyzed in the fourth chapter in light of SF5, which runs as follows:

Ka'b b. Malik narrates the story of his remaining behind Allah's Messenger in the expedition of Tabuk. He said:

²⁵⁵ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 8, *Hadith* 3308.

<https://sunnah.com/muslim:1421c>.

²⁵⁶ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 62, *Hadith* 79.

<https://sunnah.com/bukhari:5149>.

...Few were the persons who wanted to absent themselves and were under the impression that they could easily conceal themselves (and thus remain undetected) until revelations from Allah, the Exalted and Glorious (descended in connection with them). And Allah's Messenger set out on an expedition when the fruits were ripe, and their shadows had been lengthened. It was during this season that Allah's Messenger made preparations and the Muslims too along with them. I also set out in the morning so that I should make preparations along with them, but I came back and did nothing and said to myself: I have means enough (to make preparations) as soon as I like. And I went on doing this (postponing my preparations) until people were about to depart and it was in the morning that Allah's Messenger set out and the Muslims, too, along with him, but I made no preparations. I went early in the morning and came back, but I made no decision. I continued to do so until they (the Muslims) hastened and covered a good deal of distance. I also made up my mind to march on and to meet them. Would that I had done that but perhaps it was not destined for me. After the departure of Allah's Messenger as I went out amongst people, I was shocked to find that I did not find anyone like me but people who were labelled as hypocrites or the people whom Allah granted exemption because of their incapacity and Allah's Messenger took no notice of me until he had reached Tabuk. (One day as he was sitting amongst the people in Tabuk) he said: 'What has happened to Ka'b b. Malik?'. A person from Banu' Salama said: 'Allah's Messenger, the (beauty) of his cloak and his appreciation of his sides have allured him and he was thus detained'. Mua'dh b. Jabal said: 'Woe be upon that what you contend. Allah's Messenger, by Allah, we know nothing about him but good'. Allah's Messenger, however, **remained silent**...Ka'b b. Malik farther said: 'When the news reached me that Allah's Messenger was on his way back from Tabuk I was greatly perturbed. I thought of fabricating false stories and asked myself how I would save myself from his anger on the following day. In this connection, I sought the help of every prudent man from amongst the members of my family and when it was said to me that Allah's Messenger was about to arrive, all the false ideas banished (from my mind) and I came to the conclusion that nothing could save me but the telling of truth, so I decided to speak the truth.

Allah's Messenger arrived (in Medina) in the morning and it was his habit that as he came back from a journey, he first goes to the mosque to pray (as a mark of gratitude) and then later sits amongst people. And as he did that, those who had remained behind him began to put forward their excuses and take an oath before him and they were more than eighty persons. Allah's Messenger accepted their excuses on the very face of them and accepted their allegiance and sought forgiveness for them and left their secret (intentions) to Allah, until I presented myself to him. I greeted him and he smiled and there was a tinge of anger in that. He (the Prophet) then said to me: Come forward. I went forward until I sat in front of him. He said to me: What kept you back? Could you not afford to go in for a ride? I said: Allah's Messenger, by Allah, if I were to sit in the presence of anybody else from amongst the worldly people I would have definitely saved myself from his anger on one pretext (or the other) and I have also the knack to fall into argumentation, but, by Allah, I am fully aware of the fact that if I were to put forward before you a false excuse to please you, Allah would definitely provoke your wrath upon me, and if I speak the truth you may be annoyed with me, but I hope that Allah would make its end well and, by Allah, there is no valid excuse for me. By Allah, I never possessed so good means, and I never had such favorable conditions for me as I had when I stayed behind you (failed to join the expedition). Thereupon, Allah's Messenger said: 'This man told the truth, so get up until Allah gives a decision in your case'. I stood up and some people of Banu' Salama followed me in hot haste, and they said to me: 'By Allah, we do not know about you that you

committed a sin prior to this. You, however, showed inability to put forward an excuse before Allah's Messenger as those who stayed behind him have put forward excuses. It would have been enough for the forgiveness of your sin that Allah's Messenger would have sought forgiveness for you'. By Allah, they continued to incite me until I thought of going back to Allah's Messenger and contradict myself. Then I said to them: Has anyone else also met the same fate? They said: Yes, two persons have met the same fate as has fallen to you and they have made the same statement as you have made, and the same verdict has been delivered in their case as it has been delivered in your case. I said: Who are they? They said: Murara b. al-Rabi' al-'Amiri and Hilal b. Umayya al-Waqafi. They made a mention of these two pious persons to me who had participated in the Battle of Badr and there was an example for me in them. I went away when they named these two persons. **Allah's Messenger forbade the Muslims to talk with three of us** from amongst those (persons) who had stayed behind him. The people began to avoid us and their attitude towards us underwent a change and it seemed as if the whole atmosphere had turned (hostile) against us and it was in fact the same atmosphere of which I was fully aware and in which I had lived (for a fairly long time). We spent fifty nights in this very state and my two friends confined themselves within their houses and spent (most of the) time in weeping, but as I was young and strong amongst them I got out of my house, participated in congregational prayers, moved about in the bazar; but **none spoke to me**. I came to Allah's Messenger as he sat amongst (people) after the prayer, greeted him and asked myself whether his lips stirred in response to my greetings (or not). Then I observed prayer beside him and looked at him with stealing glances and when I attended to my prayer, he looked at me and when I cast a glance at him he **turned away** his eyes from me. And when the harsh treatment of the Muslims towards me extended to a (considerable) length of time, I walked until I climbed upon the wall of the garden of Abu Qatada, and he was my cousin, and I had the greatest love for him. I greeted him but, by Allah, **he did not respond to my greetings**. I said to him: Abu Qatada, I adjure you by Allah, aren't you well aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again repeated saying: I adjure you by Allah, aren't you aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again adjured him, whereupon he said: Allah and the Messenger are best aware of it. My eyes began to shed tears and I came back climbing down from the wall and as I was walking in the bazar of Medina a Nabatean from amongst the Nabateans of Syria, who had come to sell food grains in Medina, asked people to direct him to Ka'b bin Malik. People gave him the indication by pointing towards me. He came to me and delivered to me a letter of the King of Ghassan and as I was a scribe I read that letter and it was written like this: Coming to my point, it has been conveyed to us that your friend (the Prophet) is subjecting you to cruelty and Allah has not created you for a place where you are to be degraded and where you cannot find your right place, so you come to us that we should accord you honor. As I read that letter, I said: This is also a calamity, so I burnt it in the oven. When out of the fifty days, forty days had passed and Allah's Messenger received no revelation, there came a messenger of Allah's Messenger to me and said: 'Verily, Allah's Messenger has commanded you to remain separate from your wife'. I said: 'Should I divorce her or what (else) should I do?' He said: 'No, but only remain separate from her and don't have sexual contact with her'. The same message was sent to my companions. So, I said to my wife: 'You better go to your parents and stay there with them until Allah gives the decision in my case'. The wife of Hilal b. Umayya came to Allah's Messenger and said: 'Allah's Messenger, Hilal b. Umayya is a senile person, he has no servant. Do you disapprove of my serving him?' He said: 'No, but don't go near him'. She said: 'By Allah, he has no such instinct in him. By Allah, he

spends his time in weeping from that day to this day'. Some of the members of my family said to me: 'Were you to seek permission from Allah's Messenger regarding your wife as he has granted permission to the wife of Hilal b. Umayya to serve him'. I said: 'I would not seek permission from Allah's Messenger, for I cannot say what Allah's Apostle may say in response to seeking my permission'. Moreover, I am a young man. It was in this state that I spent ten more nights and thus fifty nights had passed that (people) had observed **boycott** with us. It was on the morning of the fiftieth night that I observed my dawn prayer and was sitting on one of the roofs of our houses. And I was in fact sitting in that very state which Allah, the Exalted and Glorious, has described about us in these words: 'Life had become hard for myself, and the earth had compressed despite its vastness', that I heard the noise of an announcer from the peak of the hill of Sal' saying at the top of his voice: 'Ka'b b. Malik, there is glad tidings for you'. I fell down in prostration and came to realize that there was (a message of) relief for me. Allah's Messenger had informed the people of the acceptance of our repentance by Allah as he offered the dawn prayer. So, the people went on to give us glad tidings and some of them went to my friends in order to give them the glad tidings and a person galloped his horse and came from the tribe of Aslam and his horse reached me more quickly than his voice. And when he came to me whose sound I heard, he gave me the glad tidings. I took off my clothes and clothed him with them because of his bringing good news to me and, by Allah, I possessed nothing else (in the form of clothes) than these two on that occasion, and I asked one to lend me two clothes and dressed myself in them. I came to Allah's Messenger and on my way, I met groups of people who greeted me because of (the acceptance of) repentance and they said: Here is a greeting for you for your repentance being accepted by Allah. (I moved on) until I came to the mosque and Allah's Messenger had been sitting there amongst persons. So Talha b. 'Ubaidullah got up and rushed towards me and he shook hands with me and greeted me and, by Allah, no person stood up (to greet me) from amongst the emigrants except him. Ka'b said that he never forgot (this good gesture of) Talha. Ka'b further said: I greeted Allah's Messenger and his face was glistening because of delight, and he said: 'Let there be glad tidings and blessings for you, the like of which (you have neither found nor you will find, as you find today) since your mother gave your birth'. I said: 'Allah's Messenger, is this acceptance of repentance from you or from Allah?' He said: 'No, (it is not from me), it is from Allah'. And it was common with Allah's Messenger that as he was happy his face brightened up and it looked like a part of the moon, and it was from this that we recognized it (his delight). As I sat before him, I said: 'Allah's Messenger, am I allowed to give in charity my wealth for Allah's sake and for the sake of His Messenger?' Thereupon Allah's Messenger said: 'Keep some property with you as it is better for you'. I said: 'I shall keep with me that part (of my property) which fell to my lot (on the occasion of the expedition of) Khaibar'. I said: 'Allah's Messenger, verily, Allah has granted me salvation because of truth and, therefore, (I think) that repentance implies that I should not speak anything but truth as long as I live'. By Allah, I do not know whether anyone amongst the Muslims was put to more severe trial than I by Allah because of telling the truth. And since I made a mention of this to Allah's Messenger up to this day, I have not told any lie and, by Allah, I have decided not to tell a lie and I hope that Allah would save me (from trials) for the rest of my life. Allah, the Exalted and Glorious, revealed these verses: 'Certainly, Allah has turned in Mercy to the Prophet and the emigrants and the helpers who followed him in the hour of hardship after the hearts of a part of them were about to deviate; then He turned to them in mercy. Surely, to them He is Compassionate, Merciful and (He turned in Mercy) to the three who were left behind until the earth despite its vastness became straight for them and their souls

were also straitened to them'. And this revelation reached up to the (words): 'O you who believe, develop God consciousness, and be with the truthful'. Ka'b said: By Allah, since Allah directed me to Islam there has been no blessing more significant for me than this truth of mine which I spoke to Allah's Messenger and if I were to tell a lie I would have been ruined as were ruined those who told lies, for in regard to those who told lies Allah used harshest words used for anyone as He descended revelation (and the words of Allah are): 'They will swear by Allah to you when you return to them so that you may leave them alone. So, leave them alone. Surely, they are unclean, and their resort is Hell, recompense for what they earned. They will swear to you that you may be pleased with them but if you are pleased with them, yet surely Allah is not pleased with the transgressing people'. Ka'b said that the matter of us three persons was deferred as compared with those who took an oath in the presence of Allah's Messenger, and he accepted their allegiance and sought forgiveness for them.²⁵⁷

We will analyze pragmatics of silence as a response to verbal aggressiveness in the fifth chapter in light of SF5, in which Sa'id ibn al-Musayyab states:

A man reviled Abu Bakr in the presence of Prophet Muhammad (peace be upon him). The Prophet remained seated. He looked pleased and smiled. He insulted Abu Bakr twice, but Abu Bakr controlled himself and remained silent. He insulted him for a third time, and Abu Bakr then let his tongue loose and responded back. At that, the Messenger of Allah got up and left. Abu Bakr followed after the Prophet and said: "Messenger of Allah! He insulted me and you just sat there. Then when I responded to some of what he said, you became angry and got up." The Prophet said: "There was an angel with you who was responding to his insults on your behalf." Then the Prophet said: "Abu Bakr, (keep in mind) three things which are always true, one of which is that whenever a person is subjected to an injustice but leaves the matter to Allah, then Allah will come to his aid."²⁵⁸

Chapter six will be devoted to the study of pragmatics of silence as a response to the Divine Speech in light of SQ10, in which Mu'awiya b. al-Hakam reports:

While I was praying with the Messenger of Allah, a man in the company sneezed. I said: 'Allah have mercy on you!'. The people stared at me with disapproving looks, so I said: 'Woe be upon me, why is it that you stare at me?' They began to strike their hands on their thighs, and when I saw them urging me to observe silence (I became angry) but I said nothing. When the Messenger of Allah finished the prayer (and I declare that neither before him nor after him have I seen a leader who gave better instruction than he for whom I would give my father and mother as ransom). I swear that he did not scold, beat or revile me but said: 'Talking to persons is not fitting during the prayer, for it consists of glorifying Allah, declaring his Greatness. and recitation of the Qur'ān or words to that effect'.²⁵⁹

²⁵⁷ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 37, *Hadith* 6670. <https://sunnah.com/muslim:2769a>

²⁵⁸ *Sunan Abi Dawud*, Grade: *hasan li-ghayrih*, English translation: Book 42, *Hadith* 4878. <https://sunnah.com/abudawud:4878>.

²⁵⁹ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 4, *Hadith* 1094. <https://sunnah.com/muslim:537a>.

We will conclude our analysis with a framework of silence acts in the Qur'ān and the Sunnah.





SECTION ONE:

PRAGMATICS OF ELOQUENT SILENCE

CHAPTER III

PERFORMATIVE SILENCE ACTS: PRAGMATICS OF SILENCE AS A RESPONSE TO OFFER

INTRODUCTION

In his book *How to Do Things with Words*, Austin differentiates between two types of statements: declaratives and performatives. He states that there are instances where *saying* something is actually *doing* something. An example of such instances is the utterance of the expression 'I do', during a marriage ceremony as a response to a marriage offer. Upon uttering such expression, the act of marrying takes place.²⁶⁰

There are also instances where the same act is performed without uttering any words. This is particularly the case in Islam. It is reported that Prophet Muhammad said: "A woman without a husband has more right to her person than her guardian, and a virgin's consent must be asked from her, and her silence implies her consent".²⁶¹ This hadith shows that silence, in some contexts, implies consent. However, this is not always the case; there are cases where silence is used to express refusal. An example of such cases is silence of a previously married woman regarding a marriage offer, which is taken to mean her disapproval in the same cultural context.²⁶² Another example is illustrated in a *hadith* reported by Sahl b. Sa`d As-Sa`idi, in which he states the Prophet Muhammad remained silent in response to a marriage offer by a woman who proposed herself to him. Silence of the Prophet in this case was taken to mean his disapproval.²⁶³

These are just a few examples where silence performs different actions in similar situations, and more importantly in the same cultural context.

In this chapter, we will further investigate the functions and motives of the use of silence in the above-mentioned examples and in other real life examples where it is used as a response to offer. We will first present a general overview of contemporary

²⁶⁰ John Austin, *How to Do Things with Words*, 2nd ed. (Oxford: Oxford University Press, 1962).

²⁶¹ Muslim, "Al-Nikāh", 1421.

²⁶² Hasan al-Sayyid Hamed Khattab, *Athar al-Siyāq Fi Dalālat al-Sukūt 'ala al-Ahkām*, 2009.

²⁶³ Bukhari, "Al-Nikāh", 5149.

silence research about eloquent silence as a speech act. After that, we will explore silence as a speech act in Islamic law with an emphasis on its use as a response to offer. We will end the chapter with an analysis of pragmatics of silence as a speech act in the Islamic cultural context.

I. SILENCE AS A SPEECH ACT: GENERAL OVERVIEW

The relationship between speech and silence went through three main stages according to Western silence research. Before the 1970s, speech and silence were seen as complete opposites from a linguistic perspective, speech being *something* and silence *nothing*. That is, speech was seen as the presence of sound, meaning, and intention while silence was seen as the absence of these elements. In the 1970s, speech and silence were introduced to silence research as two complements in communication, silence being the ground and speech the figure. According to this view, silence depends on the presence of its opposite, speech. Here, too, speech and silence were still seen as opposites but not in terms of absence and presence, but in terms of two opposites complementing one another. It is then that silence started to be perceived as having linguistic forms and functions. Silence could be psycholinguistic, interactive, or socio-cultural. Boundary-making tools in conversation such as hesitations and short pauses that structure communication are examples of psycholinguistic silence, whereas longer pauses and interruptions in conversations are examples of interactive silence. Silences used in social, religious, and cultural rituals such as funerals, libraries, and church are examples of socio-cultural silence²⁶⁴. Silence was also seen as being able to perform various- even opposing- functions in verbal communication, such as binding people together or separating them (linkage function), hurting someone or healing a broken heart (affecting function), making something known or hiding an information (revelational function), and expressing agreement or disagreement (judgmental function)²⁶⁵. The change in the understanding of silence, its forms, and functions has been accompanied with a change in understanding the relationship between speech and silence. In other words, speech and silence ceased to be seen as complete opposites, but rather as figure and ground, speech being the figure and silence the ground.

²⁶⁴ Ephratt, "The Functions of Silence."

²⁶⁵ Jensen, "Communicative Functions of Silence."

Although the understanding of silence and its communicative functions witnessed major shifts between the 1970s and 1980s in linguistics, it was still approached from a ‘chronometrical analysis of speech’ perspective. In other words, silence was studied by analyzing ratios of speech (something) to non-speech (nothing).²⁶⁶ It was not until the 1990s that silence was approached from a pragmatic perspective as a component of discourse analysis. The relationship of speech to silence was no more one of dependence of the latter on the former, but rather one of interdependence between the two.

The understanding of silence witnessed a major shift with the growing interest on its place in conversational settings among linguists. Unlike early research on silence, which was mostly speculative, contemporary research on the topic approached silence from both theoretical and pragmatic perspectives. One of the major contributions of linguistics to the silence literature is the distinction made between non-communicative and communicative silences. Non-communicative silence refers to what has been previously referred to as ‘psycho-linguistic silence’²⁶⁷, that is pausal interruptions in a conversation. As for communicative silence, it can be divided into three main categories, namely silence as a state, formulaic silence, and silence as an activity.²⁶⁸ Communicative silence can be perceived as a state in which communication takes place. It is not necessarily characterized by the absence of speech-although it may be the case-, but rather by the absence of sound in the surrounding environment. Silence of this type structures communication when the contextual aspects of the communicative interaction stand over its verbal aspects.²⁶⁹

Silence –as a state- is conceptualized spatially and is treated as part of the physical setting of a given activity. Because the way we talk about the physical setting of an activities (and communicative processes) gives ground for the way in which we talk about silence as a state, it can be assumed that we also conceptualize silence as physical setting. And just as rooms that take different forms can perform different functions, so can different functions be performed by different forms of silence.²⁷⁰

²⁶⁶ Bruneau, “Communicative Silences.”

²⁶⁷ Bruneau.

²⁶⁸ Jaworski, Adam, *The Power of Silence: Social and Pragmatic Perspectives*.

²⁶⁹ Jaworski, Adam.

²⁷⁰ Jaworski, Adam, p 204.

An example of silence as a state is socio-cultural²⁷¹ or situational²⁷² silence. That is silence that is mainly institutional, such as silence in funerals or in some religious rituals.

Silence, like speech and action, is also considered a form of doing, an activity.

Khatchadourian states:

Rather than thinking of silence only as the absence of speech acts (or of sounds, including noise, in general), which is what ‘silence’ means in ordinary usage, we think of it, in its broadened sense, as including speechless action together with its (silent, unspoken, or implicit) presuppositions and implications. To the attractiveness of such a move due to the fact that silence is like speech and action a form of doing, is added another attraction: namely, that the interpretation of the meaning and purpose, etc. of actions involves similar problems as the interpretation of silence; since meaning, purpose, and implications in both types of cases are contextual in nature. On that understanding, actions would be conceived as “silent acts”. Silence, whether in human life or in nature, always exists in some context or situation; it is fundamentally and inescapably contextual.²⁷³

Silence is perceived as an activity when nonverbal conversational signals carry meaning only or carry both meaning and an illocutionary force.²⁷⁴ Examples of silences that carry meaning only are thematic²⁷⁵, extra- linguistic (or iconic), and textual silences.²⁷⁶ Thematic silence refers to silence that takes place when the speaker chooses not to talk about a topic. It often occurs in dialogical contexts. Extra-linguistic (iconic) silence is silence that accompanies speech such as the unsaid and empty speech. The unsaid refers to being silent about a particular topic, whereas empty speech refers to absence of silence when the latter is expected. As for textual silence, it is silence that occurs when a specific text is recited in silence. It often takes place in specific contexts such as inside a public library or a church, etc. Silence that carries both meaning and illocutionary force has the power to alter someone’s behavior.²⁷⁷ Communicative silence under this category can be equivalent to a speech act. This type of silence is referred to as eloquent or linguistic (or symbolic) silence.²⁷⁸ Eloquent silence is the mention of silence when speech is expected. Silence under this category is often equivalent to speech acts.

²⁷¹ Bruneau, “Communicative Silences.”

²⁷² Kurzon, “Towards a Typology of Silence.”

²⁷³ Khatchadourian, *How to Do Things with Silence*.

²⁷⁴ Tannen, Deborah and Saville-Troike, Muriel, *Perspectives on Silence*.

²⁷⁵ Kurzon, “Towards a Typology of Silence.”

²⁷⁶ Ephratt, “Linguistic, Paralinguistic and Extralinguistic Speech and Silence.”

²⁷⁷ Jaworski, Adam, *The Power of Silence: Social and Pragmatic Perspectives*.

²⁷⁸ Ephratt, “Linguistic, Paralinguistic and Extralinguistic Speech and Silence.”

Eloquent silence can perform various functions such as making claims and proclaiming propositions (referential function), expressing feelings and emotions (emotive function), keeping the channel of communication open (phatic function), and adding an aesthetic dimension to discourse (poetic function).²⁷⁹ Eloquent silence can also activate the addressee (conative function). Silence that performs this function is equivalent to a speech act. It may be used to admit guilt or to express approval or disapproval, for instance.

II. SILENCE AS A SPEECH ACT IN ISLAMIC LAW

The fact that silence can be equivalent to a speech act has been present in the works of Early Muslim jurists and incorporated in those works as a major legal maxim: “No speech is to be attributed to one who remains silent, but silence in case of need is a statement”. This maxim contains two statements: “No speech is to be attributed to one who remains silent” and “but silence where there is an absolute necessity for speech is a statement”. The first statement is attributed to Shāfi’ī (d. 855) in the context of his denial of “the silent consensus” (*al-ijmā’ al-sukūti*).²⁸⁰ It has been later incorporated into major books of Islamic law. Shafi’ī states in his book *Al-Umm*: “No speech or action is to be attributed to one who remains silent, speech and action are only attributed to one who speaks or acts”.²⁸¹ However, Muslim jurists realized that there are situations where silence can carry an illocutionary force, and thus considered them exceptions to the rule. Yet, as the number of such cases increased, this maxim was incorporated into the civil code of the Ottoman Empire, the *Majalla*.²⁸²

²⁷⁹ Ephratt, “The Functions of Silence.”

²⁸⁰ *Ijmā’* (consensus) is one of the fundamental sources of Islamic law. It is defined as consensus among *mujtahids* on a religious issue. *Ijmā’* can be either explicit (*sarih* or *qawli*) or silent (*sukūti*). There are some disagreements among Hanafī, Mālikī, Shāfi’ī and Hanbalī jurists concerning silent *ijmā’*. The majority of the former two consider it a source of evidence in Islamic law while most of Shāfi’ī and Hanbalī jurists do not include silent *ijmā’* in the hierarchy of evidence. For details about silent *ijmā’* see: Aytekin, Mehmet Ali, *Sükūti İcmāin Kaynak Değeri*, Şırnak University Journal of Divinity Faculty Vol. : 11, Issue: 24, June 2020

²⁸¹ Shāfi’ī, Muhammad b. Idris, *Al-Kitāb al-Umm*, vol. 1 (Beirut: Dār Qutaybah, 1996), 152.

²⁸² *Majalla* or *Majallat al-Ahkam al-Adaliyyah* was the civil code of the Ottoman Empire in the late 19th and early 20th centuries. It was the first attempt to codify a part of Islamic law of the Ottoman empire. The code was prepared by a commission headed by Ahmet Cevdet Pasha, issued in sixteen volumes (containing 1,851 articles) from 1869 to 1876 and entered into force in the year 1877.

Silence in the first part of the maxim *no speech is to be attributed to one who remains silent* is seen as a passive state in which the silent person refrains from speech and action in a particular situation.²⁸³ This silence does not express the silent person's intention or will and thus does not carry any illocutionary force except in few cases. One of these exceptions is the virgin's silent response to a marriage proposal, which is interpreted as consent to marriage²⁸⁴ because there is clear textual evidence about it in Islamic canonical sources. This text runs as follows:

'A'isha reported: I asked Allah's Messenger about a virgin whose marriage is solemnized by her guardian, whether it was necessary or not to consult her. Allah's Messenger said: Yes, she must be consulted. 'A'isha reported: I told him that she feels shy, whereupon Allah's Messenger said: Her silence implies her consent.²⁸⁵

Apart from this exception, many Muslim jurists argued that the silent response does not entail any legal obligation. The main justification they provide is that silence is subject to many interpretations and legal obligations cannot be based on what is probable. This justification is supported with the legal maxim: "Certainty cannot be overruled by doubt".²⁸⁶ An example would be silence of the owner of a property when he sees someone else selling his property. The owner's silence is subject to various interpretations. It may mean his consent, lack of attention to the behavior of the person who is trying to sell his property, or it may be an expression of amazement at the latter's action. For these reason, the owner's silent response in this case does not validate the transaction.²⁸⁷

Silence in the second part of the maxim *but silence where there is an absolute necessity for speech is a statement* carries a different meaning than that in the first part of the maxim. Muslim jurists differentiate between two types of silence: silence as a passive state, which is meant in the first part of the maxim, and silence as a statement (*bayān*), which is meant in the second. Muslim jurists continued to rely on the rule: "*No speech is to be attributed to one who remains silent*" in deriving legal rulings and realized that some cases of silence could not be included under this rule, so they considered them to be exceptions that departed from the rule. Ibn Nujaym says: "Many issues departed

²⁸³ Zarqa, Ahmad, *Sharh Al-Qawā'id al-Fiqhiyya* (Dar al-Qalam, 2017).

²⁸⁴ Silence, in this case, is equivalent to agreement as long as it is not accompanied with any nonverbal cues that express the woman's refusal such as leaving the room, crying and the like.

²⁸⁵ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 8, *Hadith* 3305. <https://sunnah.com/muslim:1420>.

²⁸⁶ Karkhi, *Usūl Al-Karkhi*, n.d.

²⁸⁷ Unless he remains silent until payment is received.

from this rule”.²⁸⁸ Yet, as the number of such cases increased, they were not seen as exceptions anymore, but as an extension to the rule. It was then that another Muslim Jurist, Khādimi, added the second statement “*but silence in case of need is a statement*” to the maxim.²⁸⁹ In the 19th Century, this maxim was incorporated into the civil code of the Ottoman Empire, the *Majalla*. From then on, Hanafi jurists started considering silence a statement (*bayān*) in all cases where a person must express his will but does not do so. Mālikī, Shāfi’ī, and Hanbalī jurists, on the other hand, continued to rely on the first part of the maxim and to consider cases to which the rule does not apply to as exceptions.

1. Silence as a Statement

Hanafi jurists differentiate between five types of statements, namely the declarative (*bayān taqrīr*), explanatory statement (*bayān tafsīr*), change statement (*bayān taghyīr*), replacement statement (*bayān tabdīl*), and statement of necessity (*bayān ḍarūra*). The first four types of statements are related to speech whereas the fifth type is related to silence.²⁹⁰ *Bayān ḍarūra* or statement of necessity is also referred to as signification by silence (*dalālat al-sukūt*), according to which silence is equivalent to a statement in situations where speech is necessary. This is determined based on four elements, namely its co-text, context, consequences, or the silent person’s state.²⁹¹

1.1. Co-text dependent silence

Silence is equivalent to a statement if it is accompanied with speech-co-text- that indicates its meaning. An example of this type of silence is illustrated in Q 4:11:

Allah instructs you concerning your children [i.e., their portions of inheritance]: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. **But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [and/or sisters], for his mother is a**

²⁸⁸ Ibn-Nujaym, *Al-Ashbāh Wal- Nazāir* (Idārat al-Qur’ ān wa-al-‘Ulūm al-Islāmīyah, 1988).

²⁸⁹ Khādīmī, Muhammad b. Mustafa, *Majāmi‘ al-Haqāiq Fī Usūl al-Fiqh* (Dar Al-Kotob al-Ilmiyah, 2016).

²⁹⁰ For more information about the five types of statements see Ibn Nujaym, *Fath al-Ghaffār*, p 333; Shashi, *Usūl al-Shāshi*, p 198; Ibn-Amir al Hajj, *Al-taqrīr wal-tahbīr*, vol 1, pp 136-138; Nasafī, *Kashf al-asrār*, Vol 2; Taftazāni, *Al-talwīh*, vol 2, p 94

²⁹¹ Ibn-Amir Hajj, *Al-Taqrīr Wal-Tahbīr*, vol. 1, n.d.

sixth, after any bequest he [may have] made or debt. Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise (Qur'ān 4: 11).

The highlighted part in the above-mentioned verse is about inheritance rights of the deceased son's parents in case he does not have children. It starts by stating that both parents and only parents can inherit from him. It then identifies the inherited portion of the mother to be one third of the deceased son's property. However, it is silent about the inherited portion of the father. From the co-text, that is the fact that both and only parents inherit and that the mother inherits one third of the property, one can deduce that the portion the father inherits is two thirds. In this and similar contexts, it is not silence per se that conveys the meaning, but its co-text.

1 S: Allah instructs you concerning your children [i.e., their portions of inheritance]: for the male, what is equal to the share of two females. But if there are [only] daughters, two or more, for them is two thirds of one's estate. And if there is only one, for her is half. And for one's parents, to each one of them is a sixth of his estate if he left children. **But if he had no children and the parents [alone] inherit from him, then for his mother is one third. And if he had brothers [and/or sisters], for his mother is a sixth, after any bequest he [may have] made or debt.** Your parents or your children - you know not which of them are nearest to you in benefit. [These shares are] an obligation [imposed] by Allah. Indeed, Allah is ever Knowing and Wise (Qur'ān 4: 11).

Box 3.1: Co-text-dependent silence

Communicators: The highlighted passage (in 1) takes place between God and Muslims. It is basically a one-way communication in which God (Speaker (S)) instructs Muslims (addressee (A)) about inheritance rights of the parents of a deceased person who has neither children nor siblings.

Message(s): The highlighted part (in 1) explicitly states that a) Parents alone inherit the property of a deceased person who have neither children nor siblings and that b) the mother of a deceased person who have neither children nor siblings inherits one third of his property. However, it is silent about the inheritance rights of the father of the deceased. This silence, though, carries a tacit message that can be inferred from the co-text (a and b). This message is that the father of a deceased person who do not have children inherits two thirds of his property.

Channel(s): The explicit message is transmitted through speech (the Divine Speech) in Scripture, whereas the tacit message is conveyed through co-text dependent silence.

Context and effects of silence: the meaning of silence in the above-mentioned is understood from the co-text. However, its effects are speaker dependent. In a Muslim context, this silence is believed to be an **act of legislation** because it is attributed to God, the Legislator (*al-musharri*’).

1.2.Context-dependent silence

Silence is equivalent to a statement also when its meaning understood from the context. Sometimes, silence is required by linguistic customs as is the case in commercial transactions where the seller and buyer negotiate prices without specifying the currency used. Silence about the currency does not lead to any misunderstanding because it is self-evident in that particular context. However, silence under this category should be about something that is considered a customary practice in that context.²⁹²

2 Customer (S): “What is the price of this product?”

3 Merchant (A): 15

4 Customer (S): (gives the merchant 15 Turkish Lira and takes the product)

Box 3.2: Context-dependent silence

Communicators: The short conversation above (in 2 and 3) takes place between a customer (speaker (S)) and a merchant (addressee (A)).

Message(s): The customer (S) asks the merchant (A) (in 2) about the price of a product. The merchant (A) answers by explicitly stating the price without mentioning the currency (in 3). The conversation ends with the customer paying the merchant 15 Turkish Lira and getting the product. One infers from this that the explicit message (in 3) is accompanied by a tacit message that can be inferred from the context or more specifically from linguistic custom.

Channel(s): The explicit messages (in 3 and 4) are transmitted through speech, whereas the tacit message is communicated through context-dependent silence.

Context and effects of silence: the meaning of silence in the above-mentioned conversation is understood from the context, more specifically from linguistic custom.

²⁹² Ibn-Amir Hajj.

The conversation is taking place in a cultural context in which the customer asks about prices and the seller gives the price without necessarily mentioning the currency it is self-evident in that context. Silence in this case is **a communicative act**. It informs that the price is in Turkish Lira rather than another currency. The currency needs to be specified explicitly in this context only if it is a currency other than Turkish Lira.

1.3. Consequence-dependent silence

Silence is equivalent to speech also in situations where speech is required to prevent ambiguity and harm (*daf' al-gharar wa-darar*). For example, if someone leaves his property with a shopkeeper and goes away, and the shopkeeper sees it and remains silent, that property becomes a thing delivered for safe keeping (*wadī'a*) with the latter. But if the shop owner says: "I do not accept" and returns it, there is no contract of delivery for safe keeping.²⁹³

5 Person X (S): hello Mr. Y, I am leaving my bag in your shop for a few hours. I will be back soon".
6 Shopkeeper (A): (Silence)

Box 3.3 : Consequence-dependent silence

Communicators: The short conversation above (in 5 and 6) takes place between person X (speaker (S)) and a shopkeeper (addressee (A)).

Message(s): Person X (S) informs the shopkeeper (A) (in 5) that he is leaving his bag in the latter's shop for a few hours. The shopkeeper remains silent (in 6) and person X goes away. The shopkeeper's silence in this case may be interpreted either as indifference, consent, or refusal. In Islamic law, it is equivalent to consent because speech is required in this and similar situations to prevent deceit and harm (*daf' al-gharar wa-darar*).

Channel(s): The explicit message (in 5) is transmitted through speech, whereas the tacit message is communicated through consequence-dependent silence.

Context and effects of silence: the meaning of silence in the above-mentioned conversation is determined by its consequence. In situations where speech is required

²⁹³ Zarqa, Ahmad, *Sharh Al-Qawāid al-Fiqhiyya*.

to prevent harm or deceit silence is believed to be equivalent to speech. In the above-mentioned example, silence expresses the shopkeeper's consent and thus his commitment to safeguard the property. Silence in this case constitutes a **commissive act**.

1.4. Speaker-dependent silence

Silence is equivalent to speech also in situations where the speaker -the silent person- is required to speak but remains silent for internal or external reasons. This type of silence is called *bayān hāl al-mutakallim* or *bayān al-hāl* ²⁹⁴. Silence of Prophet Muhammad regarding an action or a practice that happened in his presence or that has been reported to him is an example of this this type of silence because the Prophet is required to commend good and forbid evil. Hence, his silence implies his permission of the action. *Bayān al-hāl* also applies to silence of any other person from whom speech or action is expected in a particular context but remain silent²⁹⁵. An example of this silence is the virgin's silent response regarding a marriage proposal, which is due to her shyness to express her consent explicitly. Therefore, her silence is taken to mean her consent to prevent full exposure of her shyness. ²⁹⁶

The following conversation takes place between representatives of two families, family X and family Y. Family X represents a man who is willing to marry a *virgin* woman from family Y. The conversation takes place in family Y's home in the presence of the potential husband and wife. The marriage proposal runs as follows:

7 Family X representative (S): ...we would like to marry your daughter X to our son Y.

8 Family Y representative (A1): Y, what do you think?

9 X (A2): (silence).

Box 3.4: Speaker-dependent silence

Communicators: The conversation above (in 7, 8, and 9) takes place between a representative of family X (speaker (S)), a representative of family Y (first addressee (A1)) and Y (second addressee (A2)).

Message(s): S makes a marriage proposal to A1 (in 7). A1 consults A2 about the issue by explicitly asking about her opinion (in 8). Y remains silent (in 9). Y's silence in

²⁹⁴ Shāshi, *Usūl Al-Shāshi* (Beirut: Dar Al-Kotob al-Ilmiyah, 2003).

²⁹⁵ Shāshi.

²⁹⁶ Sarakhsi, *Al-Mabsūt* (Beirut: Dar al-Marifa, 1993).

this case may be interpreted either as consent or refusal. In Islamic law, the virgin's silence is taken to mean her consent.

Channel(s): The explicit messages (in 7 and 8) are transmitted through speech, whereas the tacit message is communicated through speaker-dependent silence.

Context and effects of silence: the meaning of silence in the above-mentioned conversation is determined by the state of the silent person (*bayān hāl al-mutakallim*) or (*bayān al-hāl*). The virgin's silence regarding a marriage proposal whose silence is believed to be due to her shyness to express her opinion about the proposal explicitly. It is hence taken to mean her consent to prevent full exposure of her shyness.²⁹⁷ Silence in this case constitutes a **commissive act**.

Speaker-dependent silence is also illustrated in the following hadith:

Abu Huraira reported:

Allah's Messenger addressed us and said: "O people, Allah has made Hajj obligatory for you; so perform Hajj". Thereupon a person said: 'Messenger of Allah, (is it to be performed) every year?' He (the Prophet) **remained silent**, and he repeated his question thrice, whereupon Allah's Messenger said: 'If I were to say "Yes," it would become obligatory (for you to perform it every year) and you would not be able to do it'. Then he said: 'Leave me with what I have left to you, for those who were before you were destroyed because of excessive questioning, and their opposition to their apostles. So when I command you to do anything, do it as much as it lies in your power and when I forbid you to do anything, then abandon it'''.²⁹⁸

10 Prophet Muhammad (S): O people, Allah has made Hajj obligatory for you; so, perform Hajj.

11 Person X (A1): Messenger of Allah, is it to be performed every year?

12 Prophet Muhammad (S): silence

13 Person X (A1): Messenger of Allah, is it to be performed every year?

14 Prophet Muhammad (S): if I were to say "Yes," it would become obligatory (for you to perform it every year) and you would not be able to do it'... 'Leave me with what I have left to you, for those who were before you were destroyed because of excessive questioning, and their opposition to their apostles. So, when I command you to do anything, do it as much as it lies in your power and when I forbid you to do anything, then abandon it'.

Box 3.5: Speaker-dependent silence.

²⁹⁷ The conversation is taking place in a cultural context where the virgin is known to feel shy when asked for marriage.

²⁹⁸ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 7, *Hadith* 3095. <https://sunnah.com/muslim:1337>.

Communicators: The conversation above (in 10, 11,12,13 and 14) took place between Prophet Muhammad (S) and a man (A1) while the Prophet (S) was delivering a sermon.

Message(s): The Prophet commands his followers to perform pilgrimage (in 10). Then A1 asks him whether it is to be performed every year (in 11). S remains silent (in 12) and A1 repeats his question again (in 13). The Prophet then explained the reasons behind his silence (in 14). Has he answered with an explicit yes, Muslims would be required to perform it every year; and had he answered with an explicit no, those who are willing and able to perform it every year would be discouraged to do so. Therefore, he remained silent. His silence in this case implies that performing pilgrimage every year is neither obligatory nor reprehensible, but permissible.

Channel(s): The explicit messages (in 10, 11, 13 and 14) are transmitted through speech, whereas the tacit message (in 12) is communicated through speaker-dependent silence.

Context and effects of silence: the meaning of silence in the above-mentioned conversation is determined by the state of the silent person (*bayān hāl al-mutakallim*) or (*bayān al-hāl*). Silence of Prophet Muhammad regarding an action or a practice that happened in his presence is an example of this this type of silence because he is required to commend good and forbid evil. Hence, his silence implies that the action or practice is permissible. Silence in this case is an **act of legislation**.

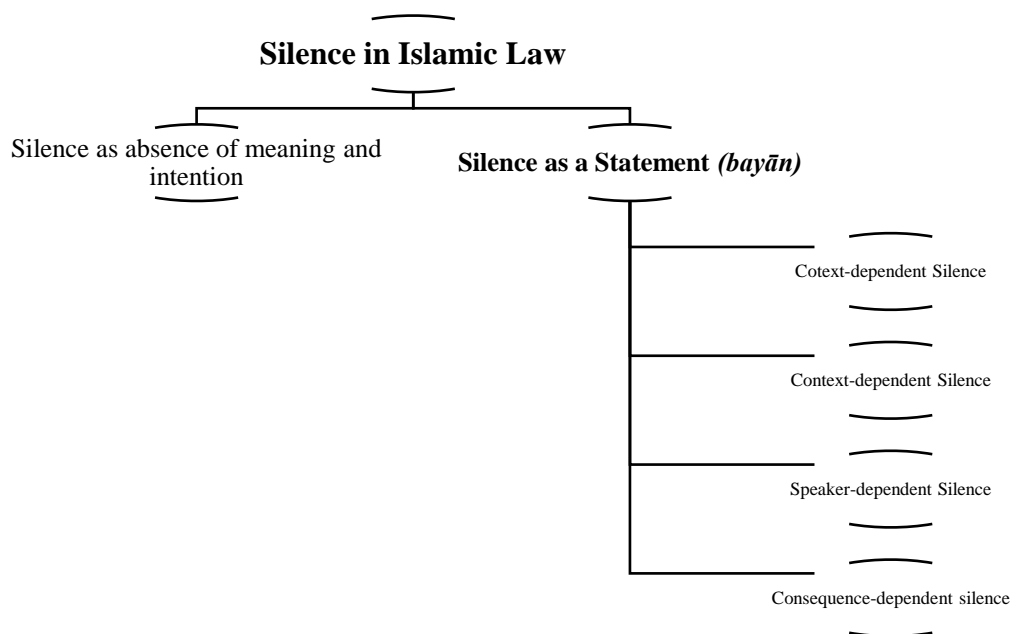


Figure 3.1: Types and sub-types of silence in Islamic Law

In the first part of this chapter, we discussed pragmatics of four different types of silence in Islamic law, namely co-text-dependent, context-dependent, consequence-dependent, and speaker-dependent silence. The analysis of the examples discussed above within the framework of human communication shows that each of these silences is an act. In 1 and 12, silence is believed to be an act of legislation because it is attributed to God, the Legislator (*al-musharri'*) or to the Prophet. In 3, silence is equivalent to a declarative. In 6 and 9, silence is considered a commissive act. A distinction, however, needs to be made between these silences. In the above-mentioned examples, it seems that co-text and context dependent silences refer to absence of talk about something rather than to absence of talk per se. In other words, the speech in both 1 and 3 was not interrupted by silence. However, consequence and speaker-based silences are characterized by the absence of talk as illustrated in 9 and 12. In this chapter, we will focus on the latter type of silence, that is silence as the absence of talk. Therefore, our analysis will be limited to pragmatics of legislative (in 12) and commissive (in 6 and 9) silence acts in communication.

III. FUNCTIONS AND MOTIVES OF SILENCE IN LEGISLATION AND CONTRACT FORMATION

1. Pragmatics of Silence in Legislation

In his article *The Semantic Value of Silence of the Prophet*, Vuruşkan approached Prophet Muhammad's silence from a functionalist perspective. The author analyzed the different meanings of and functions of the Prophet's silence in light of his sayings and actions. According to Vuruşkan, Prophet Muhammad's silence has at least twenty-one meanings and functions. In this section, we will investigate pragmatics of silence of the Prophet's eloquent silence as an act of legislation, but before that we briefly discuss some other functions of the Prophet's silence.

1.1.Silence of the Prophet: Meanings and Functions

1.1.1. Silence as waiting for divine revelation

When the Prophet is asked about an issue that does not have a clear moral or legal ruling, he sometimes answers immediately, and other times remains silent for a period until he receives revelation about that issue.²⁹⁹ An example of such silence is illustrated in the following hadith:

‘Abdullah b. Mas’ud reported:

As I was walking with Allah's messenger... we passed by a group of Jews. Some of them said to the others: ‘Ask him about the soul’. They said: ‘What is your doubt about it? There is a possibility that you may ask him about something the answer of which you may not like’. They said: ‘Ask him’. Then one amongst them asked him about the soul. Allah's Messenger remained silent and gave no reply. I realized that he was waiting for revelation, so I stood at my place. When revelation descended upon him, he recited the following verse: “They ask thee about the Soul. Say: The Soul is by the Commandment of my Lord, and of Knowledge you are given but a little” (Qur’ān , 17:58).³⁰⁰

In the above-mentioned hadith, the Prophet did not immediately answer the question asked to him but remained silent until he received revelation. Silence in this case is used to await revelation.

1.1.2. Silence as thinking

Prophet Muhammad’s silent response to an answer is not always due to awaiting divine revelation. Sometimes, the Prophet remains silent to think about the answer. In such cases, the silence of the Prophet is used for reflection as illustrated in the following hadith:

Abu Mas’ud al-Ansari said:

The Messenger of Allah (PBUH) came to us in a meeting of Sa’d b. ‘Ubadah. Bashir b. Sa’d said to him: ‘Allah has commanded us to invoke blessings on you, Messenger of Allah. How should we invoke blessings on you?’ The Messenger of Allah (PBUH) kept silence so much so that we wished he would not ask him. Then the Messenger of Allah (PBUH) said: ‘Say:...’.³⁰¹

²⁹⁹ Vuruşkan.

³⁰⁰ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 39, *Hadith* 6712. <https://sunnah.com/muslim:2794a>.

³⁰¹ *Sunan Abi Dawud* , Grade: *Sahih* , English translation: Book 2, *Hadith* 975. <https://sunnah.com/abudawud:980>.

In this hadith, silence of the Prophet is motivated either by awaiting divine revelation or by thinking and reflection about the most appropriate answer. The fact that the Prophet taught his companions more than one form of *salawāt* indicates that he did not receive divine revelation about this matter but relied on his own judgment.³⁰²

1.1.3. *Silence to educate*

In some instances, Prophet Muhammad remains silent to educate someone as illustrated in the following hadith:

Abu Huraira narrated:

While the Prophet was saying something in a gathering, a Bedouin came and asked him: ‘When would the Hour (Doomsday) take place?’. Allah's Messenger continued his talk. Some people said that Allah's Messenger had heard the question but did not like what that Bedouin had asked. Some others said that Allah's Messenger had not heard it. When the Prophet finished his speech, he said: ‘Where is the questioner, who inquired about the Hour (Doomsday)?’ The Bedouin said: ‘I am here, O Allah's Messenger.’ Then the Prophet said: ‘When honesty is lost, then wait for the Hour (Doomsday)’. The Bedouin said: ‘How will that be lost?’. The Prophet said: ‘When the power or authority comes in the hands of unfit persons, then wait for the Hour (Doomsday)’.³⁰³

In this hadith, the Prophet did not answer the questioner immediately to teach him that it is not appropriate to interrupt someone who is speaking. Silence in this case is meant to teach the manners and etiquette of communication and good listening.

1.1.4. *Silence to draw Attention*

Sometimes, Prophet Muhammad used to ask his companions some questions while speaking and remains silent for a while before giving an answer. Silence in this case is meant to draw attention to the importance of the subject and to intensify the attention and interest of his audience as illustrated in the following hadith:

Mu'adh b. Jabal narrated:

I was riding behind the Prophet and there was nothing between him and me but the rear part of the saddle, when he said: ‘Mu'adh b. Jabal’, to which I replied: ‘at your beck and call, and at your pleasure, Messenger of Allah’. He moved along for a few minutes, when again he said: ‘Mu'adh b. Jabal’, to which I replied: ‘at your beck and call, and at your pleasure, Messenger of Allah’. He then again moved along for a few

³⁰² Vuruşkan, “The Semantic Value of Silence of the Prophet.”

³⁰³ *Sahih Bukhari* , Grade: *Sahih* , English translation: Book 3, *Hadith* 56. <https://sunnah.com/bukhari:59>.

minutes and said: ‘Mu'adh b. Jabal’, to which I replied: ‘at your beck and call, and at your pleasure. Messenger of Allah’. He, (the Prophet) said: ‘Do you know what right has Allah upon His servants?’. I said: ‘Allah and His Messenger know best’. He (the Prophet) said: ‘Verily the right of Allah over His servants is that they should worship Him, not associating anything with Him’. He (the Prophet) with Mu'adh behind him, moved along for a few minutes and said: ‘Mu'adh b. Jabal’, to which I replied: ‘At your beck and call, and at your pleasure, Messenger of Allah!’. He (the Prophet) said: ‘Do you know what rights servants upon Allah in case they have done it (i. e. they worship Allah without associating anything with Him)?’. I (Mu'adh b. Jabal) replied: ‘Allah and His Messenger know best’. (Upon this) he (the Prophet) said: ‘that He would not torment them (with the fire of Hell)’.³⁰⁴

In this hadith, Prophet Muhammed kept addressing Muadh b. Jabal by name and remaining silent for a while to attract Muadh's attention and ensure that he learns well what he was teaching him.³⁰⁵

1.1.5. Silence out of *hayā*

In some instances, Prophet Muhammad remains silent out of *hayā* as illustrated in the following hadith:

Anas ibn Malik narrated:

When Allah's Messenger married Zainab Bint Jahsh, he invited people (to the wedding feast) and offered food. When the meal was over, people started chatting. Then the Prophet made a stir as if he was preparing to stand up, but the people did not stand up. The Prophet then stood up and when he did so, some people stood up and left but three people remained there. When the Prophet entered the room, they stood up and left. Then I came and informed Allah's messenger that they had gone away. He then entered the room and hung a curtain between me and him. It was on this occasion that this verse was revealed: "O believers! Do not enter the homes of the Prophet without permission 'and if invited' for a meal, do not 'come too early and' linger until the meal is ready. But if you are invited, then enter 'on time'. Once you have eaten, then go on your way, and do not stay for casual talk. Such behavior is truly annoying to the Prophet, yet he is too shy to ask you to leave. But Allah is never shy of the truth. And when you 'believers' ask his wives for something, ask them from behind a barrier. This is purer for your hearts and theirs. And it is not right for you to annoy the Messenger of Allah, nor ever marry his wives after him. This would certainly be a major offence in the sight of Allah (Qur'an , 33:53).³⁰⁶

³⁰⁴ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 1, *Hadith* 46. <https://sunnah.com/muslim:30a>.

³⁰⁵ Vuruşkan, “The Semantic Value of Silence of the Prophet.”

³⁰⁶ *Sahih Bukhari* , Grade: *Sahih* , English translation: Book 74, *Hadith* 256. <https://sunnah.com/bukhari:6239>.

In this narration, silence of the Prophet is born out of *hayā*. He was disturbed by the prolongation of the guests but did not say anything to them because of his charity and kindness.³⁰⁷

1.1.6. *Silence to wait for the right time*

Sometimes, Prophet Muhammad remained silent because the environment is not suitable for speaking. This type of silence is illustrated in the following hadith in which Abu Huraira narrated:

A man of the tribe of Aslam came to the Prophet (PBUH) and testified four times against himself that he had had illicit intercourse with a woman, while all the time the Prophet (PBUH) was turning away from him. Then when he confessed a fifth time, he turned round and asked: Did you have intercourse with her? He replied: Yes. He asked: Have you done it so that your sexual organ penetrated hers? He replied: Yes. He asked: Have you done it like a collyrium stick when enclosed in its case and a rope in a well? He replied: Yes. He asked: Do you know what fornication is? He replied: Yes. I have done with her unlawfully what a man may lawfully do with his wife.

He then asked: What do you want from what you have said? He said: I want you to purify me. So he gave orders regarding him and he was stoned to death. Then the Prophet (PBUH) heard one of his companions saying to another: Look at this man whose fault was concealed by Allah but who would not leave the matter alone, so that he was stoned like a dog. He said nothing to them but walked on for a time till he came to the corpse of an ass with its legs in the air.

He asked: Where are so and so? They said: Here we are, Messenger of Allah (PBUH)! He said: Go down and eat some of this ass's corpse. They replied: Messenger of Allah! Who can eat any of this? He said: The dishonor you have just shown to your brother is more serious than eating some of it. By Him in Whose hand my soul is, he is now among the rivers of Paradise and plunging into them.³⁰⁸

In this hadith, the Prophet heard what the two men said about the person who confessed his sin and was stoned to death, but he remained silent until a later time. It is understood that his silence was not aimed at confirming what he heard, but at waiting for a suitable time for intervention.³⁰⁹

1.1.7. *Silence as a warning*

Sometimes Prophet Muhammad uses silence to warn someone or discourage an action as illustrated in the following hadith in which Abu Huraira reported:

³⁰⁷ Vuruşkan, "The Semantic Value of Silence of the Prophet."

³⁰⁸ *Sunan Abi Dawud*, Grade: *Da'if*, English translation: Book 39, *Hadith* 4414. <https://sunnah.com/abudawud:4428>.

³⁰⁹ Vuruşkan, "The Semantic Value of Silence of the Prophet."

Allah's Messenger (PBUH) addressed us and said: 'O people, Allah has made Hajj obligatory for you; so perform Hajj'. Thereupon a person said: 'Messenger of Allah, (is it to be performed) every year?' The Prophet remained silent, and the man repeated his question thrice, whereupon Allah's Messenger (PBUH) said: 'If I were to say "Yes," it would become obligatory (for you to perform it every year) and you would not be able to do it'. Then he said: 'Leave me with what I have left to you, for those who were before you were destroyed because of excessive questioning, and their opposition to their apostles. So, when I command you to do anything, do it as much as it lies in your power and when I forbid you to do anything, then abandon it'.³¹⁰

In this hadith, Prophet did not answer the person who asked the same question three times and tried to warn him and discourage him from asking. This is indicated at the end of the hadith where the Prophet explains the reasons and motives behind his silence and warns his followers against excessive questioning about matters that were not explicitly stated by him.³¹¹

1.1.8. *Silence to express satisfaction*

Sometimes Prophet Muhammad uses silence to express pleasure or satisfaction as illustrated in the following hadith in which Anas b. Malik narrated:

Allah's Messenger (PBUH) came out as the sun declined at midday and offered the Zuhr prayer. He then stood on the pulpit and spoke about the Hour (Day of Judgment) and said that in it there would be tremendous things. He then said: "Whoever likes to ask me about anything he can do so and I shall reply as long as I am at this place of mine. Most of the people wept and the Prophet (PBUH) said repeatedly: "Ask me." `Abdullah b. Hudhafa As-Sahmi stood up and said: "Who is my father?" The Prophet (PBUH) said: "Your father is Hudhafa." The Prophet (PBUH) repeatedly said: "Ask me." Then `Umar knelt before him and said: "We are pleased with Allah as our Lord, Islam as our religion, and Muhammad as our Prophet." The Prophet then remained silent and said: "Paradise and Hell-fire were displayed in front of me on this wall just now and I have never seen a better thing (than the former) and a worse thing (than the latter)."³¹²

According to Ibn Battal, the Prophet was pleased with Umar's statement "We are pleased with Allah as Lord, with Islam as religion, and with Muhammad as Prophet", and he expressed this satisfaction through silence.³¹³

³¹⁰ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 7, *Hadith* 3095. <https://sunnah.com/muslim:1337>.

³¹¹ Vuruşkan, "The Semantic Value of Silence of the Prophet."

³¹² *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 10, *Hadith* 515. <https://sunnah.com/bukhari:540>.

³¹³ Vuruşkan, "The Semantic Value of Silence of the Prophet."

1.1.9. Silence due to business

Sometimes, Prophet Muhammad delayed responding to requests or questions when he was busy doing something else and answered once his preoccupation with that thing was over. Silence due to business is illustrated in the following Hadith in which Aslam narrated:

Once Allah's Messenger was proceeding at night during one of his journeys and `Umar b. Al-Khattab was traveling beside him. `Umar asked the Prophet about something but he did not reply. He asked again, but he did not reply, and then he asked (for the third time) but the Prophet did not reply. Then `Umar b. Al-Khattab said to himself: 'May `Umar's mother lose her son! I asked Allah's Messenger three times, but he did not reply.' `Umar then said: 'I made my camel run faster and went ahead of the people, and I was afraid that some Qur'ānic Verses might be revealed about me. But before getting involved in any other matter, I heard somebody calling me. I said to myself, 'I fear that some Qur'ānic Verses have been revealed about me,' and so I went to Allah's Messenger and greeted him. Allah's Messenger said: 'Tonight a Surah has been revealed to me, and it is dearer to me than that on which the sun rises (i.e. the world)' Then he recited: "Verily, We have given you a manifest victory" (Qur'ān , 48:1).³¹⁴

As it is understood from this hadith, the fact that the Prophet did not answer `Umar was due to his preoccupation with revelation at that moment. When the Prophet was busy with revelation, he did not talk to anyone and did not answer the questions asked, probably in order not to be distracted.³¹⁵

1.1.10. Silence to express discontentment

When Prophet Muhammad was discontented with something or angry at someone, he would turn away from them³¹⁶. This type of silence is illustrated in the following hadith in which Alqama b. Wai'l al-Hadrami narrated that his father said:

Salama b. Yazid al-Ju'afi asked the Messenger of Allah: 'Prophet of Allah, what do you think if we have rulers who rule over us and demand that we discharge our obligations towards them, but they (themselves) do not discharge their own responsibilities towards us? What do you order us to do?'. The Messenger of Allah remained silent. Salama asked him again. He (again) avoided giving any answer. Then he asked again-it was the second time or the third time-when Ash'ath b. Qais (finding that the Prophet was unnecessarily being pressed for answer) pulled him aside and said: 'Listen to them and obey them, for on them shall be their burden and on you shall be your burden'.³¹⁷

³¹⁴ *Sahih Bukhari* , Grade: *Sahih* , English translation: Book 60, *Hadith* 357. <https://sunnah.com/bukhari:4833>.

³¹⁵ Vuruşkan, "The Semantic Value of Silence of the Prophet."

³¹⁶ Vuruşkan.

³¹⁷ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 20, *Hadith* 4552. <https://sunnah.com/muslim:1846b>.

In this hadith, the Prophet remained silent as a way to express his discontent about Salama's question. Ash'ath ibn Qays, realizing that the Prophet was angry at Salama's insistence, pulled his arm and warned him not to insist on his question.³¹⁸

1.1.11. Silence to express approval

The main function of the prophet's silence in response to actions that happened in his presence is affirming-or confirming- the legitimacy of a practice or an action as illustrated in the following hadith in which Ibn Umar reported:

When the Prophet returned from the battle of Al-Ahzab, he said to us: 'None should offer the 'Asr prayer but at Banu Quraiza.' The 'Asr prayer became due for some of them on the way. Some of them decided not to offer the Salat but at Bani Quraiza while others decided to offer the Salat on the spot and said that the intention of the Prophet was not what the former party had understood. And when that was told to the Prophet, he did not blame anyone of them.³¹⁹

Prophet Muhammad's silence in this situation is equivalent to speech as it expresses his approval and thus affirms the legitimacy of the actions of the two groups.

1.1.12. Silence to express disapproval

When the Prophet was consulted on some issues that he did not approve, either because of the subject or the form of the question, he often expressed his disapproval with her silence as illustrated in the following hadith in which Sahl b. Sa'd As-Sa'idi reported:

While I was (sitting) among the people in the company of Allah's Messenger (PBUH), a woman stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet did not give her any reply. She again stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet did not give her any reply. She again stood up for the third time and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. Then, a man stood up and said: 'O Allah's Messenger! Marry her to me'. The Prophet asked him: 'Have you got anything (to offer her as dower)?' He said: 'No'. The Prophet said: 'Go and search for something, even if it were an iron ring'. The man went and searched and then returned saying: 'I could not find anything,

³¹⁸Vuruşkan, "The Semantic Value of Silence of the Prophet."

³¹⁹ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 14, *Hadith* 67. <https://sunnah.com/bukhari:946>.

not even an iron ring.’ Then the Prophet said: ‘Do you know something of the Qur’ān (by heart)?” He replied, ‘I know (by heart) such chapter and such chapter.’ The Prophet said: ‘I have married her to you for what you know of the Qur’ān (by heart)’.³²⁰

Silence of the Prophet in this case is subject to various interpretations, but it basically expresses his disapproval. One of the motives behind the Prophet’s silent response in this situation would be prevention of harm because his explicit refusal might disgrace the woman, so that no one would propose to her, but silence preserved her dignity until one of the companions offered her. Another motivation would be that the Prophet’s silence is evidence of acceptance, but not an acceptance to marry the woman, but an acceptance of the principle of women proposing marriage. Yet, the absence of any explicit answer shows that although marriage in this way would be permissible, the Prophet did not encourage it.³²¹

After this overview of the meanings and functions of Prophet Muhammad’s silence, we will now investigate pragmatics of the Prophet’s eloquent silence as an act of legislation.

1.2.Functions and Motives of legislative silence (al-sukūt al-tashrī’ī)

1.2.1. Definition of Legislative Silence (al-sukūt al-tashrī’ī)

The Qur’ān is the main primary source of legislation in Islam. However, there are issues the Qur’ān is silent about either because they will be addressed by the Sunnah or because they are left to human reasoning. The Sunnah is the second main source of legislation in Islam. It either affirms or confirms the legal rulings derived from the Qur’ān, provides detailed explanations about those rulings, or sets a legal ruling about an issue that has not been addressed by the Qur’ān. Actions and practices the Qur’ān and the Sunnah are silent about are permissible as long as there is no legal ruling about them in the other sources of evidence (*al-adilla al-shar’iyya*) as stated in the following narrations:

Abu Tha’labah al-Kushanee reported:

Prophet Muhammad said: Verily Allah (SWT) has laid down religious obligations (*fara’id*), so do not neglect them; and He has set limits, so do not overstep them; and He has forbidden some things, so do not violate them; and He has remained silent

³²⁰ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 62, *Hadith* 79. <https://sunnah.com/bukhari:5149>.

³²¹ Ayni, Badr al-Din, *’Umdat al-Qari Sharh Sahih al-Bukhari*.

about some things, out of compassion for you, not forgetfulness, so do not seek after them.³²²

Salman Al-Farisi reported:

The Messenger of Allah (PBUH) was asked about ghee, cheese, and wild donkeys. He said: 'What is lawful is that which Allah has permitted, in His Book and what is unlawful is that which Allah has forbidden in His Book. What He remained silent about is what is pardoned'.³²³

The Sunnah is divided into three categories, namely verbal statements of the Prophet (*al-sunnah al-qawliyyah*), actions of the Prophet (*al-sunnah al-fi'liyyah*), and tacit consent of the Prophet indicated by his silence regarding an action or a practice that happened in his presence or that has been reported to him (*al-sunnah al-taqririyyah*).³²⁴

There are two different views among Muslim scholars regarding the definition of *al-sunnah al-taqririyyah*. According to the first view, adopted by most hadith scholars, *al-sunnah al-taqririyyah* is defined as silence of the Prophet regarding an action or a word done or said in his presence or reported to him if it was said in his absence. According to the second view, *al-sunnah al-taqririyyah* is not limited to silence of the Prophet regarding a word or action said or done in his presence or absence but encompasses his body language and facial expression and all other attitudes that accompany his silence.³²⁵ In both cases, the Prophet's silence is considered a legislative act and is thus referred to as legislative silence (*al-sukūt al-tashrī'i*).

1.2.2. Functions and Motives of Legislative Silence

The main function of the prophet's silence in response to actions that happened in his presence or that have been reported to him is affirming-or confirming- the legitimacy of a practice or an action, but its motives vary as illustrated in the following narrations: Ibn 'Umar narrated:

When the Prophet returned from the battle of Al-Ahzab, he said to us: 'None should offer the 'Asr prayer but at Bani Quraiza.' The 'Asr prayer became due for some of

³²² *Al-Arba'un Al-Nawawiya*, Grade: *Hasan*, English translation: *Hadith* 30. <https://sunnah.com/nawawi40:30>.

³²³ *Sunan Ibn Majah*, Grade: *Hasan*, English translation: Book 29, *Hadith* 3367. <https://sunnah.com/ibnmajah:3367>.

³²⁴ Kamali Muhammad Hashim, *A Textbook of Hadith Studies: Authenticity, Compilation, Classification and Criticism of Hadith*, (Islamic Foundation, 2005).

³²⁵ Hüseyin Vuruşkan, "Taqrîrî Sünnet ve Değeri" (Malatya, İnönü Üniversitesi, 2017).

them on the way. Some of them decided not to offer the Salat but at Bani Quraiza while others decided to offer the Salat on the spot and said that the intention of the Prophet was not what the former party had understood. And when that was told to the Prophet he did not blame anyone of them.³²⁶

Prophet Muhammad's silence in this situation is equivalent to speech as it expresses his approval and thus affirms the legitimacy of the actions of the two groups. The main motive behind the use of silence in this case is that an explicit agreement with any of the two groups would imply disagreement with the other group and would make it the only legitimate action as we can see in this hadith in which Abu Huraira reported:

Allah's Messenger (PBUH) addressed us and said: 'O people, Allah has made Hajj obligatory for you; so perform Hajj'. Thereupon a person said: 'Messenger of Allah, (is it to be performed) every year?' The Prophet remained silent, and the man repeated his question thrice, whereupon Allah's Messenger (PBUH) said: 'If I were to say "Yes," it would become obligatory (for you to perform it every year) and you would not be able to do it'. Then he said: 'Leave me with what I have left to you, for those who were before you were destroyed because of excessive questioning, and their opposition to their apostles. So, when I command you to do anything, do it as much as it lies in your power and when I forbid you to do anything, then abandon it'.³²⁷

When the Prophet was asked whether Hajj should be performed every year, he remained silent because would have he said "yes", performing Hajj every year would have become an obligation. Would have the Prophet said "no", Muslims willing and able to perform Hajj every year would be discouraged from doing so. Therefore, the Prophet used silence to show that performing Hajj every year is neither obligatory nor reprehensible, but permissible. Here, too, silence is used to express approval.

When the Prophet was consulted on some issues that he did not approve, either because of the subject or the form of the question, he often expressed his disapproval with silence as illustrated in the following hadith in which Sahl b. Sa'd As-Sa'idi reported:

While I was (sitting) among the people in the company of Allah's Messenger (PBUH), a woman stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet did not give her any reply. She again stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet did not give her any reply. She again stood up for the third time and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. Then, a man stood up and said: 'O Allah's Messenger! Marry her to me'. The Prophet asked him: 'Have you got anything (to offer her as dower)?' He said: 'No'. The Prophet said: 'Go and search for something, even if it were an iron

³²⁶ *Sahih Bukhari* , Grade: *Sahih* , English translation: Book 14, *Hadith* 67. <https://sunnah.com/bukhari:946>.

³²⁷ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 7, *Hadith* 3095. <https://sunnah.com/muslim:1337>.

ring'. The man went and searched and then returned saying: 'I could not find anything, not even an iron ring.' Then the Prophet said: 'Do you know something of the Qur'ān (by heart)?" He replied, 'I know (by heart) such chapter and such chapter.' The Prophet said: 'I have married her to you for what you know of the Qur'ān (by heart)'.³²⁸

Silence of the Prophet in this case is subject to various interpretations, but it basically expresses his disapproval. One of the motives behind the Prophet's silent response in this situation would be prevention of harm because his explicit refusal might disgrace the woman, so that no one would propose to her, but silence preserved her dignity until one of the companions offered her. The Prophet in this case expressed his refusal to marry the woman through silence. Silence, in this case is not only used to express refusal, but also to legitimize the woman's action. It indicates that the principle of women proposing marriage is discouraged³²⁹, but permissible.³³⁰ The Prophet's silence in this case is both a legislative act and a face-saving act.

1.2.3. Why is silence of the Prophet legislative?

There are at least four main reasons why the Prophet's silence is legislative.

The first reason is that one of the duties of the Prophet is enjoining what is right and forbidding what is wrong (*al-amr bil ma'rūf wa nahy 'an al-munkar*) as stated in Q 7:157:

Those who follow the Messenger, the unlettered prophet, whom they find written [i.e., described] in what they have of the Torah and the Gospel, who enjoins upon them what is right and prohibits them from what is wrong and makes lawful for them what is good and forbids them from what is evil and relieves them of their burden and the shackles which were upon them. So, they who have believed in him, honored him, supported him and followed the light which was sent down with him - it is those who will be the successful.³³¹

The actions and practices approved by the Prophet are considered *ma'rūf*, and those he disapproved are considered *munkar*. The Prophet never approved an action or a practice that is against religious principles, and he never remained unresponsive to

³²⁸ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 62, *Hadith* 79. <https://sunnah.com/bukhari:5149>.

³²⁹ The absence of any explicit answer shows that although marriage in this way would be permissible, the Prophet did not encourage it

³³⁰ Ayni, Badr al-Din, *'Umdat al-Qari Sharh Sahih al-Bukhari*.

³³¹ Qur'an 7:157.

sinful actions. Therefore, his silence towards a practice or action indicates that it is legitimate and permissible.

The second reason is that the Prophet has the duty of *tablīgh wa tabyīn*. The duty of *tablīgh* consists of conveying God's commands and prohibitions sent to the Prophet through revelation (*wahy*) to mankind. The Prophet is required to show people what is right and what is wrong in all areas of life. As for the duty of *tabyīn*, it is basically about clarifying and explaining God's commands in a way that people can understand. This explanation is done through words (*al-sunnah al-qawliyyah*), through actions (*al-sunnah al-fi'liyyah*), or through silence (*al-sunnah al-taqrīriyyah*).

The third reason is that it is not permissible to delay *bayān*. According to *fiqh* scholars, *bayān* should be made when it is needed. According to this procedural rule, the provision of a previously unknown issue should be announced at the latest when it is needed and should not be delayed. The reason behind this is that when a legal ruling about an issue is delayed, the individual might be faced with a situation of ambiguity and not know what to do. The Prophet's silence is therefore considered a statement made at the time of need.

The fourth reason is inviolability (*'ismah*) of the Prophet. The Prophet's quality of being protected from sins is important as it necessitates that he should not remain unresponsive to sin and falsehood. Therefore, the Prophet's silence towards the practices and actions that took place in his presence or that have been reported to him indicates that they are legitimate and permissible.³³²

We conclude from this analysis that the Prophet's silence regarding an action or a practice that happened in his presence or that has been reported to him is considered an act of legislation and thus referred to as legislative silence (*al-sukūt al-tashrī'ī*). This silence expresses the Prophet's tacit consent about the action or the practice in question and thus legitimizes it. The Prophet's tacit consent about a practice or an action is broadly referred to as *al-sunnah al-taqrīriyyah*. The etymology of the word *sunnah* requires that it be a traditional behavior, not a behavior that is done occasionally or haphazardly. This makes the rulings extracted from the Prophet's silence permanent and makes *al-sunnah al-taqrīriyyah* a living and ongoing tradition valid all the time.

³³² Vuruşkan, "Taqrîrî Sünnet ve Değeri."

2. Functions and Motives of Silence in Contract Formation

2.1. Definition and elements of contracts in Islamic law

The term contract (*'aqd*) refers to a transaction between at least two parties, one making an offer and the other accepting it as stated in Article 103 of the *Majalla*, which defines a contract as: " what the parties bind themselves and undertake to do with reference to a particular matter. It is composed of the combination of offer and acceptance".³³³ Muslim jurists use the term in its broadest sense to refer to faith-based obligations to God such as ritual prayer (*salāt*) and fasting (*sawm*), societal obligations like marriage (*nikāh*), and commercial obligations such as financial transactions (*buyū'*).³³⁴

For a contract to be valid, in Islamic law, it should be characterized by justice, truthfulness, and dissemination of all relevant information. Its validity also depends on the form (*sīgha*) and nature (*sifa*) of the offer (*ījāb*) and acceptance (*qabūl*).³³⁵

The party who firstly manifests his willingness, by the use of the appropriate formula, to make a contract, is said to be making an *ījāb* (offer), the manifestation of willingness coming from the other party is termed a *qabūl* (acceptance). The contract is said to be concluded when the connection (*irtibāt*) between the offer and the acceptance takes place.³³⁶

Contract formation in Islamic law does not require a specific formality. What it necessitates is mutual assent between the two parties expressed through a clear unequivocal acceptance of the offer. In other words, all contracts in Islamic law are consensual. Muslim jurists argue that a contract can be inferred from any circumstances that indicate mutual assent and does not necessitate the use of a specific contracting formula.³³⁷

2.2. Communication of offer and acceptance

³³³ Ahmed Cevdet Paşa, *AL-MAJALLA AL AHKAM AL ADALIYYAH (The Ottoman Courts Manual (Hanafi))* (Royal Iradah, 1876),9.

³³⁴ Ridoan Karim and Imtiaz Mohammad Sifat, "Treatment of Silence as Misrepresentation in Contracts: A Critical Comparative Analysis of Common Law and Islamic Jurisprudence," *International Journal of Law and Management* 60, no. 1 (February 12, 2018): 69–78, <https://doi.org/10.1108/IJLMA-08-2016-0073>.

³³⁵ Karim and Sifat.

³³⁶ Rahman,17.

³³⁷ Rahman.

The first step in contract formation is making an offer (*ījāb*), either verbally, in writing, through a messenger, through signs and gestures, or through action. The offer that is made verbally becomes effective if it is made in the presence of the offeree. If the offer is made in writing, it becomes effective as soon as the letter leaves the offeror and remains valid until the offeree receives it. The offer made through a messenger is effective as long as there is no doubt about the latter's honesty. The offer can also be made through signs and gestures if the offeror is dumb or deaf or if the offeree does not understand the offeror's language.³³⁸ According to the Maliki school, the offer made through action, such as the delivery of goods, is also effective. Muslim Jurists argue that an offer cannot be made through silence. If the offeror is expected to express himself but remains silent, his offer is not effective.³³⁹ As for acceptance (*qabūl*), all four schools agree that the contract becomes valid as soon as the offeree declares his acceptance either verbally or non-verbally.³⁴⁰ Silence in cases where acceptance is not expressed verbally is equivalent to assent and may thus validate the contract.³⁴¹

2.3. Functions and motives of silence in contract formation

Silence as an expression of acceptance presents theoretical and practical challenges in contract formation. Silence per se cannot be an expression for any juridical act, hence cannot have any legal effect. It gains its illocutionary force from the contextual effects that accompany it and that makes it socially and legally significant. Silence becomes equivalent to a statement when the silent person has a legal or social obligation to speak but remains silent.³⁴² This would include such cases as where the silent person has a duty to speak but remains silent for reasons related to their status or their inner state (*bayān hāl al-mutakallim*), or in cases where their silence would cause harm (*darar*) or ambiguity (*gharar*). Silence in the latter case is considered a statement to

³³⁸ According to the Maliki school, an offer made by signs and gestures is effective even though the offeror is not dumb or deaf as long as the message is communicated. However, some jurists consider an offer made through signs and gestures invalid in all cases. For more details see: Rahman.

³³⁹ Rahman.

³⁴⁰ According to the Hanafi school, the offer and the acceptance must be communicated when the parties are contracting in the presence of each other. For more details see: Rahman.

³⁴¹ Rahman.

³⁴² Parviz Owsia, "Silence: Efficacy in Contract Formation. A Comparative Review of French and English Law," *The International and Comparative Law Quarterly* 40, no. 4 (1991): 784–806.

prevent a negative consequence from happening (*daf' al-darar wal-gharar*). We refer to silence in the first case as *speaker-dependent silence* and in the second case as *consequence-dependent silence*.

2.3.1. Functions and motives of speaker-dependent silence in contract formation: the case of marriage contract

The main elements that determine the validity of speaker-dependent silence as acceptance in contractual formation are the status of the speaker or their inner state. An example of speaker-dependent silence of the former type is the Prophet's silence, which is considered an act of legislation because of the Prophet's status. As for the latter, it refers to silence born out of an inner state that prevents the silent person from speaking in situations where they have a duty to speak, as illustrated in the following hadith:

'A'isha reported: I asked Allah's Messenger about a virgin whose marriage is solemnized by her guardian, whether it was necessary or not to consult her. Allah's Messenger said: Yes, she must be consulted. 'A'isha reported: I told him that she feels shy, whereupon Allah's Messenger said: Her silence implies her consent.³⁴³

Silence of the virgin regarding a marriage offer is believed to be born out of her shyness to express her acceptance explicitly. In the case under study, silence validates the contract in Islam because the virgin is believed to feel shy when she receives a marriage offer. The majority of Muslim jurists argue that unlike the virgin, a previously married woman's silent response to a marriage proposal is not equivalent to her consent to marriage. It is rather considered refusal of the marriage proposal because the virgin's silence is due to her shyness to express her opinion about the proposal explicitly, which is not the case for a previously married woman. Because the context and the situation are different, the interpretation of silence and the legal ruling applied to it also differed³⁴⁴.

³⁴³ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 8, *Hadith* 3305. <https://sunnah.com/muslim:1420>.

³⁴⁴ Hasan al-Sayyed Hamed Khattab, *Athar al-Siyāq Fi Dalālat al-Sukūt 'ala al-Ahkām*, 2009.

2.3.2. *Functions and motives of consequence-dependent silence in contract formation: the case of wadi'a contract*

The main elements that determine the validity of consequence-dependent silence as acceptance in contractual formation are the potential consequence of not speaking in situations where the silent person has a duty to speak. An example of such silence is illustrated in *wadi'a* contract concluded by implication. Before investigating the functions and motives of consequence-dependent silence in the case of *wadi'a* contract, we will briefly define the latter and discuss its main elements and conditions. *Wadi'a* is a trust-based contract whereby one party asks another party to safeguard an asset for a specific time. If the counter party accepts safeguarding the asset voluntarily without charging any fees, *wadi'a* contract is concluded.

As the trustee accepts the asset without any consideration, it was accepted that the trustee would not use the asset for any commercial gain and would return the asset to the original party on demand. This in its basic form is the contract of *wadi'a*.³⁴⁵

Wadi'a contract is concluded by 1) an explicit offer and an explicit acceptance, 2) by an implicit offer and an implicit acceptance, 3) by an explicit offer and an implicit acceptance, or 4) by an implicit offer and an explicit acceptance, as illustrated in Article 773 of the *Majalla*, which states:

A contract of deposit for safe keeping may be concluded by offer and acceptance either **expressly or by implication**. Examples:

(1). A informs B that he has deposited with him for safe keeping certain property of which he is the owner, or that he has placed such property with him on trust, and the person with whom such property is deposited agrees thereto. An express contract for the deposit of a thing for safe keeping has been concluded.

(2). A enters an inn and asks the in-keeper where he should tie up his animal. The latter shows him a certain place and A ties his animal up there. A contract for deposit for safe keeping has been concluded by implication.

(3). A leaves certain property with a shopkeeper. The shopkeeper is aware thereof and keeps silence. The property in question is deposited for safe keeping with the shop keeper, however, if he declines to keep the property, no contract for safe keeping is concluded.

(4). A leaves property of his with certain persons for safe keeping. The property in question is deposited for safe keeping with all of such persons. But if such persons leave the place in question one by one, such property is deposited for safe keeping with the last remaining person, who is responsible for its preservation.³⁴⁶

³⁴⁵ Mohsin Hayat and Kureshi Hussein, "Chapter 12: Wadiah," in *Contracts and Deals in Islamic Finance: A User's Guide to Cash Flows, Balance Sheets, and Capital Structures* (Wiley, 2005), 100.

³⁴⁶ Articles 763 and 764 of the *Majalla* state:

763. By deposit for safe keeping is meant handing property to any particular person in order that it may be kept safely.

Example (1) is an illustration of a *wadī'a* contract concluded by an explicit offer and acceptance is illustrated in example (1).

Example (2) is an illustration of a *wadī'a* contract concluded by an implicit offer and acceptance.

Example (3) is an illustration of a *wadī'a* contract concluded by an explicit offer and an acceptance by implication.

Example (4) is an illustration of a *wadī'a* contract concluded by an offer made by implication and an acceptance made explicitly.

The validity of the contract also depends on the soundness of mind of the contracting parties as stated in article 776 of the Majalla:

The person making the deposit for safe keeping and the person so receiving it must be of sound mind and perfect understanding, though they need not have arrived at the age of puberty. Consequently, a madman or a minor of imperfect understanding cannot validly make or receive a deposit for safe keeping. A deposit for safe keeping or the receipt thereof by a minor of perfect understanding, however, who has been duly authorized thereunto, is valid.

From the four cases, examples 2 and 3 seem to be relevant to our study. In example 2, however, the contract is concluded by action (*bil fi'l*) from both parties. Neither the offer nor the acceptance is explicitly stated. In example 3, the offer is uttered explicitly, but acceptance is expressed through silence. Silence in this example is taken to mean consent and thus validates the contract as long as the shopkeeper is aware of it. Silence in this case is equivalent to consent because speech is required in this and similar situations to prevent any contractual ambiguity or imbalance (*gharar*) between the contracting parties.³⁴⁷ Such ambiguity means that one party would not know whether they are going to gain or lose from the transaction. The fact that the outcome of such uncertainty depends on luck makes it reprehensible and justifies the basis of prohibiting *gharar* in transactions.³⁴⁸

764. By delivery for safe keeping is meant handing over one's own property to some other person for safe keeping. The person handing over such property is called the person delivering and the person accepting such property is called the custodian or keeper.

³⁴⁷ Karim and Sifat, "Treatment of Silence as Misrepresentation in Contracts."

³⁴⁸ HUSSEIN HASSAN, "CONTRACTS IN ISLAMIC LAW: THE PRINCIPLES OF COMMUTATIVE JUSTICE AND LIBERALITY," *Journal of Islamic Studies* 13, no. 3 (2002): 257–97.

Some jurists claim that the exchange of offer and acceptance is basically an exchange of promises that are legally, and socially, binding.³⁴⁹ Others state that the conclusion of a contract is to be understood as a performative (*inshāʿī*) because the contracting parties create immediate entitlements in each other through offer and acceptance.³⁵⁰ If speaker-dependent silence or consequence-dependent silence is analyzed in light of this understanding, it is also to be seen as a performative.

IV. PRAGMATICS OF SILENCE AS A PERFORMATIVE

In his book *How to Do Things with Words*, Austin distinguished between various types of performatives. In this analysis, we will focus on two types, namely *exercitives* and *commissives*. We will first present some background information about Austin's performative acts, then we will explore pragmatics of silence as exercitive and commissive speech acts.

Austin distinguishes between two types of statements: constatives and performatives. Constatives are descriptive statements that can be true or false. As for performatives, they are statements through which an action is performed. Austin illustrates this difference with the utterance 'I do' pronounced in a marriage ceremony, through which the act of marrying is performed rather than described.³⁵¹ Austin argues that performative utterances must be expressed explicitly using a verb in the first person singular present indicative active. However, legal speech acts are sometimes expressed by implication and often have effects that go beyond the discursive intentions of the speaker.

Linguistic norms are created by consensus regarding the linguistic behaviour and understanding of the collectivity. In the legal field, on the other hand, norms are imposed by external authority. They have the function of regulating behaviour by giving authoritative statements of what is acceptable. Legal rules are not mere declarative statements of what is generally expected, or of what is normal or ideal. They are essentially prescriptive. They correspond not to any objective or social reality, but to what is seen as ideal. Legal language is only said to be normative when it fulfills the function of creating or confirming norms of behaviour. Normative

³⁴⁹ Ali Qaradaghi, *Mabda' al-Ridā Fi al-'Uqūd*, 3rd ed. (Beirut: Dar al-Bashair al-Islamiya, 2008).

³⁵⁰ Aron Zysow, "The Problem of Offer and Acceptance: A Study of Implied-in-Fact Contracts in Islamic Law and the Common Law," *CLEVELAND STATE LAW REVIEW* 34 (1985): 11.

³⁵¹ Austin, *How to Do Things with Words*.

discourse does not simply provide descriptive statements of existing law. Indeed, insofar as it creates new rights and obligations, it is constitutive of the law.³⁵²

Examples of legal speech acts expressed by implication include the silent response to offer, which can be taken as evidence of intention to create a contract.³⁵³

1. Pragmatics of Silence as an Exercitive Speech Act

1.1. Exercitive Speech Acts

In his book *How to Do Things with Words*, Austin defines exercitive speech acts as follows:

An exercitive is the giving of a decision in favor of or against a certain course of action, or advocacy of it. It is a decision that something is to be so, as distinct from a judgement that it is so: it is advocacy that it should be so, as opposed to an estimate that it is so; it is an award as opposed to an assessment; it is a sentence as opposed to a verdict. Arbitrators and judges make use of exercitives as well as issuing verdictives. Its consequences may be that others are 'compelled' or 'allowed' or 'not allowed' to do certain acts.³⁵⁴

Exercitives have three main distinguishing characteristics. First, it is a statement that dictates what is permissible in a certain domain. Second, the speaker must have authority over the domain in question. Third, the type of authority in question is restricted to the domain under consideration. It determines what is permissible in a certain realm.³⁵⁵ McGowan illustrates these conditions in her article *Conversational Exercitives: Something Else We Do with Our Words* with the following example:

... while enacting college policies, the President of Wellesley College declares that the playing of loud music is prohibited in the dorms after 11:00 p.m. This utterance has exercitive force because it takes away certain privileges. The president's utterance changed the rules and thereby made it the case that playing loud music in the dorms after 11:00 p.m. is impermissible. Second, exercitive speech acts are authoritative speech acts since the speaker must have the requisite authority over the domain in question. Had an uptight student uttered the very same words as the president, her utterance would not have had the same exercitive force. The student's utterance would fail to have exercitive force exactly because she does not have the authority to enact the rules of the college. Third, the sort of authority in question is restricted to the appropriate domain. Although the president of Wellesley College has the authority to enact the rules for Wellesley College, she does not

³⁵² Ross Charnock, "Overruling as a Speech Act: Performativity and Normative Discourse," *Journal of Pragmatics*, Speech Acts in Legal Language, 41, no. 3 (March 1, 2009): 401–26,420.

³⁵³ Ross Charnock.

³⁵⁴ Austin, *How to Do Things with Words*.

³⁵⁵ Mary Kate McGowan, "Conversational Exercitives: Something Else We Do with Our Words," *Linguistics and Philosophy* 27, no. 1 (2004): 93–111.

have the authority to enact rules at Brandeis University or to call a runner out in a Red Sox game.³⁵⁶

Below, we will analyze legislative silence (*al-sukūt al-tashrīʿī*) in three different contexts in light of these three criteria.

1.2. Pragmatics of Silence as an Exercitive

Prophet Muhammad's silence regarding an action or a practice that happened in his presence or that has been reported to him is considered an act of legislation and thus referred to as legislative silence (*al-sukūt al-tashrīʿī*). This silence expresses the Prophet's tacit consent about the action or the practice in question and thus legitimizes it. The Prophet's tacit consent about a practice or an action is broadly referred to as *al-sunnah al-taqrīriyyah*. The etymology of the word *sunnah* requires that it be a traditional behavior, not a behavior that is done occasionally or haphazardly. This makes the rulings extracted from the Prophet's silence permanent and makes *al-sunnah al-taqrīriyyah* a living and ongoing tradition valid all the time. Below, we will explore pragmatics of the Prophet's silence as an exercitive speech act in three situations.

Situation 1:

Ibn 'Umar narrated:

When the Prophet returned from the battle of Al-Ahzab, he said to us: 'None should offer the 'Asr prayer but at Bani Quraiza'. The 'Asr prayer became due for some of them on the way. Some of them decided not to offer the prayer but at Bani Quraiza, while others decided to offer it on the spot and said that the intention of the Prophet was not what the former party had understood. And when that was told to the Prophet, he did not blame anyone of them.³⁵⁷

The above-mentioned hadith took place during a battle between Muslims and Jews at a place called Banu Qurayza. Muslims were heading towards Bani Quraiza after noon prayer and the Prophet commanded them to offer the 'Asr prayer at Bani Quraiza, which was two hours away from Madina. Some of them arrived at Bani Quraiza and offered the prayer at its proper time, but others were not able to arrive before sunset and were thus faced with a dilemma as to whether they should offer it before arriving

³⁵⁶ Mary Kate McGowan.

³⁵⁷ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 14, *Hadith* 67. <https://sunnah.com/bukhari:946>.

at Bani Quraiza or wait until they arrive. Some of them decided to pray it before arriving at Bani Quraiza and others decided to pray it once they arrive although they will miss its proper time. The two groups were not able to reach consensus. When the Prophet arrived at Bani Quraiza, the news was reported to him, and he did not blame any of the two groups. The Prophet's companions differed amongst themselves but did not criticize each other. Some took the Prophet's command literally and understood that they should not pray until they reach Bani Quraiza while others understood it as a commend to be quick and thus offer the prayer at Bani Quraiza. The Prophet's silence legitimizes the actions of the two groups.

The Prophet's silence in this case was taken to mean consent and thus to legitimize the actions of the two groups. This hadith has been used ever since as evidence of the legitimacy of diversity of opinion among Muslim jurists regarding matters that require *ijtihad* (independent legal reasoning). When equally qualified *mujtahids* make an *ijtihad*, neither party is obligated to follow the other's *ijtihad*.³⁵⁸

Situation 2:

Abu Huraira reported:

Allah's Messenger (PBUH) addressed us and said: 'O people, Allah has made Hajj obligatory for you; so perform Hajj'. Thereupon a person said: 'Messenger of Allah, is it to be performed every year?'. The Prophet remained silent, and the man repeated his question thrice, whereupon Allah's Messenger (PBUH) said: 'If I were to say "Yes", it would become obligatory (for you to perform it every year) and you would not be able to do it'. Then he said: 'Leave me with what I have left to you, for those who were before you were destroyed because of excessive questioning, and their opposition to their apostles. So, when I command you to do anything, do it as much as it lies in your power and when I forbid you to do anything, then abandon it'.³⁵⁹

When the Prophet was asked whether *Hajj* should be performed every year, he remained silent because had he said "yes", performing *Hajj* every year would have become an obligation. Had the Prophet said "no", Muslims willing and able to perform *Hajj* every year would be discouraged from doing so. Therefore, the Prophet remained silent to show that performing *Hajj* every year is neither obligatory nor reprehensible, but **permissible**. Here, too, silence is used to legitimize two actions: performing Hajj every year and not performing hajj every year.³⁶⁰ The ruling extracted from the Prophet's silence in this narration remains valid until today.

³⁵⁸ Ayni, Badr al-Din, 'Umdat al-Qari Sharh Sahih al-Bukhari.

³⁵⁹ Sahih Muslim, Grade: Sahih, English translation: Book 7, Hadith 3095. <https://sunnah.com/muslim:1337>.

³⁶⁰ Nawawi, Al-Minhaj Fi Sharh Muslim Ibn al-Hajjaj.

Situation 3:

Sahl b. Sa`d As-Sa`idi reported:

While I was (sitting) among the people in the company of Allah's Messenger (PBUH), a woman stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet did not give her any reply. She again stood up and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. The Prophet did not give her any reply. She again stood up for the third time and said: 'O Allah's Messenger! I offer my self (in marriage to you); see what you think of me'. Then, a man stood up and said: 'O Allah's Messenger! Marry her to me'. The Prophet asked him: 'Have you got anything (to offer her as dower)?' He said: 'No'. The Prophet said: 'Go and search for something, even if it were an iron ring'. The man went and searched and then returned saying: 'I could not find anything, not even an iron ring.' Then the Prophet said: 'Do you know something of the Qur'ān (by heart)?' He replied: 'I know (by heart) such chapter and such chapter.' The Prophet said: 'I have married her to you for what you know of the Qur'ān (by heart)'.³⁶¹

Silence of the Prophet in this case is subject to various interpretations, but it basically expresses his disapproval. One of the motives behind the Prophet's silent response in this situation is prevention of harm because his explicit refusal might disgrace the woman, so that no one would propose to her, but silence preserved her dignity until one of the companions offered her. The Prophet in this case expressed his refusal to marry the woman through silence. Silence, in this case is not only used to express refusal, but also to legitimize the woman's action. It indicates that the principle of women proposing marriage is discouraged³⁶², but permissible.³⁶³ The Prophet's silence in this case is both a legislative act and a face-saving act.

We have stated above that an exercitive speech act is characterized by the following:

- 1) First, it is a statement that dictates what is permissible in a certain domain.
- 2) The speaker must have authority over the domain in question.
- 3) The type of authority in question is restricted to the domain under consideration. It determines what is permissible in a certain realm.³⁶⁴

These criteria characterize the Prophet's silence in the narrations under study as:

- 1) The Prophet's silence determines the permissibility of the course of actions in question. In the first narration, it legitimizes diversity of opinion among scholars

³⁶¹ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 62, *Hadith* 79. <https://sunnah.com/bukhari:5149>.

³⁶² The absence of any explicit answer shows that although marriage in this way would be permissible, the Prophet did not encourage it

³⁶³ Ayni, Badr al-Din, *'Umdat al-Qari Sharh Sahih al-Bukhari*.

³⁶⁴ McGowan, "Conversational Exercitives."

regarding issues that require *ijtihād*. In the second narration, it determines the permissibility of performing Hajj every year and of not performing hajj every year. In the third narration, it determines the permissibility of women proposing marriage.

- 2) The Prophet's silence in these situations constitutes an authoritative speech act as the Prophet has the requisite authority to determine what is permissible and what is not. Had someone else used silence in the same context, their silence would not have a legislative effect.
- 3) The authority in question is restricted to the Muslim community. The legal rulings extracted from the Prophet's silence in all three cases are applicable to the Muslim community alone.

The Prophet's silence in the above-mentioned narrations is thus equivalent to an *exercitive speech act*.

2. Pragmatics of Silence as a Commissive Speech Act

2.1. Commissive Speech Acts

In his book *How to Do Things with Words*, Austin defines commissive speech acts as statements that involve “an assuming of an obligation or declaring of an intention”³⁶⁵. The main distinguishing characteristic of a commissive is that it commits the speaker to perform an action, as its name indicates. This is particularly the case of promises, which Austin identifies as “one of the more awe-inspiring performatives”³⁶⁶.

In his theory of social acts, Reinach argues that the act of promising creates “a juridical ‘bond’ between promiser and promisee, with a particular ontological existence”³⁶⁷. This juridical bond ceases to exist once the promiser fulfills his obligation. This is particularly the case of bilateral promises formed by the parties involved in a legal contract.³⁶⁸

³⁶⁵ John Austin, 162.

³⁶⁶ John Austin, 9.

³⁶⁷ Cited in Ross Charnock, 421.

³⁶⁸ Charnock.

2.2. Pragmatics of Silence as a Commissive

The first step in contract formation in Islamic law is making an offer (*ījāb*) and the second step is expressing acceptance (*qabūl*). The offer can be made verbally, in writing, through a messenger, through signs and gestures, or through action. Muslim Jurists argue that an offer cannot be made through silence. If the offeror is expected to express himself but remains silent, his offer is not effective³⁶⁹. As for acceptance, all four schools of law agree that the contract becomes valid as soon as the offeree declares his acceptance either verbally or non-verbally³⁷⁰. Silence in cases where acceptance is not expressed verbally can be equivalent to assent and may thus validate the contract.³⁷¹

Silence per se cannot be an expression for any juridical act, hence cannot have any legal effect. It gains its illocutionary force from the contextual effects that accompany it and that makes it socially and legally significant. Silence becomes equivalent to a statement when the silent person has a legal or social obligation to speak but remains silent.³⁷² This would include such cases as where the silent person has a duty to speak but remains silent for reasons related to their status or their inner state (*bayān hāl al-mutakallim*), or in cases where their silence would cause harm (*darar*) or ambiguity (*gharar*). Silence in the latter case is considered a statement to prevent a negative consequence from happening (*daf' al-darar wal-gharar*). We refer to silence in the first case as *speaker-dependent silence* and in the second case as *consequence-dependent silence*.

The main elements that determine the validity of speaker-dependent silence as acceptance in contractual formation are the status of the speaker or their inner state. An example of speaker-dependent silence of the former type is the Prophet's silence, which is considered an act of legislation because of the Prophet's status. As for the latter, it refers to silence born out of an inner state that prevents the silent person from speaking in situations where they have a duty to speak, as illustrated in the following hadith:

³⁶⁹ Rahman, "Offer and Acceptance in Islamic Law of Contract."

³⁷⁰ According to the Hanafi school, the offer and the acceptance must be communicated when the parties are contracting in the presence of each other. For more details see: Rahman.

³⁷¹ Rahman.

³⁷² Owsia, "Silence: Efficacy in Contract Formation. A Comparative Review of French and English Law."

'A'isha reported: I asked Allah's Messenger about a virgin whose marriage is solemnized by her guardian, whether it was necessary or not to consult her. Allah's Messenger said: Yes, she must be consulted. 'A'isha reported: I told him that she feels shy, whereupon Allah's Messenger said: Her silence implies her consent.³⁷³

The majority of Muslim jurists argue that unlike the virgin, a previously married woman's silent response to a marriage proposal is not equivalent to her consent to marriage. It is rather considered refusal of the marriage proposal because the virgin's silence is due to her shyness to express her opinion about the proposal explicitly, which is not the case for a previously married woman. Because the context and the situation are different, the interpretation of silence and the legal ruling applied to it also differed.³⁷⁴ Silence in the above-mentioned narration constitutes acceptance of the offer, and thus validates the marriage contract. Through her silence, the virgin commits herself to perform the act of marriage and thus undertakes a contractual obligation. It is thus equivalent to a *commissive speech act*.

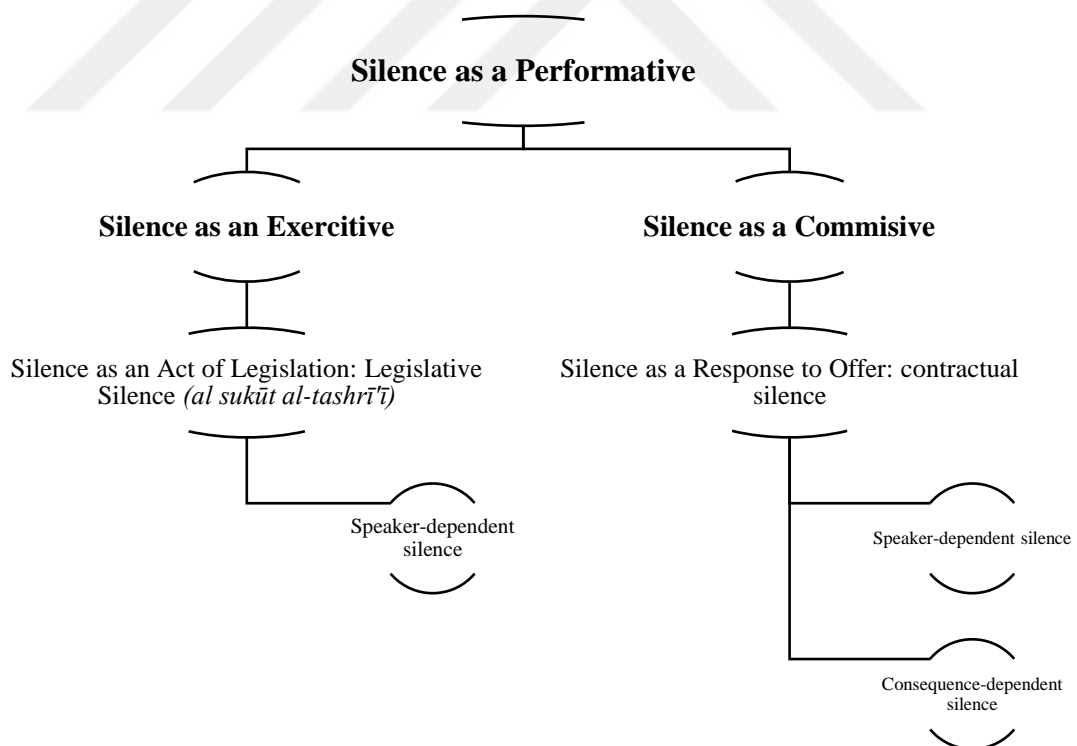


Figure 3.2: Silence as a Performative

³⁷³ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 8, *Hadith* 3305. <https://sunnah.com/muslim:1420>.

³⁷⁴ Khattab, *Athar Al-Siyāq Fi Dalālat al-Sukūt 'ala al-Ahkām*.

CONCLUSION

We have seen in this chapter that silence, in some communication settings, is an act and listed four main categories of silence where the latter is equivalent to a statement, namely co-text dependent silence, context-dependent silence, speaker-dependent silence, and consequence-dependent silence. Since the chapter aims at investigating pragmatics of eloquent silence, we limited our analysis to the last two categories, namely speaker-dependent silence and consequence-dependent silence, which- unlike the former categories- are characterized by absence rather than concealment of speech. We concluded from our analysis that silence can be an act of legislation in some communication settings. This is mainly the case of Prophet Muhammad's silent response towards an action or a practice that took place in his presence or that has been reported to him. Silence in this case is referred to as *legislative silence (al-sukūt al-tashrī'i)*. The motives behind the Prophet's use of silence instead of speech vary from one situation to the other. Sometimes, he uses silence because any explicit statement from his part would be legally binding and other times he uses it to avoid hurting the speaker or embarrassing them. Silence in the latter case may be seen as a face-saving act. The main function of legislative silence is affirming-or confirming- the legitimacy of a practice or an action. Legislative silence is to be seen as a performative (*inshā'ī*) because the rulings extracted from it are permanent and makes *al-sunnah al-taqrīriyyah* a living and ongoing tradition valid all the time. We have concluded that the Prophet's silence is equivalent to an ***exercitive speech act***.

We have also stated that silence plays a major role in contract formation in situations where the silent person has a duty to speak but remains silent. This is especially the case when the offeree responds to an offer with silence. We refer to this silence as *contractual silence*. The motives behind the use of silence instead of speech in contract formation can be internal or external. Internal motives are related to the silent person's inner state (i.e. shyness or embarrassment), which prevent them from expressing their consent explicitly. This is referred to as (*bayān hāl al-mutakallim*) in Islamic law. The external motive is related to the potential consequences of silence, which is taken to mean consent in order to prevent harm or ambiguity. This is referred to as (*daf' al-darar wal-gharar*) in Islamic law. The main function of silence in this case is

expressing consent and thus concluding the contract. Silence used in contract formation is to be seen as a performative (*inshāʿī*) because the contracting parties create immediate entitlements in each other through offer and acceptance. We have concluded that silence as a response to offer is in equivalent to a ***commissive speech act***.

We conclude from the analysis of silence as an act of legislation (*exercitive silence*) and silence as an act of contract formation (*commissive silence*) that in both cases silence is equivalent to a performative speech act. These legal speech acts do not correspond to Austin's standard performative as they are not expressed using performative verbs, but they still have performative effects as long as they create rights and obligations.³⁷⁵ We will refer to silence that has a performative effect as *performative silence* throughout this study.

³⁷⁵ Charnock, "Overruling as a Speech Act."

CHAPTER IV

TRANSFORMATIVE SILENCE ACTS: PRAGMATICS OF SILENCE AS A RESPONSE TO OFFENSE

INTRODUCTION

Every society has a set of principles that determine proper and acceptable behavior. Those principles, or social norms, guide members of society and regulate their actions. Because of the importance of norms in preserving social order and harmony, sanctions are often imposed on norm breakers. Sanctions are effective to preserve social welfare and harmony. They can be either formal or informal. Formal sanctions are enforced and officially recognized by an authority. They include law enforcement mechanisms, fines, and imprisonment. Informal sanctions are not enforced or by an authority. They are rather used by individuals or groups to punish wrongdoers. Informal sanctions include direct confrontation, gossip, and ostracism (also referred to as avoidance). Direct confrontation serves mainly at expressing disapproval and raising the violator's awareness about their mistake. Gossip aims mainly at increasing other individuals' awareness about the importance of a given norm and the seriousness of violating it. Punishment through gossip usually affects the violator indirectly through reputational damage.³⁷⁶ Ostracism aims mainly at correcting the offender's undesirable behavior by cutting communication channels with them. Although informal sanctions may not necessarily deter the wrongdoer, they are effective means for expressing disapproval and promote norm abidance.³⁷⁷

Why do people use one form of punishment and not the other? In his article *Direct and Indirect Punishment of Norm Violations in Daily Life*, Molho et al argue that one of the main functions of punishment is deterring future transgressions and that the choice

³⁷⁶ Kimmo Eriksson et al., "Perceptions of the Appropriate Response to Norm Violation in 57 Societies," *Nature Communications* 12, no. 1 (March 5, 2021): 1481, <https://doi.org/10.1038/s41467-021-21602-9>.

³⁷⁷ Eriksson et al.

of sanctions is highly context dependent.³⁷⁸ They also state that ostracism is less beneficial than confrontation in terms of changing others' behavior and more costly than gossip in terms of lost interaction opportunities between the offender and members of their community.³⁷⁹ If ostracism is less effective than other informal sanctions, why would it ever be used as a punishment?

In an attempt to answer this question, we will investigate the uses, motives, and functions of punishment through ostracism which is basically punishment through silence. Since punishment is a highly contextual activity, our study will not be conducted in laboratory settings which lack many aspects of the real-life settings in which punishment occurs. We will rather use a real case study as a basis of our analysis to identify contextual factors that would likely influence the use of punishment through silence.

I. PUNISHMENT THROUGH SILENCE: OSTRACISM

In his book *The Power of Silence: Ostracism*, Williams defines ostracism as “any act or acts of ignoring and excluding an individual or a group by an individual or group”.³⁸⁰ The primary mechanism in ostracism is silence and its main motive is punishment.³⁸¹ *Punitive* ostracism is also associated with exile, banishment, religious shunning, and the silent treatment.³⁸²

There are three main forms of ostracism, namely physical ostracism, social ostracism, and cyberostracism. The main difference between physical ostracism and social ostracism is that the former involves the target's physical isolation from a group or a community, whereas the latter is characterized by avoidance of and emotional

³⁷⁸ Catherine Molho et al., “Direct and Indirect Punishment of Norm Violations in Daily Life,” *Nature Communications* 11, no. 1 (July 9, 2020): 3432, <https://doi.org/10.1038/s41467-020-17286-2>.

³⁷⁹ Molho et al.

³⁸⁰ Kipling D. Williams, *Ostracism: The Power of Silence* (Guilford Press, 2002).

³⁸¹ Courtney N. Wright and Michael Elwood Roloff, “Silent Treatment,” in *The International Encyclopedia of Interpersonal Communication*, ed. Charles R Berger and Michael E Roloff (Wiley-Blackwell Publishing, 2016), <https://doi.org/10.1002/9781118540190.wbeic265>.

³⁸² Silent treatment is the dyadic form of ostracism. It is also referred to as “the cold shoulder” and “freezing out”. Merriam-Webster's Collegiate Dictionary, 10th edition, defines the silent treatment as “an act of completely ignoring a person or thing by resort to silence especially as a means of expressing contempt or disapproval.” The silent treatment constitutes an intentional attempt to remain silent or be minimally responsive to another and by doing so to cause another distress by making them feel rejected and uncertain.

withdrawal from the target in their presence. As for cyberostracism, it refers to being ignored in virtual communication settings.³⁸³ Williams argues that although it might seem the most difficult form of avoidance, physical ostracism can be easier to cope with as it often provides the target with the opportunity to reflect on their mistakes and gives them a chance to avoid committing other actions that they would possibly regret later. As for social ostracism, he argues that it is more challenging than the other forms because the target is constantly reminded about being avoided and excluded.

To inflict such exclusionary treatment on a living person who has nowhere else to go is an ultimate punishment—in some ways worse than solitary confinement or death, since the person is reminded continually of the active and total rejection that is taking place.³⁸⁴

Ostracism varies also in degree; it may be partial or complete. Partial ostracism is characterized by avoidance of eye contact with the target, the use of brief utterances to answer the target's questions and queries, and low-pitched voice. As for complete ostracism, it is characterized by complete withdrawal of eye contact, silent replies to the target's questions and queries, and absence of communication through speech with the target. Complete ostracism is less ambiguous than partial ostracism and thus easier to detect and cope with. Ostracism is also less ambiguous when the punisher expresses their intention to ostracize the offender explicitly.³⁸⁵

Ostracism varies also in duration. It can be either permanent or temporary. Some religious groups practice permanent ostracism in the form of shunning. Religious shunning is characterized by a complete cut of all forms of communication with individuals who violate the group norms. In some cases, the offender is completely banished from the religious community. There are instances where the offender is made aware of the decision to shun them, but there are also times when they are not informed about it. Religious shunning aims primarily at deterring the offender, raising awareness about the gravity of the offense, and consequently discouraging other members of the community from committing similar actions.³⁸⁶ Such a practice is prevalent among the Amish who use shunning, which they call *Meidung*, as a tool of punishment and discipline of deviant members of their community. The Amish see shunning as a process of *slow death* because it involves a *permanent* cut of all

³⁸³ Williams, *Ostracism*.

³⁸⁴ Cited in Williams, 50 .

³⁸⁵ Williams.

³⁸⁶ Wright and Roloff, "Silent Treatment."

communication channels between the offenders and their community members, including their close friends and relatives.³⁸⁷

Some other religious communities practice *temporary* ostracism in the form of avoidance. Such a practice is prevalent among Muslims who use ostracism, which they call *hajr*, as a punitive and educative tool for deviant members of their community. Muslims see *hajr* as a process of moral and spiritual education because it involves an inner moral transformation of the offender that ultimately culminates in their *repentance*, which is both the goal of *hajr* and the condition for making an end to it.³⁸⁸ It is the latter case that interests us in this study. In the second part of this section, we will further investigate the practice of ostracism (*hajr*) within the Muslim community by shedding light on an autobiographical account of Ka’ab b. Malik, a companion of Prophet Muhammad, who happened to be ostracized by the Prophet and the Muslim community for fifty days. The story has been reported in detail in *Sahīh Bukhari* and *Sahīh Muslim*, which are the most authentic and most authoritative books of *hadith*. Since the primary mechanism of ostracism is silence and its main motive is punishment, we will also explore the motives and functions of silence as a punitive tool in this autobiographical account³⁸⁹. Before that, we will present a general background of punishment in Islamic law (*fiqh al-‘Uqūbāt*) to contextualize the case under study.

II. PUNISHMENT IN ISLAMIC LAW (*FIQH AL-‘UQŪBĀT*)

1. Punishment in Islamic Law: A General Overview

Islamic law divides violations into two types, namely violations of rights of God (*huqūq Allāh*) and violations of rights of other beings (*huqūq al-‘ibād*). The former category includes, but is not limited to, unlawful sexual intercourse (*zinā*), consuming intoxicants (*shrub al-khamr*), accusing someone of fornication (*qadhf*), some types of theft (*sariqa*), and armed robbery or banditry (*hirāba*).³⁹⁰ Punishments of these crimes

³⁸⁷ James P Choy, “Religion and the Family: The Case of the Amish,” 2016.

³⁸⁸ Suyuti, Jalal al-Din, *Al-Zajr Bi al-Hajr*.

³⁸⁹ Wright and Roloff, “Silent Treatment.”

³⁹⁰ Jonathan Brown, “Stoning and Hand Cutting—Understanding the Hudud and the Shariah in Islam,” Yaqeen Institute for Islamic Research, accessed October 10, 2021, <https://yaqeeninstitute.org/read/paper/stoning-and-hand-cutting-understanding-the-hudud-and-the-shariah-in-islam>.

are called *hudūd*³⁹¹ and are specified by the Qur’ān and the Sunnah. *Hudūd* requirements are almost impossible to meet; they basically aim at deterring the criminal and raising awareness about the gravity of violations of rights of God.³⁹² In addition, implementation of *hudūd* is governed by two interrelated ethical principles: concealment of offenses done in private (*sitr*) and prohibition of seeking out people’s secret faults (*tajassuss*).³⁹³ The first principle is illustrated in the following narrations: Abu Huraira narrated:

A man of the tribe of Aslam came to the Prophet (PBUH) and testified four times against himself that he had had illicit intercourse with a woman, while all the time the Prophet (PBUH) was turning away from him. Then when he confessed a fifth time, he turned round and asked: Did you have intercourse with her? He replied: Yes. He asked: Have you done it so that your sexual organ penetrated hers? He replied: Yes. He asked: Have you done it like a collyrium stick when enclosed in its case and a rope in a well? He replied: Yes. He asked: Do you know what fornication is? He replied: Yes. I have done with her unlawfully what a man may lawfully do with his wife. He then asked: What do you want from what you have said? He said: I want you to purify me. Then he (the Prophet) gave orders regarding him and he was stoned to death. Then the Prophet (PBUH) heard one of his companions saying to another: Look at this man whose fault was concealed by Allah but who would not leave the matter alone, so that he was stoned like a dog. He said nothing to them but walked on for a time till he came to the corpse of an ass with its legs in the air. He asked: Where are so and so? They said: Here we are, Messenger of Allah (PBUH)! He said: Go down and eat some of this ass's corpse. They replied: Messenger of Allah! Who can eat any of this? He said: The dishonor you have just shown to your brother is more serious than eating some of it. By Him in Whose hand my soul is, he is now among the rivers of Paradise and plunging into them.³⁹⁴

Abdullah reported:

A man came to Prophet Muhammad and said: 'I fondled a woman who lives on the edge of the city (Medina), and I did with her what is less than sexual intercourse, and here I am, so judge in my case as you will.' Thereupon ‘Umar said: ‘Allah has concealed your fault; it would have been better if you also had concealed it yourself’. The Prophet did not give him any reply. The man left but the Prophet sent a man after him to call him. He recited to him: 'And perform Salat, at the two ends of the day and in some hours of the night. Verily, the good deeds remove the evil deeds. That is a reminder for the mindful (11:114) until the end of the verse. A man among the people said: 'Is this specific for him?' The Prophet answered: 'No. it is for all of the people’'.³⁹⁵

³⁹¹ *Hudūd* (plural of *hadd*) is an Arabic term that means limits or boundaries.

³⁹² Wael Hallaq, *Sharī’a: Theory, Practice, Transformations*, 1st ed. (Cambridge University Press, 2009).

³⁹³ Brown, “Stoning and Hand Cutting—Understanding the Hudud and the Shariah in Islam.”

³⁹⁴ *Sunan Abi Dawud*, Grade: *Da’if*, English translation: Book 39, *Hadith* 4414. <https://sunnah.com/abudawud:4428>.

³⁹⁵ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 37, *Hadith* 6658. <https://sunnah.com/muslim:2763d>.

These two narrations illustrate the value of the ethical principle of *sitr* and its importance regarding the application of hudūd. In the first hadith, the man came to the Prophet and confessed his sin four times, but the Prophet turned away from him and remained silent. Haven't the man repeated his confession a fifth time, he would not have been punished. This hadith has been used by some Hanafi jurists in the application of hudūd in the case of adultery. The punishment is only applied if the perpetrator confesses four times as was the case in the above-mentioned narration.³⁹⁶ This indicates that offenses made in private are better be concealed. This is confirmed in the statement of Umar b. Al-Khattab in the second hadith.

The second principle that governs the implementation of hudūd is illustrated in the following narrations:

Mu'awiyah narrated:

I heard the Messenger of Allah say: "If you seek out the faults of the people, you will corrupt them, or will nearly corrupt them".³⁹⁷

Abdullah ibn Mas'ud narrated:

Zayd ibn Wahb said: A man was brought to Ibn Mas'ud. He was told: This is so and so, and wine was dropping from his beard. Abdullah thereupon said: We have been prohibited to seek out faults. If anything becomes manifest to us, we shall seize it.³⁹⁸

Johnatan Brown argues that "the central principle in the application of the *hudūd* punishments is maximizing mercy"³⁹⁹. This principle is emphasized by Prophet Muhammad in a hadith where he said: "Ward off the legal punishments (*hudūd*) as much as you can".⁴⁰⁰ Later Muslim jurists used this narration as a basis for deriving the following legal maxim: "ward off the hudūd by ambiguities (*shubuhāt*)".⁴⁰¹

The second category of crimes in Islamic law includes violations of human beings' rights to dignity, to property, to family, and to religion. These rights belong to all human beings regardless of their religious affiliations.⁴⁰² Violations of human rights

³⁹⁶ Brown, "Stoning and Hand Cutting—Understanding the Hudud and the Shariah in Islam."

³⁹⁷ *Sunan Abi Dawud*, Grade: *Sahih*, English translation: Book 42, *Hadith* 4870. <https://sunnah.com/abudawud:4888>.

³⁹⁸ *Sunan Abi Dawud*, Grade: *Sahih al-Isnād*, English translation: Book 42, *Hadith* 4872. <https://sunnah.com/abudawud:4890>.

³⁹⁹ Brown, "Stoning and Hand Cutting—Understanding the Hudud and the Shariah in Islam", 11.

⁴⁰⁰ *Sunan Ibn-Majah*, Grade: *Da'if*, English translation: Book 20, *Hadith* 2545. <https://sunnah.com/ibnmajah:2545>.

⁴⁰¹ Brown, "Stoning and Hand Cutting—Understanding the Hudud and the Shariah in Islam."

⁴⁰² Brown.

are punished according to discretionary punishment set by the judge (*ta'zīr*). Muslim jurists listed discretionary punishments that are appropriate for different sorts of violations, according to their school of law. Although these punishments vary from one school to the other, they are all based on firmly established rules in terms of their aims, types, duration, and conditions of execution. The discretionary power left to the judge or to legal authorities in general consists of choosing the most appropriate type of punishment and specifying its duration.⁴⁰³

2. Types of Discretionary Punishments (*Ta'zīr*) in Islamic Law

Ta'zīr or discretionary punishment is punishment used for offenses whose punishment is not specified by the Qur'ān or the Sunnah or whose punishment is specified by these sources but the conditions for its implementation are not met. One of the main aims of *ta'zīr* punishment is education or discipline (*ta'dīb*). Deciding about the appropriate *ta'zīr* punishment is left to the discretion of the judge who takes into account the context of the offense, the status and states of the offender, and the harm caused by the offense.

Discretionary punishment (*ta'zīr*) has five main elements. The first element is the offense, which is basically a sin (*ma'siyah*), defined broadly as neglecting a religious obligation or committing an unlawful action. A distinction is made between major sins (*kabā-ir*) and minor sins (*saghā-ir*) when deciding about a discretionary punishment.⁴⁰⁴ The second element is punishment, which the judge or other legal authorities decide on based on a set of conditions and guidelines. The third element is the offender or the sinner who must be sane and adult. The fourth element is the victim, who may be an individual or a group, living or dead, a human being or an animal. And the fifth element is the harm or damage, which can be either material or nonmaterial.⁴⁰⁵ Different classifications have been made for discretionary punishments. Some early Muslim jurists classify them as follows: 1) notification (*mujarrad i'lām*), 2) verbal confrontation (*i'lām bil-jalb*), 3) advice, 4) showing a harsh face, 5) leaving the assembly, 6) reprimanding (*tawbīkh*), 7) imprisonment (*habs*), 8) exile (*nafy*),

⁴⁰³ Tuncay Başoğlu, "The Criteria of Ta 'zir," *İslâm Araştırmaları Dergisi*, no. 24 (2010): 79–127.

⁴⁰⁴ Başoğlu.

⁴⁰⁵ Başoğlu.

parading (*tashhīr*), 9) threatening with punishment, 10) dismissal from custody and from civil service, 11) corporal punishment, and 12) monetary penalties.⁴⁰⁶

The judge may choose one or more punishment among these options. Imprisonment or corporal punishments, for instance, maybe accompanied by verbal confrontation or parading. The punishment may also vary according to the status of the offender. For example, if a person who is respected in society commits an offense for the first time, they may be punished with the lightest sanctions such as notification (*i'lām*) or advice (*nasīha*). However, if the person has committed the offense repeatedly, then a heavier type of punishment may be applied.⁴⁰⁷

Punishment also varies according to the reputation of the perpetrator in society. If the latter is a person of good manners, reprimanding (*tawbīkh*) may be considered an appropriate sanction. If he is an ordinary person, imprisonment may be more appropriate. And if the perpetrator is known for repeatedly committing a certain offense, a combination of imprisonment and corporal punishment may be more appropriate as a sanction.⁴⁰⁸

The Hanafī jurist Kāsānī has made a list of which discretionary punishments should be applied to whom. Perpetrators are divided into four groups in this respect. The first group includes notables of notables (*ashrāf al-ashrāf*), who are mainly scholars. The most appropriate discretionary punishment for this category is notification (*i'lām*). The second group includes notables (*ashrāf*). They are people who hold administrative positions or have social power such as village chiefs, tradesmen, and civil authorities. The most appropriate discretionary punishment to be applied to perpetrators belonging to this group is verbal confrontation (*i'lām bil-jalb*) in the presence of the judge. The third group includes ordinary people (*sūqa*). Discretionary punishments to be applied to perpetrators belonging to this group include verbal confrontation in the presence of the judge or imprisonment, depending on the gravity of the offense. The fourth group includes those who have made a habit of committing offenses. Discretionary punishments that are appropriate for offenders belonging to this group vary according

⁴⁰⁶ See İbn Hūmam, *Fethu'l-kadir*, 4/112; Ebu Zehra, *el-Cerîme*, 89, 90; Adem Yıldırım, *Kur'an-Sünnet Işığında Cezanın Amacı* (İstanbul: İstanbul Üniversitesi, Sosyal Bilimler Enstitüsü, Doktora Tezi, 2013), 29. Cited in Abdülkadir Tekin, "İslâm Ceza Hukukunda Tâbî, Tekmîlî ve Ta'zîr Nitelikli Manevî Ceza Türleri," *Amasya İlahiyat Dergisi*, no. 14 (2020): 99–139.

⁴⁰⁷ Tekin.

⁴⁰⁸ Tekin.

to the gravity of the offense committed. They include verbal confrontation, imprisonment, and corporal punishment among others.⁴⁰⁹

Contemporary Muslim jurists developed a slightly different classification of discretionary punishments, which includes 1) corporal punishments, 2) deprivation of liberty, 3) monetary penalties, 4) reprimand and parading, 5) forced labor, and 6) various kinds of deprivation.⁴¹⁰

a. Corporal Punishment

Muslim jurists distinguish between various kinds of corporal punishments and argue that flogging is the only lawful form of corporal punishment in Islamic law. They state that this sanction is suitable for grave crimes like plunder (*ghasb*). There is no consideration for the special circumstances and status of the offender when implementing corporal punishment when it comes to violating rights of human beings. But if the offense involves violation of the rights of God, such as abandoning worship, flogging is considered inappropriate.⁴¹¹

b. Deprivation of Liberty

Deprivation of liberty is another form of discretionary punishments. It encompasses imprisonment, exile, home confinement, and prohibition from entering an area. All these punishments are permissible in Islamic law. Imprisonment is considered a precautionary measure rather than a primary punishment. As for exile, home confinement, and prevention from entering an area, they are used mainly against obscene people, adulterers, and corrupt people. All four punishments are suitable for crimes against state institutions, public welfare and security, and economic security, and issues related to worship. Imprisonment may be conditional, temporary, or permanent. Conditional imprisonment ends with the offender's deterrence and repentance. It is most suitable for crimes related to worship and social welfare and morality. Temporary imprisonment is appropriate for crimes against economic security and public institutions. As for permanent imprisonment, it is most suitable for organized crimes run by terrorist groups or rebel forces. The choice of penalties is conditional on being beneficial and repressive. If exile or home confinement are expected to generate more harm than benefit, then choosing it as a discretionary punishment would be meaningless. The same applies to imprisonment, if prisons are

⁴⁰⁹ Tekin.

⁴¹⁰ Başoğlu, "The Criteria of Ta'zir."

⁴¹¹ Başoğlu.

crowded and their management and conditions are poor, then it is not necessary to choose imprisonment or to prolong its period because it is likely to increase corruption.⁴¹²

c. Monetary penalties

Most early Muslim jurists argue that monetary penalties are only legitimate in a few cases. Financial penalties that are considered permissible in Islamic law include financial deprivation, which is appropriate for offenses against economic security or against the treasury.⁴¹³

d. Reprimand (*tawbīkh*) and Parading (*tash-hīr*)

Reprimand (*tawbīkh*) and parading (*tashhīr*) are two other forms of discretionary punishments. If punishment is directed at the offender, it is referred to as reprimand or admonition (*tawbīkh*). If it is directed at the public to raise awareness about the gravity of the offense, then it is referred to as parading (*tashhīr*). These sanctions are legitimate as long as they are not accompanied with insulting and slandering the offender. They are most appropriate for minor sins that have not been committed repeatedly and for offenses that are likely to be committed by other members of society.⁴¹⁴

e. Forced labor:

Forced labor is another discretionary punishment in Islamic law. Offenders may be forced to work in prison to learn a skill or a profession or to earn a living. This punishment is legitimate as long as the offender's consent is obtained. It is most appropriate for minor crimes against public goods such as violating traffic rules or treating one's children and wife badly without significant harm. The offender may be punished by reading books in the library or by cleaning his cover for a period. Forced labor can be an alternative to imprisonment for a short period of time.⁴¹⁵

f. Various kinds of deprivation

The sixth category of discretionary punishments encompasses a wide range of practices that consist basically of depriving the offender from some benefits. Examples of this punishment include, but are not limited to, dismissal from work, degradation of rank, prohibition from exercising some rights, revocation of testimony in courts, and ostracism (*hajr*)⁴¹⁶. All these punishments are permissible in Islamic law. Dismissal

⁴¹² Başoğlu.

⁴¹³ Başoğlu.

⁴¹⁴ Başoğlu.

⁴¹⁵ Başoğlu.

⁴¹⁶ Başoğlu.

from work is most appropriate for someone who took a bribe or abused the money of the state, or who committed espionage for the benefit of foreigners. Degradation of rank and change of workplace is appropriate for repeated mistreatment of citizens. The prohibition from exercising some rights is appropriate for those who abuse a certain right. Examples of this punishment include taking a driver’s license from someone who repeatedly violates the traffic rules and revoking the license of shops and stores for sellers who cheat customers. Ostracism is most appropriate when it is deemed to deter the wrong doer or prevent the spread of evil in society.⁴¹⁷ The period of deprivation is estimated in accordance with the degree of the offense or dependent upon the offender’s repentance.⁴¹⁸

The above-mentioned classifications show that discretionary punishments can be material such as corporal punishment and monetary penalties, or nonmaterial such as parading and ostracism. The general framework of discretionary punishments is determined by the Qur’ān and the Sunnah, but the type of the punishment, its duration, and other details are left to the discretion of the judge. The latter decides on the most appropriate punishment by considering the gravity of the offense, the status and state of the offender, and the circumstances surrounding the offense among other factors. Punishment is aggravated if the offender is a public figure or a state official and mitigated if the offender is sick, old, or disabled, for instance.⁴¹⁹

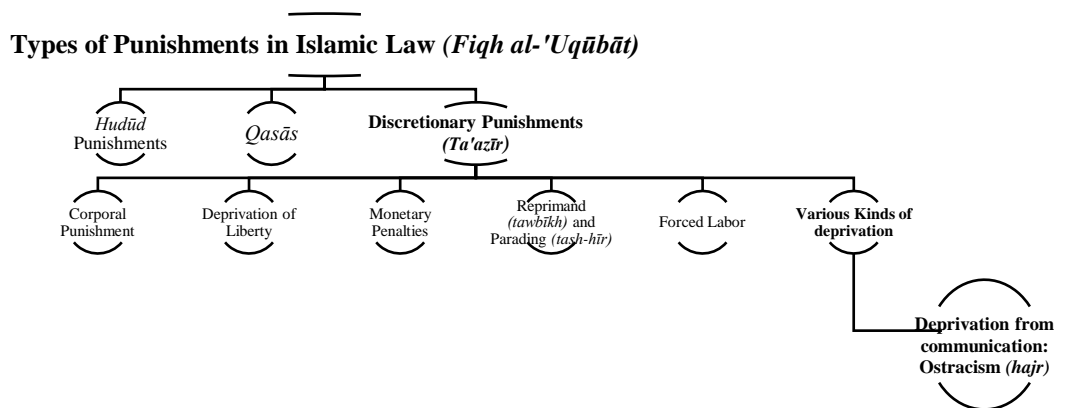


Figure 4.1: Types of Punishments in Islamic Law

⁴¹⁷ Suyuti, Jalal al-Din, *Al-Zajr Bi al-Hajr*.

⁴¹⁸ Başoğlu, “The Criteria of Ta‘zir.”

⁴¹⁹ Tekin, “İslâm Ceza Hukukunda Tâbî, Tekmîlî ve Ta‘zîr Nitelikli Manevî Ceza Türleri.”

In this section, we presented a general overview of punishments in Islamic law and listed some of the main categories of discretionary punishments. The last category listed is referred to as *various types of deprivation* and encompasses a wide range of punishments that consist basically of depriving the offender from some benefits. One of these punishments is ostracism (*hajr*), in which the offender is deprived from social interaction. In the coming section, we will shed light on the uses of ostracism (*hajr*) in Islam and investigate its types, motives, and conditions. This will be followed by an analysis of the uses, motives, and functions of silence, which is the primary mechanism of ostracism, in an autobiographical account of Ka'ab b. Malik who have been ostracized by Prophet Muhammad and the Muslim community for fifty days.

III. PUNISHMENT THROUGH SILENCE IN ISLAMIC LAW: *HAJR*

1. Ostracism (*hajr*) in Islamic Law: A General Overview

Ostracism in Islamic law is called *hajr*. *Hajr* is an Arabic word derived from the verb *hajara*, which literally means abandoned or left. In Islamic law, it is used to mean physically abandoning, ceasing to talk to, or withdrawing emotions from someone.⁴²⁰ There are two levels of ostracism in Islamic law, external and internal. External ostracism (*hajr khārijī*) refers to cutting all channels of interpersonal communication with the offender until they regret their fault and repent. As for internal ostracism (*hajr dākhlī*), the offender is neither abandoned nor treated harshly but deprived from all feelings of love and compassion.

External ostracism⁴²¹ is permissible when it is expected to deter the offender and help them correct their behavior and it is not permissible when it is expected to generate more harm than benefit. For this reason, Prophet Muhammad used different corrective methods with different people. When ostracism is deemed to deter the offender or prevent the spread of evil, he used it to punish offenders and educate them. When the offense is not grave or ostracism is not expected to be effective, the Prophet used other

⁴²⁰ Ali bin Naif Shahud, *Al-Khulāsah Fī Ahkām Hajr al-Muslim*, 1st ed. (Malaysia: Dar al-Ma'mur, 2009).

⁴²¹ We will use ostracism and external ostracism interchangeably throughout the chapter.

sanctions. Internal ostracism is used mainly with infidels, hypocrites, apostates, and people whose evil outweighs their good.⁴²²

Ostracism in Islam is motivated by fear of temptation (*khawf al-iftitān*) or used as treatment (*dawā*) or punishment (*ta'zīr*). When its motive is fear of temptation, it is referred to as *preventive ostracism* (*hajr wiqā'ī*). Preventive ostracism consists of avoiding communication with the offender in order to prevent the spread of heresy. Q 6:68 states:

And when you come across those who ridicule Our revelations, do not sit with them unless they engage in a different topic. Should Satan make you forget, then once you remember, do not 'continue to' sit with the wrongdoing people.⁴²³

This form of ostracism should not be accompanied with any harm, and it is not necessary for the ostracizer to notify the ostracized about its reasons.⁴²⁴

When the motive of ostracism is treatment or punishment, it is referred to as *positive ostracism* (*hajr ijābī*). Positive ostracism consists of cutting all channels of communication with the offender until they regret their fault and repent. This form of ostracism should be performed by someone who has authority over the offender. This authority can be material such as the judge's or non-material such as the teacher's authority over his pupils. In addition, the ostracized should be notified about the reasons of ostracism. The motive of ostracism is treatment when it is caused by persisting faults or offenses and its motive is punishment when it is caused by transient faults.⁴²⁵ It is recommended that one should first kindly give advice to the offender hoping that they acknowledge their mistake and repent. If they do, there is no need for ostracism. If they refuse to correct their wrongdoing and persist in doing it, one may abandon the person until they repent.

Positive ostracism is further divided into two subcategories: ostracism for personal matters (*al-hajr li hadh al-nafs*) and ostracism for religious matters (*al-hajr al-shar'ī*).⁴²⁶ Ostracism for personal matters is prohibited by Islamic law if it exceeds three days as stated in the following hadith:

Abu Ayyub Al-Ansari reported:

⁴²² Shahud, *Al-Khulāsah Fī Ahkām Hajr al-Muslim*.

⁴²³ Qur'an 6: 68.

⁴²⁴ Shahud, *Al-Khulāsah Fī Ahkām Hajr al-Muslim*.

⁴²⁵ Shahud.

⁴²⁶ Suyuti, Jalal al-Din, *Al-Zajr Bi al-Hajr*.

The Messenger of Allah said: It is not lawful for a Muslim to stop talking to his brother beyond three nights, the one turning one way and the other turning to the other way when they meet, the better of the two is one who is the first to greet the other.⁴²⁷

The prohibition of ostracizing one's fellow brother beyond three days in the above-mentioned hadith applies to situations where ostracism is caused by anger regarding a personal matter. Such feeling, however, should not turn into hatred. Hence, one must not forsake his fellow brother more than three days unless speaking to such a person is expected to cause harm.⁴²⁸

As for ostracism for religious matters, it is lawful and even recommended by Islamic law in some situations. Ostracizing someone for a religious reason, such as his committing a sin or an immoral act, is allowed and even recommended by Islamic law in particular circumstances as illustrated in the following hadith:

ʿAbdullah bin Maghaffal narrated that he saw a man throwing stones with two fingers (at something) and said to him:

Do not throw stones, for Allah's Messenger has forbidden throwing stones, or he used to dislike it. ʿAbdullah added: Throwing stones will neither hunt the game, nor kill (or hurt) an enemy, but it may break a tooth or gouge out an eye. Afterwards ʿAbdullah once again saw the man throwing stones. He said to him, I tell you that Allah's Messenger has forbidden or disliked the throwing the stones (in such a way), yet you are throwing stones! I shall not talk to you for such-and-such a period.⁴²⁹

Prophet Muhammad used this form of ostracism to deter offenders and educate them. Ostracizing a person in this case should continue until the offender repents. However, in situations where ostracism for religious matters is expected to cause more harm than benefit, it is better to avoid it.

⁴²⁷ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 32, *Hadith* 6210. <https://sunnah.com/muslim:2560a>.

⁴²⁸ Lashin, Musa Shahin, *Fath Al-Mun'im Sharh Sahih Muslim*.

⁴²⁹ *Sahih Bukhari* , Grade: *Sahih* , English translation: Book 67, *Hadith* 388. <https://sunnah.com/bukhari:5479>.

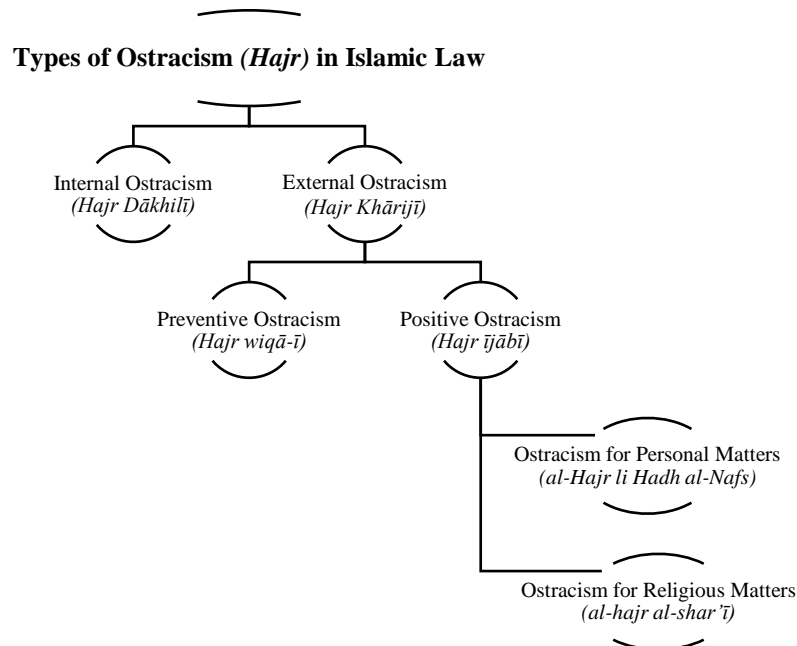


Figure 4.2: Types of Ostracism (*Hajr*) in Islamic Law

There is no consensus among Muslim jurists regarding what ends ostracism. Some argue that it ends with greeting. Proponents of this view include the majority of Maliki, Shafi and Hanafi jurists. They support their view with the previously mentioned hadith reported by Abu Ayyub Al-Ansari, which runs as follows:

The Messenger of Allah said: It is not lawful for a Muslim to stop talking to his brother beyond three nights, the one turning one way and the other turning to the other way when they meet, the better of the two is one who is the first to greet the other.⁴³⁰

Others argue that greeting does not put an end to ostracism. This view is held mainly by Hanbali jurists. According to this view, ostracism ends when the relationship between the ostracizer and the ostracized goes back to normal and communication between the two takes place.⁴³¹

There is also diversity of opinion among Muslim jurists regarding the legal ruling of ostracizing someone who commits an offense in public.

The first opinion holds that ostracizing the offender who commits an offense in public is always recommended (*mustahabb*). The second view holds that it is always compulsory (*wājib*). According to a third view, it is compulsory (*wājib*) until the offender repents, but the ostracized should be greeted after three days. A fourth view holds that it is compulsory (*wājib*) if it is expected to deter the offender, otherwise it

⁴³⁰ Muslim, “Al-Birr wal-Silah wal-Ādāb”, 2560.

⁴³¹ Shahud, *Al-Khulāsah Fī Ahkām Hajr al-Muslim*.

is recommended (*mustahabb*). According to a fifth view, it is compulsory (*wājib*) on those who might be negatively affected by socializing with the offender.

A sixth view holds that it is compulsory (*wājib*) under two conditions: First, when the punisher is not able or capable of applying other forms of discretionary punishments. Second, when the punisher is not able or capable to give advice to the offender because of the latter's status or character or when they are able to do so but the offender does not benefit from the advice for lack of intelligence or other reasons. However, if the punisher can use other forms of discretionary punishments or believes that advice would deter the offender, ostracism becomes unlawful. A seventh view holds that ostracizing the offender who commit an offense in public is a communal obligation (*fard al-kifāyah*)⁴³². As for the legal ruling of ostracizing the offender who commits an offense in private, some jurists argue that he should be ostracized by the person who learns about their offense; and some others state that they should not be ostracized at all. Others argue that they should be ostracized with the heart first (internal ostracism), but if they persist in committing the same offense they should be ostracized with the tongue (external ostracism).⁴³³

2. Ostracism (*hajr*) in Practice: A Case Study

Prophet Muhammad used different educative methods with different people. One of these methods is ostracism (*hajr*). The Prophet used *hajr* as a corrective measure to educate and deter norm violators or to raise awareness about the gravity of the offense and thus prevent other members of the Muslim community from doing it. This is illustrated in the following autobiographical account narrated by Ka'ab b. Malik, who have been ostracized by Prophet Muhammad and the Muslim community for fifty days.

قَالَ كَعْبُ بْنُ مَالِكٍ : لَمْ أَتَخَلَّفْ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي غَزْوَةٍ غَزَاهَا قَطُّ ، إِلَّا فِي غَزْوَةِ تَبُوكَ ، غَيْرَ أَنِّي قَدُ تَخَلَّفْتُ فِي غَزْوَةِ بَدْرٍ وَلَمْ يُعَانِبْ أَحَدًا تَخَلَّفَ عَنْهُ ، إِنَّمَا خَرَجَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْمُسْلِمُونَ يُرِيدُونَ عِيرَ قُرَيْشٍ ، حَتَّى جَمَعَ اللَّهُ بَيْنَهُمْ وَبَيْنَ عَدُوِّهِمْ ، عَلَى غَيْرِ مِيعَادٍ ، وَلَقَدْ شَهِدْتُ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَيْلَةَ الْعَقَبَةِ ، حِينَ تَوَاتَقْنَا عَلَى الْإِسْلَامِ ، وَمَا أُجِبُ أَنْ لِي بِهَا مَشْهَدَ بَدْرٍ ، وَإِنْ كَانَتْ بَدْرٌ أَدْرَكَ فِي النَّاسِ مِنْهَا ، وَكَانَ مِنْ خَبْرِي ، حِينَ تَخَلَّفْتُ

⁴³² In juxtaposition to *fard al-'ayn*, *fard al-kifāyah* is a legal obligation that must be discharged by the Muslim community as a whole, such as military struggle; if enough members in the Muslim community discharge the obligation, the remaining Muslims are freed from the responsibility before God. However, if a communal obligation is not sufficiently discharged, then every individual Muslim must act to address the deficiency. See <http://www.oxfordislamicstudies.com/article/opr/t125/e625>

⁴³³ Shahud, *Al-Khulāsah Fī Ahkām Hajr al-Muslim*.

عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي غَزْوَةِ تَبُوكَ أَنِّي لَمْ أَكُنْ قَطُّ أَقْوَى وَلَا أَيْسَرَ مِنِّي حِينَ تَخَلَّفْتَ عَنْهُ فِي تِلْكَ الْغَزْوَةِ ، وَاللَّهِ مَا جَمَعْتُ قَبْلَهَا رَجُلَيْنِ قَطُّ ، حَتَّى جَمَعْتُهُمَا فِي تِلْكَ الْغَزْوَةِ ، فَعَزَّاهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي حَرِّ شَدِيدٍ وَاسْتَقْبَلَ سَفَرًا بَعِيدًا وَمَقَارًا ، وَاسْتَقْبَلَ عَدُوًّا كَثِيرًا ، فَجَلَّ لِلْمُسْلِمِينَ أَمْرُهُمْ لِيَتَأَهَّبُوا أَهْبَةً غَزَوْهُمْ ، فَأَخْبَرَ هُمْ بِوَجْهِهِ الَّذِي يُرِيدُ ، وَالْمُسْلِمُونَ مَعَ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَثِيرٌ ، وَلَا يَجْمَعُهُمْ كِتَابٌ حَافِظٌ - يُرِيدُ بِذَلِكَ الدِّيَّانَ - قَالَ كَعْبٌ : فَقَالَ رَجُلٌ يُرِيدُ أَنْ يَتَعَبَّ ، يَظُنُّ أَنَّ ذَلِكَ سَيَخْفَى لَهُ ، مَا لَمْ يَنْزِلْ فِيهِ وَحْيٌ مِنَ اللَّهِ عَزَّ وَجَلَّ ، وَعَزَّاهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ تِلْكَ الْغَزْوَةَ حِينَ طَابَتِ الثَّمَارُ وَالظَّلَالُ ، فَأَنَا إِلَيْهَا أَصْعُرُ ، فَتَجَهَّزَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَالْمُسْلِمُونَ مَعَهُ ، وَطَفَعْتُ أَغْدُو لِكَيْ أَتَجَهَّزَ مَعَهُمْ ، فَأَرْجِعُ وَلَمْ أَقْضِ شَيْئًا ، وَأَقُولُ فِي نَفْسِي : أَنَا قَادِرٌ عَلَى ذَلِكَ ، إِذَا أَرَدْتُ ، فَلَمْ يَزَلْ ذَلِكَ يَتِمَّادِي بِي حَتَّى اسْتَمَرَّ بِالنَّاسِ الْجِدُّ ، فَأَصْبَحَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ غَادِيًا وَالْمُسْلِمُونَ مَعَهُ ، وَلَمْ أَقْضِ مِنْ جِهَازِي شَيْئًا ، ثُمَّ عَدَوْتُ فَرَجَعْتُ وَلَمْ أَقْضِ شَيْئًا ، فَلَمْ يَزَلْ ذَلِكَ يَتِمَّادِي بِي حَتَّى أَسْرَعُوا وَتَقَارَطَ الْعَرُؤُ ، فَهَمَمْتُ أَنْ أُرْتَجِلَ قَادِرِكُهُمْ ، فَيَا لَيْتَنِي فَعَلْتُ ، ثُمَّ لَمْ يَقْدِرْ ذَلِكَ لِي ، فَطَفَعْتُ ، إِذَا حَرَجْتُ فِي النَّاسِ ، بَعْدَ خُرُوجِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، بِحَرْنِي أَنِّي لَا أَرَى لِي أَسْوَدَ إِلَّا رَجُلًا مَغْمُوصًا عَلَيْهِ فِي النِّفَاقِ ، أَوْ رَجُلًا مِمَّنْ عَدَرَ اللَّهُ مِنَ الضُّعَفَاءِ ، وَلَمْ يَذْكُرْنِي رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حَتَّى بَلَغَ تَبُوكَ فَقَالَ : وَهُوَ جَالِسٌ فِي الْقَوْمِ بِتَبُوكَ مَا فَعَلَ كَعْبُ بْنُ مَالِكٍ ؟ قَالَ رَجُلٌ مِنْ بَنِي سَلَمَةَ يَا رَسُولَ اللَّهِ حَبَسَهُ بُرْدَاهُ وَالنَّظْرُ فِي عَطْفِيهِ ، فَقَالَ لَهُ مُعَاذُ بْنُ جَبَلٍ : بَشَسَ مَا قُلْتَ ، وَاللَّهِ يَا رَسُولَ اللَّهِ مَا عَلِمْنَا عَلَيْهِ إِلَّا خَيْرًا ، فَسَكَتَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَتَبَيَّنَا هُوَ عَلَى ذَلِكَ رَأَى رَجُلًا مُبَيِّنًا يَزُولُ بِهِ السَّرَابُ فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : كُنْ أَبَا حَيْثِمَةَ فَإِذَا هُوَ أَبُو حَيْثِمَةَ الْأَنْصَارِيُّ ، وَهُوَ الَّذِي تَصَدَّقَ بِصَاعِ التَّمْرِ حِينَ لَمَزَهُ الْمُتَأَفِّفُونَ ، فَقَالَ كَعْبُ بْنُ مَالِكٍ : فَلَمَّا بَلَغَنِي أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَدْ تَوَجَّهَ قَائِلًا مِنْ تَبُوكَ ، حَضَرَنِي بَنِي ، فَطَفَعْتُ أَنْذَكُرُ الْكُذِبَ وَأَقُولُ : بِمِ أُخْرَجُ مِنْ سَخَطِهِ عَدَا ؟ وَأَسْتَعِينُ عَلَى ذَلِكَ كُلِّ ذِي رَأْيٍ مِنْ أَهْلِي ، فَلَمَّا قِيلَ لِي : إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَدْ أَظَلَّ قَادِمًا ، زَاخَ عَنِّي الْبَاطِلُ ، حَتَّى عَرَفْتُ أَنِّي لَنْ أَنْجُو مِنْهُ بِشَيْءٍ أَبَدًا ، فَأَجْمَعْتُ صِدْقَهُ ، وَصَبَّحَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَادِمًا ، وَكَانَ إِذَا قَدِمَ مِنْ سَفَرٍ ، بَدَأَ بِالْمَسْجِدِ فَرَكِعَ فِيهِ رَكَعَتَيْنِ ، ثُمَّ جَلَسَ لِلنَّاسِ ، فَلَمَّا فَعَلَ ذَلِكَ جَاءَهُ الْمُخَلَّفُونَ ، فَطَفَعُوا يَعْتَدِرُونَ إِلَيْهِ ، وَيُخْلِفُونَ لَهُ ، وَكَلُوا بِضَعَةَ وَثَمَانِينَ رَجُلًا ، فَقَبِلَ مِنْهُمْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَانِيَتَهُمْ ، وَبَايَعَهُمْ وَاسْتَعْفَرَ لَهُمْ ، وَوَكَّلَ سَرَايِرَهُمْ إِلَى اللَّهِ ، حَتَّى جِئْتُ ، فَلَمَّا سَلَّمْتُ تَبَسَّمَ تَبَسُّمَ الْمُغْضَبِ ، ثُمَّ قَالَ : تَعَالَ فَجِئْتُ أُمْسِي حَتَّى جَلَسْتُ بَيْنَ يَدَيْهِ ، فَقَالَ لِي : مَا خَلَقَ ؟ أَلَمْ تَكُنْ قَدْ ابْتِغَيْتَ ظَهْرَكَ ؟ قَالَ : قُلْتُ : يَا رَسُولَ اللَّهِ إِنِّي ، وَاللَّهِ لَوْ جَلَسْتُ عِنْدَ غَيْرِكَ مِنْ أَهْلِ الدُّنْيَا ، لَرَأَيْتُ أَنِّي سَاخِرُجٌ مِنْ سَخَطِهِ بِغَدْرٍ ، وَلَقَدْ أُعْطِيتُ جَدَلًا ، وَلَكِنِّي وَاللَّهِ لَقَدْ عَلِمْتُ ، لَئِنْ حَدَّثْتُكَ الْيَوْمَ حَدِيثَ كَذِبٍ تَرْضَى بِهِ عَنِّي لِيُوشِكَنَّ اللَّهُ أَنْ يُسَخِّطَكَ عَلَيَّ وَلَئِنْ حَدَّثْتُكَ حَدِيثَ صِدْقٍ تَجِدُ عَلَيَّ فِيهِ ، إِنِّي لِأَرْجُو فِيهِ عَفْوِي مِنَ اللَّهِ ، وَاللَّهِ مَا كَانَ لِي عُدْرٌ ، وَاللَّهِ مَا كُنْتُ قَطُّ أَقْوَى وَلَا أَيْسَرَ مِنِّي حِينَ تَخَلَّفْتَ عَنْكَ ، قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : أَمَا هَذَا ، فَقَدْ صَدَّقَ ، فَقَمَّ حَتَّى يَفْضِي اللَّهُ فِيكَ فَفَمَّمْتُ ، وَتَارَ رَجَالٌ مِنْ بَنِي سَلَمَةَ فَاتَّبَعُونِي ، فَقَالُوا لِي : وَاللَّهِ مَا عَلِمْنَاكَ أَدْبَنْتَ دُنْبًا قَبْلَ هَذَا ، لَقَدْ عَجَزْتَ فِي أَنْ لَا تَكُونَ اعْتَدَرْتَ إِلَيَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، بِمَا اعْتَدَرَ بِهِ إِلَيْهِ الْمُخَلَّفُونَ ، فَقَدْ كَانَ كَافِيكَ دُنْبِكَ ، اسْتَغْفَرَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَكَ ، قَالَ : فَوَاللَّهِ مَا زَالُوا يُؤَيَّبُونِي حَتَّى أَرَدْتُ أَنْ أَرْجِعَ إِلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَأَكْذَبَ نَفْسِي ، قَالَ ثُمَّ قُلْتُ لَهُمْ : هَلْ لَقِيْتُمْ هَذَا مَعِي مِنْ أَحَدٍ ؟ قَالُوا : نَعَمْ ، لَقِيْتَهُ مَعَكُمْ رَجُلَانِ ، قَالَا مِثْلَ مَا قُلْتُ ، فَقِيلَ لَهُمَا مِثْلَ مَا قِيلَ لَكَ ، قَالَ قُلْتُ : مَنْ هُمَا ؟ قَالُوا : مُرَارَةُ بْنُ الرَّبِيعَةَ الْعَامِرِيُّ وَهَلَالُ بْنُ أُمَيَّةَ الْوَأَقِفِيُّ ، قَالَ : فَذَكَرُوا لِي رَجُلَيْنِ صَالِحَيْنِ قَدْ شَهِدَا بَدْرًا ، فِيهِمَا أَسْوَدٌ ، قَالَ : فَمَضَيْتُ حِينَ ذَكَرُوهُمَا لِي ، قَالَ وَنَهَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ الْمُسْلِمِينَ عَنْ كَلَامِنَا ، أَيُّهَا التَّلَاثَةُ ، مِنْ بَيْنِ مَنْ تَخَلَّفَ عَنْهُ ، قَالَ : فَاجْتَنَبْنَا النَّاسَ ، وَقَالَ : تَعَيَّرُوا لَنَا حَتَّى تَنَكَّرْتُ لِي فِي نَفْسِي الْأَرْضِ ، فَمَا هِيَ بِالْأَرْضِ الَّتِي أَعْرَفُ ، فَلَبِثْنَا عَلَى ذَلِكَ خَمْسِينَ لَيْلَةً ، فَأَمَّا صَاحِبَايَ فَاسْتَنَكَنَا وَقَعَدَا فِي بَيْتَيْهِمَا بِيَكْيَانَ ، وَأَمَّا أَنَا فَكُنْتُ أَتَسَبَّ الْقَوْمَ وَأَجْلِدُهُمْ ، فَكُنْتُ أُخْرَجُ فَأَشْهَدُ الصَّلَاةَ وَأَطُوفُ فِي الْأَسْوَاقِ وَلَا يَكْلُمُنِي أَحَدٌ ، وَاتَى رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَأَسَلَّمَ عَلَيْهِ ، وَهُوَ فِي مَجْلِسِهِ بَعْدَ الصَّلَاةِ ، فَأَقُولُ فِي نَفْسِي : هَلْ حَرَكَ شَعْبَتِيهِ بَرْدَ السَّلَامِ ، أَمْ لَا ؟ ثُمَّ أَصَلِّيَ قَرِيبًا مِنْهُ وَأَسَارَفَهُ النَّظْرَ ، فَإِذَا أَقْبَلْتُ عَلَى صَلَاتِي نَظَرَ إِلَيَّ وَإِذَا التَّفْتُ نَحْوَهُ أَعْرَضَ عَنِّي ، حَتَّى إِذَا طَالَ ذَلِكَ عَلَيَّ مِنْ جَفْوَةِ الْمُسْلِمِينَ ، مَشَيْتُ حَتَّى تَسَوَّرْتُ جِدَارَ حَائِطِ أَبِي قَتَادَةَ ، وَهُوَ ابْنُ عَمِّي ، وَأَحَبُّ النَّاسِ إِلَيَّ ، فَسَلَّمْتُ عَلَيْهِ ، فَوَاللَّهِ مَا رَدَّ عَلَيَّ السَّلَامَ . فَقُلْتُ لَهُ : يَا أَبَا قَتَادَةَ أَنْشُدْكَ بِاللَّهِ هَلْ تَعْلَمُنَّ أَنِّي أَحَبُّ إِلَيْكَ وَاللَّهِ وَرَسُولُهُ ؟ قَالَ : فَسَكَتَ ، فَعَدْتُ فَنَاسِدْتُهُ ، فَقَالَ : اللَّهُ وَرَسُولُهُ أَعْلَمُ ، فَفَاضَتْ عَيْنَايَ ، وَتَوَلَّيْتُ ، حَتَّى تَسَوَّرْتُ الْجِدَارَ ، فَبَيْنَا أَنَا أُمْسِي فِي سُوقِ الْمَدِينَةِ ، إِذَا نَبْطِي مِنْ نَبْطِ أَهْلِ الشَّامِ ، مِمَّنْ قَدِمَ بِالطَّعَامِ يَبِيعُهُ بِالْمَدِينَةِ ، يَقُولُ : مَنْ يَدُلُّ عَلَى كَعْبِ بْنِ مَالِكٍ ، قَالَ : فَطَفِقَ النَّاسُ يُسِيرُونَ لَهُ إِلَيَّ ، حَتَّى جَاءَنِي فَدَفَعَ إِلَيَّ كِتَابًا مِنْ مَلِكِ عَسَانَ ، وَكُنْتُ كَاتِبًا ، فَقَرَأْتُهُ فَإِذَا فِيهِ : أَمَا بَعْدُ ، فَإِنَّهُ قَدْ بَلَغَنَا أَنَّ صَاحِبَكَ قَدْ جَفَاكَ ، وَلَمْ يَجْعَلْكَ اللَّهُ بِدَارَ هَوَانٍ وَلَا مَضْبِعَةٍ ، فَالْحَقُّ بِنَا نُوَاسِكَ ، قَالَ فَقُلْتُ : حِينَ قَرَأْتَهَا وَهَذِهِ أَيْضًا مِنَ الْبَلَاءِ فَتَبَايَعْتُهَا بِهَا النَّشُورَ فَسَجَرْتُهَا بِهَا ، حَتَّى إِذَا مَضَتْ أَرْبَعُونَ مِنَ الْخَمْسِينَ ، وَاسْتَلْبِثْتُ الْوَحْيَ ، إِذَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَلَيَّ وَسَلَّمَ يَأْتِينِي ، فَقَالَ : إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَأْمُرُكَ أَنْ تَعْتَزَلَ أَمْرَ أُمَّتِكَ ، قَالَ : فَقُلْتُ : أَطَلُّهَا أَمْ مَاذَا أَفْعَلُ ؟ قَالَ : لَا ، بَلِ اغْتَزَلْهَا ، فَلَا تَقْرَبْنَهَا ، قَالَ : فَأَرْسَلْتُ إِلَيَّ صَاحِبِي بِمِثْلِ ذَلِكَ ، قَالَ : فَقُلْتُ لِامْرَأَتِي : الْخَبَى بِأَهْلِكَ فَكُونِي عِنْدَهُمْ حَتَّى يَفْضِي اللَّهُ فِي هَذَا الْأَمْرِ ، قَالَ : فَجَاءَتْ امْرَأَةُ هَلَالِ بْنِ أُمَيَّةَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَقَالَتْ لَهُ : يَا رَسُولَ اللَّهِ إِنَّ هَلَالِ بْنَ أُمَيَّةَ شَيْخٌ صَانِعٌ لَيْسَ لَهُ خَادِمٌ ، فَيَلُ تَكَرُّهُ أَنْ أُخْدَمَهُ ؟ قَالَ : لَا ، وَلَكِنْ لَا يَقْرَبَنَّكَ فَقَالَتْ : إِنَّهُ ، وَاللَّهِ مَا بِهِ حَرَكَةٌ إِلَى شَيْءٍ ، وَوَاللَّهِ مَا زَالَ يَبْكِي مُنْذُ كَانَ مِنْ أَمْرِهِ مَا كَانَ ، إِلَى يَوْمِهِ هَذَا ، قَالَ : فَقَالَ لِي بَعْضُ أَهْلِي : لَوْ اسْتَأْذَنْتَ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي أَمْرِكَ ؟ فَقَدْ أَزِنَ لَامْرَأَةَ هَلَالِ بْنِ أُمَيَّةَ أَنْ تَخْدُمَهُ ، قَالَ : فَقُلْتُ : لَا اسْتَأْذَنْتُهُ فِيهَا ، وَأَنَا رَجُلٌ شَابٌّ ، قَالَ : فَلَبِثْتُ بِذَلِكَ عَشْرَ لَيَالٍ ، فَكَمَلْتُ لَنَا خَمْسُونَ لَيْلَةً مِنْ حِينَ نَهَيْتُ عَنْ كَلَامِنَا ، قَالَ ثُمَّ صَلَّيْتُ صَلَاةَ الْفَجْرِ صَبَاحَ خَمْسِينَ

لَيْلَةً ، عَلَى ظَهْرِ بَيْتٍ مِنْ بُيُوتِنَا فَبَيْنَمَا أَنَا جَالِسٌ عَلَى الْحَالِ الَّتِي ذَكَرَ اللَّهُ عَزَّ وَجَلَّ مِنَّا ، فَدُضِئَتْ عَلَيَّ نَفْسِي وَضَافَتْ عَلَيَّ الْأَرْضُ بِمَا رَحِبَتْ ، سَمِعْتُ صَوْتَ صَارِخٍ أَوْفَى عَلَيَّ سَلْعٌ يَقُولُ بِأَعْلَى صَوْتِهِ : يَا كَعْبُ بْنُ مَالِكٍ أَتَيْتُ ، قَالَ : فَخَرَرْتُ سَاجِدًا وَعَزَفْتُ أَنْ قَدْ جَاءَ فَرَجٌ ، قَالَ : فَأَذِنَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ النَّاسَ بِتُوبَةِ اللَّهِ عَلَيْنَا ، حِينَ صَلَّى صَلَاةَ الْفَجْرِ ، فَذَهَبَ النَّاسُ يَبْتَئِرُونَ ، فَذَهَبَ قَبِيلُ صَاحِبِي مُبْتَئِرُونَ ، وَرَكَضَ رَجُلٌ إِلَيَّ فَرَسًا ، وَسَعَى سَاعَ مِنْ أَسْلَمَ قَبيلي ، وَأَوْفَى الْجَبَلَ ، فَكَانَ الصَّوْتُ أَسْرَعَ مِنَ الْفَرَسِ ، فَلَمَّا جَاءَنِي الَّذِي سَمِعْتُ صَوْتَهُ يَبْتَئِرُنِي ، فَتَزَعْتُ لَهُ تُوبَةَ فَكَسَوْنَاهُمَا إِيَّاهُ بِيَسَارَتِهِ ، وَاللَّهُ مَا أَمْلِكُ غَيْرَهُمَا يَوْمَئِذٍ ، وَاسْتَعْرَضْتُ تُوْبَيْنَ فَلَيْسَتْهُمَا ، فَأَنْطَلَقْتُ أَتَأَمُّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، يَتَلَقَانِي النَّاسُ فَوْجًا فَوْجًا ، يَهْتَبُونِي بِالتُّوبَةِ وَيَقُولُونَ : لِيَهْتَبِكَ تُوْبَةُ اللَّهِ عَلَيْكَ حَتَّى دَخَلْتَ الْمَسْجِدَ ، فَإِذَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ جَالِسٌ فِي الْمَسْجِدِ وَحَوْلَهُ النَّاسُ ، فَقَامَ طَلْحَةُ بْنُ عُبَيْدِ اللَّهِ يَهْرُولُ حَتَّى صَافَحَنِي وَهَنَانِي ، وَاللَّهُ مَا قَامَ رَجُلٌ مِنَ الْمُهَاجِرِينَ غَيْرُهُ ، قَالَ فَكَانَ كَعْبٌ لَا يَسَاهاَ لِطَلْحَةَ . قَالَ كَعْبٌ : فَلَمَّا سَلَّمْتُ عَلَى رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ : وَهُوَ يَبْرُقُ وَجْهَهُ مِنَ السُّرُورِ وَيَقُولُ : أَتَيْتُ بِخَيْرٍ يَوْمَ مَرَّ عَلَيْكَ مُنْذُ وَلَدْتِكَ أَمْكَ قَالَ فَقُلْتُ : أَمِنْ عِنْدِكَ ؟ يَا رَسُولَ اللَّهِ أَمْ مِنْ عِنْدِ اللَّهِ فَقَالَ : لَا ، بَلْ مِنْ عِنْدِ اللَّهِ وَكَانَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، إِذَا سُرَّ اسْتَنَارَ وَجْهَهُ ، كَأَنَّ وَجْهَهُ قِطْعَةُ قَمَرٍ ، قَالَ : وَكُنَّا نَعْرِفُ ذَلِكَ ، قَالَ : فَلَمَّا جَلَسْتُ بَيْنَ يَدَيْهِ قُلْتُ : يَا رَسُولَ اللَّهِ إِنْ مِنْ تُوْبَتِي أَنْ أَنْخَلِعَ مِنْ مَالِي صَدَقَةً إِلَى اللَّهِ وَإِلَى رَسُولِهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، فَقَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ : أَمْسِكْ بَعْضَ مَالِكَ ، فَهُوَ خَيْرٌ لَكَ قَالَ : فَقُلْتُ : فَإِنِّي أَمْسِكُ سَهْمِي الَّذِي بِخَيْرٍ ، قَالَ : وَقُلْتُ : يَا رَسُولَ اللَّهِ إِنْ اللَّهُ إِنَّمَا أَنْجَانِي بِالصَّدَقِ ، وَإِنْ مِنْ تُوْبَتِي أَنْ لَا أُحَدِّثَ إِلَّا صِدْقًا مَا يَقْبِئُ ، قَالَ : فَوَاللَّهِ مَا عَلِمْتُ أَنْ أَحَدًا مِنَ الْمُسْلِمِينَ أَبْلَاهُ اللَّهُ فِي صِدْقِ الْحَدِيثِ ، مُنْذُ ذَكَرْتُ ذَلِكَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِلَى يَوْمِي هَذَا ، أَحْسَنَ مِمَّا أَبْلَانِي اللَّهُ بِهِ ، وَاللَّهُ مَا تَعَمَّدْتُ كَذِبَةً مُنْذُ قُلْتُ ذَلِكَ لِرَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، إِلَى يَوْمِي هَذَا ، وَإِنِّي لَأَرْجُو أَنْ يَحْفَظَنِي اللَّهُ فِيمَا بَقِيَ ، قَالَ : فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ : { لَقَدْ تَابَ اللَّهُ عَلَى النَّبِيِّ وَالْمُهَاجِرِينَ وَالْأَنْصَارِ الَّذِينَ اتَّبَعُوهُ فِي سَاعَةِ الْعُسْرَةِ مِنْ بَعْدِ مَا كَادَ يَزِيغُ قُلُوبَ فَرِيقٍ مِنْهُمْ ثُمَّ تَابَ عَلَيْهِمْ ، إِنَّهُ بِهِمْ رَءُوفٌ رَحِيمٌ ، وَعَلَى الثَّلَاثَةِ الَّذِينَ خَلَفُوا حَتَّى إِذَا ضَافَتْ عَلَيْهِمُ الْأَرْضُ بِمَا رَحُبَتْ وَضَافَتْ عَلَيْهِمْ أَنْفُسُهُمْ } حَتَّى بَلَغَ : { يَا أَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللَّهَ وَكُونُوا مَعَ الصَّادِقِينَ } ، قَالَ كَعْبٌ : وَاللَّهِ مَا أَنْعَمَ اللَّهُ عَلَيَّ مِنْ نِعْمَةٍ قَطْ ، بَعْدَ إِذْ هَدَانِي اللَّهُ لِلْإِسْلَامِ ، أَعْظَمَ فِي نَفْسِي ، مِنْ صِدْقِي رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ ، أَنْ لَا أَكُونَ كَذِبِيهِ فَأَهْلِكَ كَمَا هَلَكَ الَّذِينَ كَذَّبُوا ، إِنْ اللَّهُ قَالَ لِلَّذِينَ كَذَّبُوا ، حِينَ أَنْزَلَ الْوَحْيَ ، شَرًّا مَا قَالَ لِأَحَدٍ . وَقَالَ اللَّهُ : { سَيَخْلِفُونَ بِاللَّهِ لَكُمْ إِذَا انْقَلَبْتُمْ إِلَيْهِمْ لِيُعْرَضُوا عَنْهُمْ ، فَأَعْرَضُوا عَنْهُمْ ، إِنَّهُمْ رَجِسٌ ، وَمَا وَاهُمْ جَهَنَّمَ جَزَاءً بِمَا كَانُوا يَكْسِبُونَ ، يَخْلِفُونَ لَكُمْ لِتَرْضَوْا عَنْهُمْ ، فَإِنْ تَرْضَوْا عَنْهُمْ ، فَإِنَّ اللَّهَ لَا يَرْضَى عَنِ الْقَوْمِ الْفَاسِقِينَ } ، قَالَ كَعْبٌ : كُنَّا خُلْفَانَا أَيُّهَا الثَّلَاثَةُ عَنْ أَمْرِ أَوْلِيكَ الَّذِينَ قَبِلَ مِنْهُمْ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ حِينَ خَلَفُوا لَهُ ، فَبَايَعَهُمْ وَاسْتَعْفَرَ لَهُمْ وَأَرْجَأَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَمْرَنَا حَتَّى قَضَى اللَّهُ فِيهِ ، فَبِذَلِكَ قَالَ اللَّهُ عَزَّ وَجَلَّ : وَعَلَى الثَّلَاثَةِ الَّذِينَ خَلَفُوا ، وَلَيْسَ الَّذِي ذَكَرَ اللَّهُ مِمَّا خُلِفْنَا ، تَخَلَّفْنَا عَنِ الْعُرْوِ ، وَإِنَّمَا هُوَ تَخْلِيْفُهُ إِيَّانَا ، وَإِرْجَاؤُهُ أَمْرَنَا ، عَمَّنْ حَلَفَ لَهُ وَاعْتَدَرَ إِلَيْهِ قَبِيلٌ مِنْهُ⁴³⁴ .

Ka'b b. Malik reported:

... Allah's Messenger set out on an expedition when the fruits were ripe, and their shadows had been lengthened. It was during this season that Allah's Messenger made preparations and the Muslims too along with them. I also set out in the morning so that I should make preparations along with them, but I came back and did nothing and said to myself: I have means enough (to make preparations) as soon as I like. And I went on doing this (postponing my preparations) until people were about to depart and it was in the morning that Allah's Messenger set out and the Muslims, too, along with him, but I made no preparations. I went early in the morning and came back, but I made no decision. I continued to do so until they (the Muslims) hastened and covered a good deal of distance. I also made up my mind to march on and to meet them. Would that I had done that but perhaps it was not destined for me. After the departure of Allah's Messenger as I went out amongst people, I was saddened to find that I did not find anyone like me but people who were labelled as hypocrites or the people whom Allah granted exemption because of their incapacity. Allah's Messenger took no notice of me until he had reached Tabuk. (One day as he was sitting amongst the people in Tabuk) he said: 'What has happened to Ka'b b. Malik?'. A person from Banu' Salama said: 'Allah's Messenger, the (beauty) of his cloak and his appreciation of his sides have allured him and he was thus detained'. Mua'dh b. Jabal said: 'Woe be upon that what you contend. Allah's Messenger, by Allah, we know nothing about him but good'. Allah's Messenger, however, **remained silent**... Ka'b b. Malik farther said: 'When the news reached me that Allah's Messenger was on his way back from

⁴³⁴ Muslim, "Al-Tawbah", 2769.

Tabuk I was greatly perturbed. I thought of fabricating false stories and asked myself how I would save myself from his anger on the following day. In this connection, I sought the help of every prudent man from amongst the members of my family and when it was said to me that Allah's Messenger was about to arrive, all the false ideas banished (from my mind) and I came to the conclusion that nothing could save me but the telling of truth, so I decided to speak the truth.

Allah's Messenger arrived (in Medina) in the morning and it was his habit that as he came back from a journey, he first goes to the mosque to pray (as a mark of gratitude) and then later sits amongst people. And as he did that, those who had remained behind him began to put forward their excuses and take an oath before him and they were more than eighty persons. Allah's Messenger accepted their excuses on the very face of them and accepted their allegiance and sought forgiveness for them and left their secret (intentions) to Allah, until I presented myself to him. I greeted him and he smiled and there was a tinge of anger in that. He (the Prophet) then said to me: Come forward. I went forward until I sat in front of him. He said to me: What kept you back? Could you not afford to go in for a ride? I said: Allah's Messenger, by Allah, if I were to sit in the presence of anybody else from amongst the worldly people I would have definitely saved myself from his anger on one pretext (or the other) and I have also the knack to fall into argumentation, but, by Allah, I am fully aware of the fact that if I were to put forward before you a false excuse to please you, Allah would definitely provoke your wrath upon me, and if I speak the truth you may be annoyed with me, but I hope that Allah would make its end well and, by Allah, there is no valid excuse for me. By Allah, I never possessed so good means, and I never had such favorable conditions for me as I had when I stayed behind you (failed to join the expedition). Thereupon, Allah's Messenger said: 'This man told the truth, so get up until Allah gives a decision in your case'. I stood up and some people of Banu' Salama followed me in hot haste, and they said to me: 'By Allah, we do not know about you that you committed a sin prior to this. You, however, showed inability to put forward an excuse before Allah's Messenger as those who stayed behind him have put forward excuses. It would have been enough for the forgiveness of your sin that Allah's Messenger would have sought forgiveness for you'. By Allah, they continued to incite me until I thought of going back to Allah's Messenger and contradict myself. Then I said to them: Has anyone else also met the same fate? They said: Yes, two persons have met the same fate as has fallen to you and they have made the same statement as you have made, and the same verdict has been delivered in their case as it has been delivered in your case. I said: Who are they? They said: Murara b. al-Rabi' al-'Amiri and Hilal b. Umayya al-Waqafi. They made a mention of these two pious persons to me who had participated in the Battle of Badr and there was an example for me in them. I went away when they named these two persons. **Allah's Messenger forbade the Muslims to talk with three of us** from amongst those (persons) who had stayed behind him. The people began to avoid us and their attitude towards us underwent a change and it seemed as if the whole atmosphere had turned (hostile) against us and it was in fact the same atmosphere of which I was fully aware and in which I had lived (for a fairly long time). We spent fifty nights in this very state and my two friends confined themselves within their houses and spent (most of the) time in weeping, but as I was young and strong amongst them I got out of my house, participated in congregational prayers, moved about in the bazar; but **none spoke to me**. I came to Allah's Messenger as he sat amongst (people) after the prayer, greeted him and asked myself whether his lips stirred in response to my greetings (or not). Then I observed prayer beside him and looked at him with stealing glances and when I attended to my prayer, he looked at me and when I cast a glance at him he **turned away** his eyes from me. And when

the harsh treatment of the Muslims towards me extended to a (considerable) length of time, I walked until I climbed upon the wall of the garden of Abu Qatada, and he was my cousin, and I had the greatest love for him. I greeted him but, by Allah, **he did not respond to my greetings**. I said to him: Abu Qatada, I adjure you by Allah, aren't you well aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again repeated saying: I adjure you by Allah, aren't you aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again adjured him, whereupon he said: Allah and the Messenger are best aware of it. My eyes began to shed tears and I came back climbing down from the wall and as I was walking in the bazar of Medina a Nabatean from amongst the Nabateans of Syria, who had come to sell food grains in Medina, asked people to direct him to Ka'b bin Malik. People gave him the indication by pointing towards me. He came to me and delivered to me a letter of the King of Ghassan and as I was a scribe I read that letter and it was written like this: Coming to my point, it has been conveyed to us that your friend (the Prophet) is subjecting you to cruelty and Allah has not created you for a place where you are to be degraded and where you cannot find your right place, so you come to us that we should accord you honor. As I read that letter, I said: This is also a calamity, so I burnt it in the oven. When out of the fifty days, forty days had passed and Allah's Messenger received no revelation, there came a messenger of Allah's Messenger to me and said: 'Verily, Allah's Messenger has commanded you to remain separate from your wife'. I said: 'Should I divorce her or what (else) should I do?' He said: 'No, but only remain separate from her and don't have sexual contact with her'. The same message was sent to my companions. So, I said to my wife: 'You better go to your parents and stay there with them until Allah gives the decision in my case'. The wife of Hilal b. Umayya came to Allah's Messenger and said: 'Allah's Messenger, Hilal b. Umayya is a senile person, he has no servant. Do you disapprove of my serving him?' He said: 'No, but don't go near him'. She said: 'By Allah, he has no such instinct in him. By Allah, he spends his time in weeping from that day to this day'. Some of the members of my family said to me: 'Were you to seek permission from Allah's Messenger regarding your wife as he has granted permission to the wife of Hilal b. Umayya to serve him'. I said: 'I would not seek permission from Allah's Messenger, for I cannot say what Allah's Apostle may say in response to seeking my permission'. Moreover, I am a young man. It was in this state that I spent ten more nights and thus fifty nights had passed that (people) had observed **boycott** with us. It was on the morning of the fiftieth night that I observed my dawn prayer and was sitting on one of the roofs of our houses. And I was in fact sitting in that very state which Allah, the Exalted and Glorious, has described about us in these words: 'Life had become hard for myself, and the earth had compressed despite its vastness', that I heard the noise of an announcer from the peak of the hill of Sal' saying at the top of his voice: 'Ka'b b. Malik, there is glad tidings for you'. I fell down in prostration and came to realize that there was (a message of) relief for me. Allah's Messenger had informed the people of the acceptance of our repentance by Allah as he offered the dawn prayer. So, the people went on to give us glad tidings and some of them went to my friends in order to give them the glad tidings and a person galloped his horse and came from the tribe of Aslam and his horse reached me more quickly than his voice. And when he came to me whose sound I heard, he gave me the glad tidings. I took off my clothes and clothed him with them because of his bringing good news to me and, by Allah, I possessed nothing else (in the form of clothes) than these two on that occasion, and I asked one to lend me two clothes and dressed myself in them. I came to Allah's Messenger and on my way, I met groups of people who greeted me because of (the acceptance of) repentance and they said: Here is a greeting for you for your repentance being accepted by Allah. (I

moved on) until I came to the mosque and Allah's Messenger had been sitting there amongst persons. So Talha b. 'Ubaidullah got up and rushed towards me and he shook hands with me and greeted me and, by Allah, no person stood up (to greet me) from amongst the emigrants except him. Ka'b said that he never forgot (this good gesture of) Talha. Ka'b further said: I greeted Allah's Messenger and his face was glistening because of delight, and he said: 'Let there be glad tidings and blessings for you, the like of which (you have neither found nor you will find, as you find today) since your mother gave your birth'. I said: 'Allah's Messenger, is this acceptance of repentance from you or from Allah?' He said: 'No, (it is not from me), it is from Allah'. And it was common with Allah's Messenger that as he was happy his face brightened up and it looked like a part of the moon, and it was from this that we recognized it (his delight). As I sat before him, I said: 'Allah's Messenger, am I allowed to give in charity my wealth for Allah's sake and for the sake of His Messenger?' Thereupon Allah's Messenger said: 'Keep some property with you as it is better for you'. I said: 'I shall keep with me that part (of my property) which fell to my lot (on the occasion of the expedition of) Khaibar'. I said: 'Allah's Messenger, verily, Allah has granted me salvation because of truth and, therefore, (I think) that repentance implies that I should not speak anything but truth as long as I live'. By Allah, I do not know whether anyone amongst the Muslims was put to more severe trial than I by Allah because of telling the truth. And since I made a mention of this to Allah's Messenger up to this day, I have not told any lie and, by Allah, I have decided not to tell a lie and I hope that Allah would save me (from trials) for the rest of my life. Allah, the Exalted and Glorious, revealed these verses: 'Certainly, Allah has turned in Mercy to the Prophet and the emigrants and the helpers who followed him in the hour of hardship after the hearts of a part of them were about to deviate; then He turned to them in mercy. Surely, to them He is Compassionate, Merciful and (He turned in Mercy) to the three who were left behind until the earth despite its vastness became straight for them and their souls were also straitened to them'. And this revelation reached up to the (words): 'O you who believe, develop God consciousness, and be with the truthful'. Ka'b said: By Allah, since Allah directed me to Islam there has been no blessing more significant for me than this truth of mine which I spoke to Allah's Messenger and if I were to tell a lie I would have been ruined as were ruined those who told lies, for in regard to those who told lies Allah used harshest words used for anyone as He descended revelation (and the words of Allah are): 'They will swear by Allah to you when you return to them so that you may leave them alone. So, leave them alone. Surely, they are unclean, and their resort is Hell, recompense for what they earned. They will swear to you that you may be pleased with them but if you are pleased with them, yet surely Allah is not pleased with the transgressing people'. Ka'ab said that the matter of us three persons was deferred as compared with those who took an oath in the presence of Allah's Messenger, and he accepted their allegiance and sought forgiveness for them.

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⁴³⁵ *Sahih Muslim* , Grade: *Sahih* , English translation: Book 37, *Hadith* 6670. <https://sunnah.com/muslim:2769a>.

2.2.Type of Ostracism (hajr) in Ka'ab b. Malik's account

Tabuk expedition was the last military expedition that Prophet Muhammad waged. It took place in Tabuk, which is located in the Madina-Syria trade route, in the month of Rajab of the Ninth Hijri year (630 AD). This expedition played a crucial role in the history of Islam as it paved the way for the conquest of the Levent. It took place during the summer; the weather was very hot and Muslims were suffering from drought and famine. Therefore, participating in it required great sacrifice. For this reason, the Qur'an refers to it as the time of hardship (*sā'at al-'usrah*). It is also referred to as the *defamatory expedition (al-ghazwa al-fādihah)* because it exposed the hypocrites and revealed the false excuses they fabricated to stay behind.⁴³⁶

Since some Muslims were reluctant and stagnant towards the expedition, Allah warned them in Q 9:38-39:

O you who believe! What happened to you that when it was said to you, 'mobilize in the way of Allah', you collapsed into your seat; Or have you given up on the Hereafter and consented to the life of this world? But the blessings of the worldly life are nothing compared to the happiness of the Hereafter. If you do not mobilize, Allah will punish you with a painful punishment and replace you with another people, and you cannot harm the Prophet in any way. God is omnipotent.⁴³⁷

Upon this warning, the Companions hastened their preparations for the expedition.

There were three groups of men who stayed in Medina and did not participate in the Tabuk Expedition. These groups are: 1) Those who have been granted exemption for not participating in the war because of their incapacity, 2) the hypocrites, and 3) those who have no excuse.

The first category includes people who did not join the expedition even though they wanted to. Q 9:92 described them as follows:

Nor [is there blame] upon those who, when they came to you for you to take them along, you said, "I can find nothing upon which to carry you."¹ They turned back while their eyes overflowed with tears out of grief that they could not find something to spend [for the cause of Allah].⁴³⁸

The second category is composed of those who, for some reasons, thought that the Prophet could not return from this expedition and did not join the army. However, when they saw that the Prophet had returned safely and with great success, they

⁴³⁶ İsmail Yiğit, "TEBÜK GAZVESİ," in *TDV İslam Ansiklopedisi*, n.d., <https://islamansiklopedisi.org.tr/tebuk-gazvesi>.

⁴³⁷ Quran 9:38-39.

⁴³⁸ Quran 9:92.

apologized from him by fabricating false excuses. Regarding these hypocrites, whose number is about eighty, Q 9: 106 states:

And [there are] others deferred until the command of Allah - whether He will punish them or whether He will forgive them. And Allah is Knowing and Wise.⁴³⁹

As for the third category, it includes two groups. The first group includes those who did not join the war even though they have no excuses, but they were not among the hypocrites. These people realized their fault and tied themselves to the pillars of the mosque and swore that they would remain bound there until the Prophet returns from Tabuk and unties them. When the Prophet learned about their situation, he swore that he would not untie them until he gets orders-from God- regarding them.⁴⁴⁰ Thereupon, the following verse was revealed:

And [there are] others who have acknowledged their sins. They had mixed [i.e., polluted] a righteous deed with another that was bad. Perhaps Allah will turn to them in forgiveness. Indeed, Allah is Forgiving and Merciful.⁴⁴¹

After the revelation of this verse, the Prophet untied them.

The other group includes three companions who did not participate in the expedition even though they had no excuses and who delayed their repentance until the Prophet returned from the expedition. These people were Ka'b b. Malik, Murāra b. Rabī', and Hilal b. Umayyah.

Murāra b. Rabī', Hilal b. Umayyah, and Ka'ab b. Malik were among the favorite companions of the Prophet. Murāra b. Rabī' and Hilal b. Umayyah have accompanied the Prophet in all his military expeditions, including the expedition of Badr, which is considered the most important expedition in the history of Islam as it marked the shift from a defensive stance to one of expansion and stability. Participants in the battle of Badr became known as *Ashāb-Badr* or the *badriyyūn*.⁴⁴²

Rifā'a reported:

Jibreel (Gabriel) came to the Prophet and said, "How do you look upon the warriors of Badr among yourselves?" The Prophet said: "As the best of the Muslims". On that, Gabriel said: "And so are the Angels who participated in the Badr (battle)".⁴⁴³

⁴³⁹ Quran 9:106.

⁴⁴⁰ Osman Nuri Topbaş, *Hazret-i Muhammed Mustafa*, vol. 2 (İstanbul: Erkam Yayınları, 2019).

⁴⁴¹ Quran 9: 102.

⁴⁴² Britannica, T. Editors of Encyclopedia. "Battle of Badr." Encyclopedia Britannica, May 19, 2020. <https://www.britannica.com/event/Battle-of-Badr>.

⁴⁴³ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 59, *Hadith* 327. <https://sunnah.com/bukhari:3992>.

This hadith shows the high rank *Ashāb-Badr* or the *Badriyyūn* have among the companions of the Prophet. Ka'ab b. Malik also participated in all the military expeditions waged by Prophet Muhammad except Badr and Tabūk. In this regard he states:

I did not remain behind Allah's Messenger in any Ghazwa that he fought except the Ghazwa of Tabuk, and I failed to take part in the Ghazwa of Badr, but Allah did not admonish anyone who had not participated in it, for in fact, Allah's Messenger had gone out in search of the caravan of Quraish till Allah made them (i.e. the Muslims) and their enemy meet without any appointment. I witnessed the night of Al-'Aqaba (pledge) with Allah's Messenger when we pledged for Islam, and I would not exchange it for the Badr battle although the Badr battle is more popular amongst the people than it (i.e. Al-'Aqaba pledge).⁴⁴⁴

Although Ka'b b. Malik did not participate in the Expedition of Badr, he was one of the participants in the Second Aqaba Pledge of Allegiance (*bay'at al-'aqaba al-thāniya*), which is to him as important and even superior to the Expedition of Badr. This agreement was also called the Pledge of War (*Bay'at al-Harb*), as it contained the issues related to war.

It has been narrated on the authority of Junida b. Abu Umayya who said:

We entered upon 'Ubada bin As-Samit while he was sick. We said: "May Allah make you healthy. Will you tell us a Hadith you heard from the Prophet and by which Allah may make you benefit?" He said: "The Prophet called us and we gave him the Pledge of allegiance for Islam, and among the conditions on which he took the Pledge from us, was that we were to listen and obey (the orders) both at the time when we were active and at the time when we were tired, and at our difficult time and at our ease ..."⁴⁴⁵

It was after this agreement that a new era in the history of Islam, the Madina period, began. It was for this reason that Ka'b b. Malik considers participating in the Second Aqaba Pledge of Allegiance as important and even superior to the Expedition of Badr. Despite the high rank of these three companions, they were punished severely by the Prophet and the Muslim community, not only because of disobedience, but also because of delaying their repentance until the Prophet returned from the expedition.⁴⁴⁶

⁴⁴⁴ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 37, *Hadith* 6670. <https://sunnah.com/muslim:2769a>.

⁴⁴⁵ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 20, *Hadith* 4541. <https://sunnah.com/muslim:1709h>.

⁴⁴⁶ Mustafa Karabacak, "KA'B B. MÂLİK'İN TEBÜKSEFERİ'NE KATILMAMASI İLE İLGİLİ HADİS HAKKINDA BİR DEĞERLENDİRME," *EKEV Akademi Dergisi* 63, no. 63 (September 19, 2015): 195–212, <https://doi.org/10.17753/Ekev454>. See also Topbaş, *Hazret-i Muhammed Mustafa*.

Upon the Prophet's return to Madina, the hypocrites came to him and apologized by fabricating false excuses. The Prophet listened to what they said and referred to Allah what they concealed in their hearts. Ka'b b. Malik, Murāra b. Rabī', and Hilal b. Umayyah also came to him, apologized, and admitted their fault. They informed the Prophet that they had no legitimate excuses to stay behind and expressed their regret. Ka'ab b. Malik states:

... Allah's Messenger set out on an expedition when the fruits were ripe, and their shadows had been lengthened. It was during this season that Allah's Messenger made preparations and the Muslims too along with them. I also set out in the morning so that I should make preparations along with them, but I came back and did nothing and said to myself: I have means enough (to make preparations) as soon as I like. And I went on doing this (postponing my preparations) until people were about to depart and it was in the morning that Allah's Messenger set out and the Muslims, too, along with him, but I made no preparations. I went early in the morning and came back, but I made no decision. I continued to do so until they (the Muslims) hastened and covered a good deal of distance. I also made up my mind to march on and to meet them. Would that I had done that but perhaps it was not destined for me. After the departure of Allah's Messenger as I went out amongst people, I was shocked to find that I did not find anyone like me but people who were labelled as hypocrites or the people whom Allah granted exemption because of their incapacity.⁴⁴⁷

This excerpt shows that the three companions were well aware of their fault, which is basically disobedience of the Prophet's command to join the expedition of Tabuk. Ka'ab b. Malik also explicitly states that he had no excuse to stay behind. The only reason why he did so was procrastination, which prevented him from joining the army. After listening to Ka'ab b. Malik, Murāra b. Rabī', and Hilal b. Umayyah, the Prophet ordered the Muslim community, including their closest relatives, to cut all channels of communication with them for fifty days. Ka'ab b. Malik states:

Allah's Messenger forbade the Muslims to talk with three of us from amongst those (persons) who had stayed behind him. The people began to avoid us and their attitude towards us underwent a change and it seemed as if the whole atmosphere had turned (hostile) against us and it was in fact the same atmosphere of which I was fully aware and in which I had lived (for a fairly long time). We spent fifty nights in this very state and my two friends confined themselves within their houses and spent (most of the) time in weeping, but as I was young and strong amongst them, I got out of my house, participated in congregational prayers, moved about in the bazar; but **none spoke to me**. I came to Allah's Messenger as he sat amongst (people) after the prayer, greeted him and asked myself whether his lips stirred in response to my greetings (or not). Then I observed prayer beside him and looked at him with stealing glances and when I attended to my prayer, he looked at me and when I cast a glance at him he **turned away** his eyes from me. And when the harsh treatment of the Muslims towards me extended to a (considerable) length of time, I walked until I climbed upon the wall

⁴⁴⁷ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 37, *Hadith* 6670. <https://sunnah.com/muslim:2769a>.

of the garden of Abu Qatada, and he was my cousin, and I had the greatest love for him. I greeted him but, by Allah, **he did not respond to my greetings**. I said to him: Abu Qatada, I adjure you by Allah, aren't you well aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again repeated saying: I adjure you by Allah, aren't you aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again adjured him, whereupon he said: Allah and the Messenger are best aware of it. My eyes began to shed tears.⁴⁴⁸

The punishment intensified after forty days, when the Prophet ordered the three to remain separate from their wives. Ka'ab states:

When out of the fifty days, forty days had passed and Allah's Messenger received no revelation, there came a messenger of Allah's Messenger to me and said: 'Verily, Allah's Messenger has commanded you to remain separate from your wife'. I said: 'Should I divorce her or what (else) should I do?' He said: 'No, but only remain separate from her and don't have sexual contact with her'. The same message was sent to my companions. So, I said to my wife: 'You better go to your parents and stay there with them until Allah gives the decision in my case'. The wife of Hilal b. Umayya came to Allah's Messenger and said: 'Allah's Messenger, Hilal b. Umayya is a senile person, he has no servant. Do you disapprove of my serving him?' He said: 'No, but don't go near him'. She said: 'By Allah, he has no such instinct in him. By Allah, he spends his time in weeping from that day to this day'.⁴⁴⁹

We conclude from these excerpts that the Prophet used ostracism (*hajr*) as a discretionary punishment. The fact that the punishment is characterized by 1) cutting all channels of communication with the offender until they repent, 2) being performed by someone who has authority over the offender, 3) notifying the offender about the reasons of ostracism, indicates that it is positive ostracism (*hajr ijābī*). The motive of positive ostracism in this case is punishment as it is caused by a transient fault. The fact that one of the main causes of punishment is disobedience, to Allah and His Messenger, we can categorize it as ostracism for religious matters (*al-hajr al-shar'ī*).

2.3. Outcomes of Ostracism (hajr) in Ka'ab b. Malik's account

Ka'ab b. Malik started his account by describing the general context of the event. He states:

... Allah's Messenger set out on an expedition when the fruits were ripe, and their shadows had been lengthened. It was during this season that Allah's Messenger made preparations and the Muslims too along with them.⁴⁵⁰

⁴⁴⁸ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 37, *Hadith* 6670. <https://sunnah.com/muslim:2769a>.

⁴⁴⁹ *Ibid.*

⁴⁵⁰ *Ibid.*

After this brief description, he shed light on his inner speech. He states:

I also set out in the morning so that I should make preparations along with them, but **I came back and did nothing and said to myself: I have means enough (to make preparations) as soon as I like. And I went on doing this (postponing my preparations) until people were about to depart** and it was in the morning that Allah's Messenger set out and the Muslims ,too, along with him, but I made no preparations. I went early in the morning and came back, but I made no decision. I continued to do so until they (the Muslims) hastened and covered a good deal of distance. I also made up my mind to march on and to meet them. Would that I had done that but perhaps it was not destined for me.⁴⁵¹

In this passage, Ka'ab b.Malik expressed his intention to participate in the expedition and stated that he did not join because of procrastination. After that, he described his inner state after the departure of the Prophet. He states:

After the departure of Allah's Messenger as I went out amongst people, **I was saddened** to find that I did not find anyone like me but people who were labelled as hypocrites or the people whom Allah granted exemption because of their incapacity.⁴⁵²

In this excerpt, Ka'ab b. Malik describes his inner state (sadness) after realizing his fault. Then he goes on describing his inner struggle upon the Prophet's return. He states:

When the news reached me that Allah's Messenger was on his way back from Tabuk **I was greatly perturbed. I thought of fabricating false stories** and asked myself how I would save myself from his anger on the following day. In this connection, I sought the help of every prudent man from amongst the members of my family and when it was said to me that Allah's Messenger was about to arrive, **all the false ideas banished (from my mind) and I came to the conclusion that nothing could save me but the telling of truth, so I decided to speak the truth.** I stood up and some people of Banu' Salama followed me in hot haste, and they said to me: 'By Allah, we do not know about you that you committed a sin prior to this. You, however, showed inability to put forward an excuse before Allah's Messenger as those who stayed behind him have put forward excuses. It would have been enough for the forgiveness of your sin that Allah's Messenger would have sought forgiveness for you'. By Allah, they continued to incite me until **I thought of going back to Allah's Messenger and contradict myself.** Then I said to them: Has anyone else also met the same fate? They said: Yes, two persons have met the same fate as has fallen to you and they have made the same statement as you have made, and the same verdict has been delivered in their case as it has been delivered in your case. I said: Who are they? They said: Murara b. al-Rabi' al-'Amiri and Hilal b. Umayya al-Waqafi. They made a mention of these two pious persons to me who had participated in the Battle of Badr and there was an example for me in them. **I went away when they named these two persons.**⁴⁵³

In this passage, Ka'ab b. Malik describes his perturbation upon the Prophet's arrival and his inner struggle about telling the truth or fabricating false excuses. It ends with

⁴⁵¹ Ibid.

⁴⁵² Ibid.

⁴⁵³ Ibid.

his determination to tell the truth and bear the consequences of his sincerity. It is at this point that the punishment started.

After admitting their fault to Prophet Muhammad, the Prophet commanded the Muslim community to cut all channels of communication with Ka'ab b. Malik and his two companions. Ka'ab states:

Allah's Messenger forbade the Muslims to talk with three of us from amongst those (persons) who had stayed behind him. The people began to avoid us and their attitude towards us underwent a change and **it seemed as if the whole atmosphere had turned (hostile) against us** and it was in fact the same atmosphere of which I was fully aware and in which I had lived (for a fairly long time). **We spent fifty nights in this very state and my two friends confined themselves within their houses and spent (most of the) time in weeping**, but as I was young and strong amongst them, I got out of my house, participated in congregational prayers, moved about in the bazar; but **none spoke to me**.⁴⁵⁴

He adds:

...When the harsh treatment of the Muslims towards me extended to a (considerable) length of time, I walked until I climbed upon the wall of the garden of Abu Qatada, and he was my cousin, and I had the greatest love for him. I greeted him but, by Allah, **he did not respond to my greetings**. I said to him: Abu Qatada, I adjure you by Allah, aren't you well aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again repeated saying: I adjure you by Allah, aren't you aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again adjured him, whereupon he said: Allah and the Messenger are best aware of it. **My eyes began to shed tears**.⁴⁵⁵

In these passages, Ka'ab b. Malik described in detail the attitudes of the Prophet and the Muslims towards him and his two companions and the increasing intensity of the punishment. He also shed light on his inner states during this process. We can see that the increase in the magnitude of ostracism was accompanied with an intensity in his feelings of guilt and regret, which was manifested in grief and sorrow and profusion of tears. This feeling reached its peak in the fiftieth day, a state which Ka'ab described as follows:

...**It was on the morning of the fiftieth night** that I observed my dawn prayer and was sitting on one of the roofs of our houses. And **I was in fact sitting in that very state which Allah, the Exalted and Glorious, has described about us in these words: 'Life had become hard for myself, and the earth had compressed despite its vastness'**.⁴⁵⁶

⁴⁵⁴ Ibid.

⁴⁵⁵ Ibid.

⁴⁵⁶ Ibid.

This excerpt describes Ka'ab's intensified feeling of regret and sorrow, which was immediately followed by the acceptance of his repentance, and thus the end of punishment through silence.

When Ka'ab b. Malik received the glad tidings about the acceptance of his *tawba*, which also marked the end of punishment, he was overwhelmed with joy and happiness to the extent of taking off his garment and offering it to the messenger who brought him these glad tidings. He states:

Allah's Messenger had informed the people of the acceptance of our repentance by Allah as he offered the dawn prayer. So, the people went on to give us glad tidings and some of them went to my friends in order to give them the glad tidings and a person galloped his horse and came from the tribe of Aslam and his horse reached me more quickly than his voice. And when he came to me whose sound I heard, he gave me the glad tidings. **I took off my clothes and clothed him with them because of his bringing good news to me and, by Allah, I possessed nothing else (in the form of clothes) than these two on that occasion,** and I asked one to lend me two clothes and dressed myself in them.⁴⁵⁷

After this severe trial, Ka'ab b. Malik expressed his determination to never tell a lie in his life.

I said: 'Allah's Messenger, verily, **Allah has granted me salvation because of truth and, therefore, (I think) that repentance implies that I should not speak anything but truth as long as I live**'. By Allah, I do not know whether anyone amongst the Muslims was put to more severe trial than I by Allah because of telling the truth. **And since I made a mention of this to Allah's Messenger up to this day, I have not told any lie and, by Allah, I have decided not to tell a lie and I hope that Allah would save me (from trials) for the rest of my life.**⁴⁵⁸

A close look at these passages shows that Ka'ab b. Malik went through three main stages. First, he realized his fault (disobedience) and determined its main cause, namely procrastination. Second, a feeling of guilt and regret arose in his heart and continued to intensify until it reached its peak. Finally, he expressed his determination of transgressions that would possibly alienate him from his Creator. This determination could be seen as deterrence⁴⁵⁹ caused by the use of ostracism, whose primary mechanism is silence. However, a close look at Ka'ab b. Malik's account shows that he also went through an inner moral transformation characterized by three interconnected stages. The first stage consists of knowledge and awareness about one's

⁴⁵⁷ Ibid.

⁴⁵⁸ Ibid.

⁴⁵⁹ Deterrence is defined by Cambridge dictionary as "preventing someone from doing something or making someone less enthusiastic about doing something by making it difficult for that person to do it or by threatening bad results if they do it". <https://dictionary.cambridge.org/tr/s%C3%B6z%C3%BCk/ingilizce/deter>.

shortcomings and realization that disobedience forms a barrier between man and his Creator. Alienation from the Beloved gives rise to an inner state of grief and sorrow referred to as regret. When the feeling of guilt and regret reaches its peak, it culminates in determination and resolution to stay away from all forms of transgressions that would possibly alienate the person from his Creator. The totality of these three stages is referred to as *tawba*. We conclude that ostracism in the account under study ended with two acts, namely deterrence (external act) and *tawba* (internal act). Since ostracism is seen as a reason for the occurrence of these two acts, and since its primary mechanism is silence, we will investigate pragmatics of silence with regard to deterrence and *tawba* and explore the relationship between these two perlocutionary acts.

IV. PRAGMATICS OF SILENCE IN OSTRACISM (HAJR)

1. Silence as a Perlocutionary Cause

In his book *How to Do Things with Words*, Austin distinguishes between locutionary, illocutionary, and perlocutionary acts. Locutionary acts consist of the linguistic meaning of the utterance, whereas illocutionary acts constitute the force carried out in the utterance. As for perlocutionary acts or perlocutions, they are potential effects or consequences of the illocutionary act.⁴⁶⁰ Perlocutions can be performed by locutionary or non-locutionary means. Austin states: “intimidation may be achieved by waving a stick or pointing a gun. Even in the cases of convincing, persuading, getting to obey and getting to believe, we may achieve the response non-verbally”.⁴⁶¹

Davis states that perlocutions have three main components: 1) perlocutionary cause, 2) perlocutionary uptake, and 3) perlocutionary effect. The perlocutionary cause consists of the speaker saying something. Understanding the message communicated by the speaker constitutes the perlocutionary uptake. The effect of the speaker’s locutionary or illocutionary act on the thoughts, feelings, or actions of the addressee constitute what Davis refers to as the perlocutionary effect. The causal relationship between the perlocutionary cause and the perlocutionary effect constitutes the perlocutionary act⁴⁶². This chain of causation is illustrated in figure 6.

⁴⁶⁰ Austin, *How to Do Things with Words*.

⁴⁶¹ Austin.

⁴⁶² Steven Davis, “Perlocutions,” *Linguistics and Philosophy* 3, no. 2 (1979): 225–43.

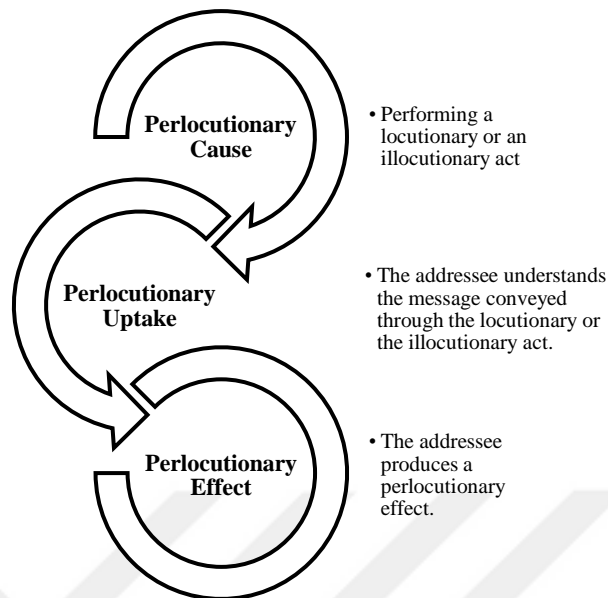


Figure 4.3: Components of the Perlocutionary Act

One of the examples Austin used to explain the relationship between the perlocutionary cause and the perlocutionary effect is deterrence. He claims that the speaker may deter the addressee from doing something (perlocutionary effect) by informing them about the potential consequences of the action in question (illocutionary act).⁴⁶³

If we analyze the use of ostracism in the account under study in light of these theoretical insights, we will end up with the following observations:

- 1) In this account, Ka'ab b. Malik's greetings and questions were met with silence (*perlocutionary cause*). He states:

I got out of my house, participated in congregational prayers, moved about in the bazar; but **none spoke to me...**

I walked until I climbed upon the wall of the garden of Abu Qatada, and he was my cousin, and I had the greatest love for him. I greeted him but, by Allah, **he did not respond to my greetings**. I said to him: Abu Qatada, I adjure you by Allah, aren't you well aware of the fact that I love Allah and His Messenger the most. **He kept quiet**. I again repeated saying: I adjure you by Allah, aren't you aware of the fact that I love Allah and His Messenger the most. **He kept quiet.**⁴⁶⁴

⁴⁶³ Austin, *How to Do Things with Words*.

⁴⁶⁴ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 37, *Hadith* 6670. <https://sunnah.com/muslim:2769a>.

- 2) Ka'ab b. Malik understood the gravity of his offense and that he is going through a severe trial (*perlocutionary intake*) because of it. Ka'ab b. Malik states:

...as I was walking in the bazar of Medina a Nabatean from amongst the Nabateans of Syria, who had come to sell food grains in Medina, asked people to direct him to Ka'b bin Malik. People gave him the indication by pointing towards me. He came to me and delivered to me a letter of the King of Ghassan and as I was a scribe I read that letter and it was written like this: Coming to my point, it has been conveyed to us that your friend (the Prophet) is subjecting you to cruelty and Allah has not created you for a place where you are to be degraded and where you cannot find your right place, so you come to us that we should accord you honor. **As I read that letter, I said: This is also a calamity**, so I burnt it in the oven.⁴⁶⁵

- 3) Ka'ab b. malik was deterred from committing a similar offense again (*perlocutionary effect*). He states:

By Allah, I do not know whether anyone amongst the Muslims was put to more severe trial than I by Allah because of telling the truth. And since I made a mention of this to Allah's Messenger up to this day, I have not told any lie and, by Allah, I have decided not to tell a lie and I hope that Allah would save me (from trials) for the rest of my life.⁴⁶⁶

This chain of causation is summarized in figure 7.

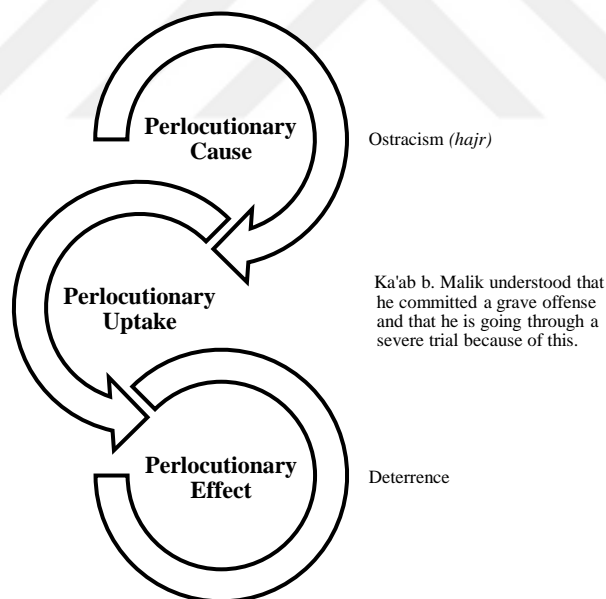


Figure 4.4: Deterrence as a perlocutionary act

⁴⁶⁵ Ibid.

⁴⁶⁶ Ibid.

2. Silence as an Illocutionary Act

The application of Austin's theoretical insights about perlocutions, further elaborated by Davis' chain of causation, to the account under consideration shows that deterrence (*perlocutionary effect*) is caused by the use of ostracism (*perlocutionary cause*). This understanding might seem theoretically and philosophically sound; however, in real life it may not capture the whole picture.

The first shortcoming of Davis' chain of causation of perlocutions is that it does not take into account the role of the speaker-addressee relationship in producing the perlocutionary effect. In his article *Deterring Things With Words: Deterrence as a Speech Act*, Vuori argues that deterrence is an act ascribed by the communicators not by a linguistic convention. This is because it depends mainly on the authority of the speaker and the response of the addressee rather than on the force of the illocutionary act.⁴⁶⁷ This fact is further stressed by Gu, he states:

The issuing of an utterance may produce an infinite and indefinite number of perlocutionary effects. The point is that the effect is not caused physically or verbally: it has to be explained in such terms as interpersonal relations (e.g. S and H are close friends), power relations (S is H's employer), motives (e.g. H has long wanted to please S), or other contingencies (e.g. S was just pickpocketed). These parameters jointly or separately exert influential force on H's compliance with S's request.⁴⁶⁸

Deterrence is also an act that not only affects the interlocutors, but also transforms the speaker-addressee relation into one of deterrer and deterred.⁴⁶⁹

To understand the role of the speaker-addressee relationship on the production of the perlocutionary act in the account under study, it seems necessary to understand the principles that govern the relationship between the Prophet and his followers.

The relationship between Prophet Muhammad and his companions and followers is governed by love. This love, however, is not a mere feeling. It is a feeling proven by obedience. Q 3:31 states:

Say, (O Prophet): "If you (sincerely) love Allah, then follow me; Allah will love you and forgive your sins. For Allah is All-Forgiving, Most Merciful."⁴⁷⁰

⁴⁶⁷ JUHA A. VUORI, "Deterring Things With Words: Deterrence as a Speech Act," *New Perspectives* 24, no. 2 (2016): 23–50.

⁴⁶⁸ Yueguo Gu, "The Impasse of Perlocution," *Journal of Pragmatics* 20, no. 5 (November 1, 1993): 412.

⁴⁶⁹ VUORI, "Deterring Things With Words."

⁴⁷⁰ Qur'an 3:31.

One of the outcomes of this love is *hayā*. The role of *hayā* as an internal deterrent (*wāzi*) is illustrated in the following account:

Khawwat b. Jubair narrates:

Once, during a journey at Maruz-Zahran with Prophet Muhammad and his companions, I came out of my tent and saw some women sitting and talking. I liked them. I went back to my tent, put on my robe and went and sat near them. In the meantime, the Prophet came out of his tent and said: 'O Abu Abdullah, why are you sitting near the ladies?' When I saw the Prophet, I was embarrassed and confused and said: 'O Messenger of Allah, my camel tends to wander off; they -the women- are making a string to tie it with. 'The Prophet left and returned later and said: 'what happened with your wandering camel? I was embarrassed and remained silent. And I was later trying to avoid him-the Prophet- out of *hayā*' whenever I saw him. When we returned to Madina, I tried to find a time when the mosque was empty and went there to offer my prayer. While there, the Prophet entered the mosque. I prolonged my prayer hoping that he would leave. The Prophet understood this and said: 'O Abu Abdullah, you may prolong your prayer as much as you like, but I will not leave before you finish'. When I ended my prayer, the Prophet said: 'is your camel still wandering?'. I was embarrassed and remained silent, then he left. After that I kept avoiding him. One day he followed me and said: 'O Abu Abdullah, is your camel still wandering?' I said: 'O Messenger of Allah, I take oath in the name of the One, Who has sent you with Truth, that my camel has never wandered off. 'Prophet Muhammad said: 'May Allah have mercy on you.' The Prophet blessed me two or three times with this prayer".⁴⁷¹

We conclude from this analysis that deterrence does not always result from an external act produced by the speaker. It is sometimes the outcome of a speaker-addressee relation governed by love and *hayā* as is the case in the above-mentioned narration. We will refer to deterrence in the latter category as *hayā-based deterrence* (in contrast to *fear-based deterrence*).

The second shortcoming of the causation thesis proposed by Davis is that it seems to attribute one perlocutionary effect to one perlocutionary cause and limits this effect to one person. Although this might seem theoretically sound, it may not be applicable to different real life situations.

To overcome this shortcoming, Gu discusses the possibility of producing multiple perlocutionary effects either on the same person or on multiple persons. He states:

Austin and the others allow the following three possibilities. (1) S's saying something may produce multiple and different (though related) effects on one H. For instance, it may have some effect on H's thought apart from that on his action. (2) The number of individuals to be affected can be more than one, and the effects may differ from one individual to another. And (3) the previous two cases may co-occur. Let us call the view that S's saying something may produce multiple effects on multiple persons the ***Multiplicity Thesis***.

⁴⁷¹ Tabarānī, Al-kabīr.

One of the implications of this view is that it allows us to incorporate more than one perlocutionary effect in our analysis.

We have stated above that Ka'ab b. Malik went through an inner transformation characterized by three main stages. First, he realized his fault (disobedience) and determined its main cause, namely procrastination. Second, a feeling of guilt and regret arose in his heart and continued to intensify until it reached its peak. Finally, he expressed his determination to never tell a lie in his life. This indicates that, in addition to deterrence (*external perlocutionary effects*) at least three perlocutionary effects took place, namely awareness, regret, and determination. However, since these three acts culminated in *tawba*, we will limit our analysis to two perlocutionary effects namely deterrence (external perlocutionary effect) and *tawba* (internal perlocutionary effect). This is illustrated in figure 8.

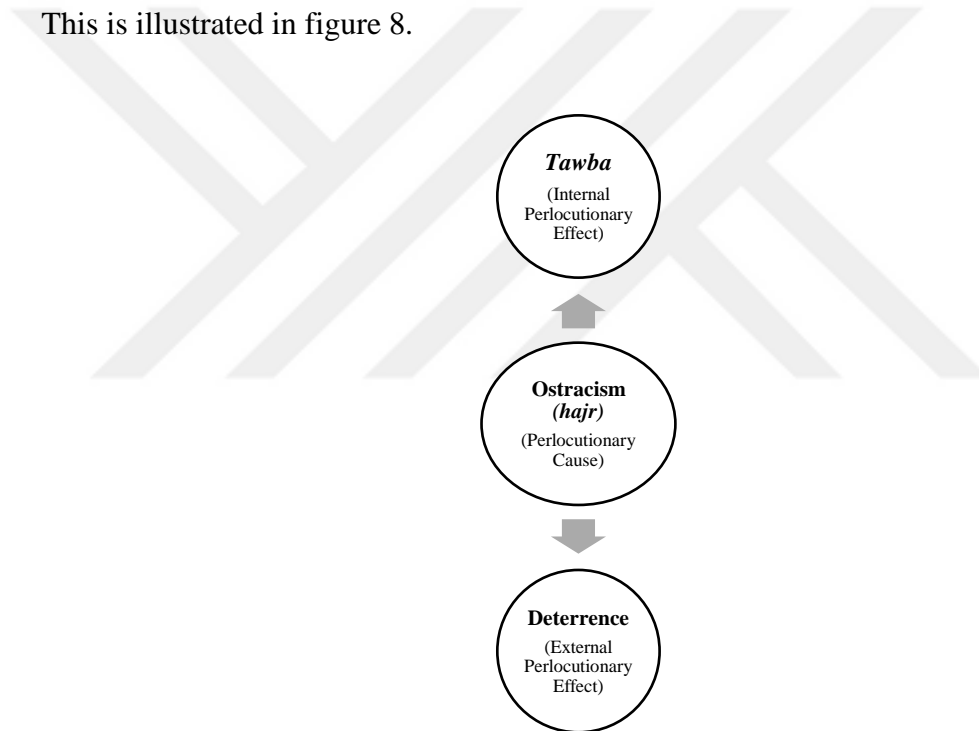


Figure 4.5: Multiple Perlocutionary Acts: the Multiplicity Thesis.

The application of Gu's multiplicity thesis to the case under study allowed us to incorporate multiple perlocutionary effects into our framework. However, it appears that the model still suffers from another shortcoming. This shortcoming is that it ascribes the perlocutionary effect to the speaker alone without taking into account the active role of the addressee in producing the perlocutionary act.

Gu argues that perlocutionary acts are not caused by the speaker alone. These acts are, according to him, a joint endeavor between the interlocutors.⁴⁷²

The perlocutionary act involves S's performance of speech acts and H's performance of response-acts. The relation between S's speech acts and H's response-acts is anything but causal. Such effects should not be expounded in terms of causation, or the acts performed by S. They ought to be explained in transactional terms with the recognition of hearers as agents of the effects. The interactive relation between S and H is linguistic and communicative.⁴⁷³

Gu claims that the addressee is an active agent given that response acts are first and foremost psychological or mental events.

One of the implications of this view is that it allows us to analyze the account under consideration in terms of sequence of events based on an exchange of speech acts and response acts. When Ka'ab b.Malik admitted his fault and apologized from the Prophet, Prophet Muhammad forbade Muslims to observe complete silence towards him. Silence was manifested in not greeting Ka'ab b.Malik back and not responding to his questions. Consequently, Ka'ab b.Malik was overwhelmed with a feeling of guilt and regret. However, this feeling of regret was not sufficient to stop the punishment. On the contrary, ostracism further increased in magnitude until Ka'ab b.Malik realized that there is no refuge from God except in Him. This realization culminated in his *tawba* and marked the end of ostracism. This sequence of speech acts and response acts is illustrated in figure 9.

⁴⁷² Gu, "The Impasse of Perlocution."

⁴⁷³ Gu.

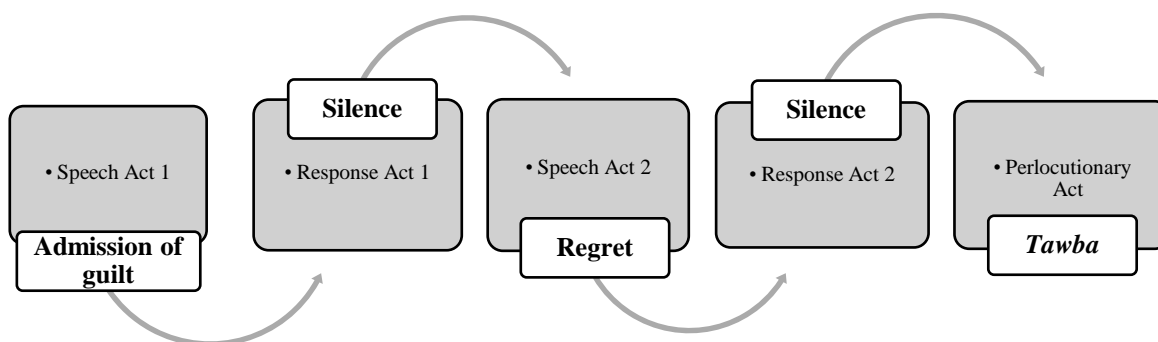


Figure 4.6: Sequence of speech acts and response acts in Ka'ab b. Malik's account

3. Silence as a Transformative Act

We have stated previously that speech act theory distinguishes between two types of statements, namely constatives and performatives. Constatives are statements that report facts or relate a state of affairs, whereas performatives perform the action they describe by the very fact of describing it. In his article *Paradoxical Speech Acts: Transformatives and Counterformatives*, Epstein introduces and analyzes two other types of speech acts, which he calls: *transformatives* and *counterformatives*.⁴⁷⁴ Transformatives are statements that transform the relationship between the communicators. Examples of such statements include confessions of love, for instance. Such confessions not only report a fact or perform an action, but also transform the relationship between interlocutors and change the character of the communication between them.

A love confession is a communicative act that internally transforms the process of communication. Love confession is expected to initiate extralinguistic communication – gestures, tactile contact (touch, hugs, kisses), and in the case of a negative answer – to end the communication (silence, leaving, a slap in the face). Transformatives are speech acts that disturb the very circumstances of speech.⁴⁷⁵

⁴⁷⁴ Mikhail Epstein, “Paradoxical Speech Acts: Transformatives and Counterformatives,” *Parallax* 21, no. 2 (April 3, 2015): 134–42, <https://doi.org/10.1080/13534645.2015.1022366>.

⁴⁷⁵ Epstein, 135.

Transformatives are statements that change the relationship between interlocutors or even reverse their communicative roles. Such statements may improve a relationship, put an end to it, or change its nature. This often happens through a statement that reveals another identity of the speaker.⁴⁷⁶

We have stated above that ostracism in the account under consideration ended with the performance of two acts, namely deterrence and *tawba*. We have also stated that deterrence is an act that not only affects the interlocutors, but also transforms the speaker-addressee relation into one of deterrer and deterred.⁴⁷⁷ Since deterrence in the account under study is an outcome of ostracism, whose primary mechanism is silence, we may claim that silence in this case is equivalent to a *transformative speech act*.

However, we concluded from our analysis that the outcomes of ostracism were not limited to deterrence alone (external perlocutionary act) but also included *tawba* (internal perlocutionary act).

In his Magnum Opus, Ghazali defines *tawba* as a three-stage process consisting of knowledge (*'ilm*), an inner state (*hāl*), and action (*fi'l*). Knowledge consists of full realization of the fact that disobedience forms a barrier between man and his Creator. This realization culminates in an inner state characterized by pain and suffering caused by alienation from God. This inner state is called regret (*nadam*) and is considered the very spirit of *tawba*. When this feeling overwhelms the heart, it induces determination (*irāda*) and intention (*qasd*) to act. This three-stage process is called *tawba*⁴⁷⁸, which literally means return (*rujū'*) because it is a process whereby man returns to His Creator.

The primary and most basic meaning of *tawba* (root t-w-b) is that of a “return” (*rujū'*). This return, according to the classical lexical authorities, is either a “return to God from sin,” a “return to God from something,” a “return to God,” a “return to obedience after sin,” or simply a “return from sin. *Tawba* thus entails a fundamental reorientation, a change of direction, toward a moral, ethical, or even ontological higher ground. Since it can never imply turning away from God or what is virtuous, its meaning is always positive.⁴⁷⁹

Tawba involves correcting previous shortcomings and staying away from all kinds of disobedience in the present and in the future. When *tawba* is sincere (*nasūh*), it is

⁴⁷⁶ Epstein.

⁴⁷⁷ VUORI, “Deterring Things With Words.”

⁴⁷⁸ Ghazali, “Kitāb Al-Tawbah.”

⁴⁷⁹ Atif Khalil, *Repentance and the Return to God: Tawba in Early Sufism* (Albany: State University of New York Press, 2018).

accepted by God. Sometimes, *tawba* is initiated by a divine act whereby God turns towards the human with compassion and mercy which ultimately culminates in human *tawba*. Khalil explains this process as follows:

The very act of *tawba* is a part of a dialectical relationship between God and the human being, in which the two jointly partake in a process of turning and returning: God turns to the human being in *tawba*, after he falls, through an act of mercy, the human being responds in *tawba*, partly out of regret; then God accepts in *tawba*, through an act of relenting and forgiveness⁴⁸⁰... By placing the initiative on the divine side, the Qur'an raises the *tawba* relationship from a simple two-fold process of man initiating and God responding to one in which both parties may initiate and respond.⁴⁸¹

This is particularly the case in the account of Ka'ab b. Malik as stated in Q 9:118:

And Allah has also turned in mercy to the three who had remained behind, whose guilt distressed them until the earth, despite its vastness, seemed to close in on them, and their souls were torn in anguish. They knew there was no refuge from Allah except in Him. Then He turned to them in mercy so that they might repent. Surely Allah alone is the Acceptor of *tawba*, Most Merciful.⁴⁸²

This verse shows that *tawba* is a “threefold dialectic in which (1) God mercifully re/turns to the human being to facilitate his felicitous return. 2) the human being, conscious of his sin, returns seeking a *tawba* of acceptance; and 3) God responds to this request out of His unfathomable mercy”.⁴⁸³ This implies that this divine act is first and foremost an act of guidance whereby God turns towards the wrongdoer to facilitate his return to Him by showing him his own shortcomings and his need for His Creator's vast mercy. This act also *transforms* the inner state of the offender from “rebellious defiance to penitentiary regret”⁴⁸⁴ which ultimately culminates in an *inner transformation* of the individual.⁴⁸⁵ This transformation, or “interior conversion” as Khalil calls it, is a process whereby the guilty individual goes through a deep moral and spiritual introspection that ultimately culminates in radical shift from disobedience to obedience and full commitment to the spiritual path.⁴⁸⁶ *Tawba* is thus a process of purification whereby the guilty individual goes through an inner moral and spiritual transformation that raises him to the rank of one who has never sinned as stated in a hadith where Prophet Muhammad stated that “the one who repents from sin is like one

⁴⁸⁰ Khalil, 21.

⁴⁸¹ Khalil, 44.

⁴⁸² Quran 9:118.

⁴⁸³ Khalil, 44-45.

⁴⁸⁴ Khalil, 45.

⁴⁸⁵ Khalil, *Repentance and the Return to God: Tawba in Early Sufism*.

⁴⁸⁶ Khalil.

who did not sin”.⁴⁸⁷ . Ibn Taymiyyah states that some may even attain higher spiritual stations than one who has never sinned because the sinner emerges from *tawba* more conscientious than before.⁴⁸⁸

We conclude from this analysis that, like deterrence, *tawba* is a communicative act that internally transforms the process of communication and changes the speaker-addressee relationship. Since *tawba* in the account under study is an outcome of ostracism, whose primary mechanism is silence, we may claim that silence in this case is equivalent to a *transformative act*. We will refer to silence that elicits (or causes) internal transformation or that transforms the speaker-addressee relationship at the non-material realm⁴⁸⁹ as *transformative silence* (See figure 9).



⁴⁸⁷ Ibn Majah, “Al-Zuhd,” in *Sunan Ibn Majah*, 2 vols. (Dar Ihya al-Kutub al-Arabiyya, 2009), 4250.

⁴⁸⁸ Roohi Tahir, “Repentance as a Way of Life: Islam, Spirituality, & Practice,” Yaqeen Institute for Islamic Research, 2018, <https://yaqeeninstitute.org/read/paper/repentance-as-a-way-of-life-islam-spirituality-practice>.

⁴⁸⁹ Muslims believe that there are at least three levels of existence (*marātib al-wujūd*), namely the material level of existence (*‘ālam al-mulk*), the non-material level of existence (*‘ālam al-malakūt*), and the divine level of existence (*‘ālam al-lahūt*). This multilayered worldview is discussed in the works of early Muslim scholars including *Mi’yār al-‘Ilm* by Ghazali (d.), *Hujjat Allāh al-Bāligha* by Shāh Walī (d.), *Marātib al-wujūd wa-haqīqat kull mawjūd* by ‘Abd al-Karīm ibn Ibrāhīm Jīlī (d.), and *Risāla Marātib al-Wujūd* by Jalal al-Dīn al-Dawwani (d.). Contemporary works on multiplex ontology include *The Degrees of Existence* by Syed Muhammad Naquib al-Attas, *Rūh al-Dīn* by Taha Abd al-Rahman, and *Comparative Theories and Methods: Between Uniplexity and Multiplexity* by Recep Şentürk et al.

One of the main implications of this worldview is that human action is studied as a multilayered phenomenon. In other words, every human action is believed to have an external observable dimension related to the material level of existence (*‘ālam al-mulk*), and an internal hidden dimension related to the non-material level of existence (*‘ālam al-malakūt*).

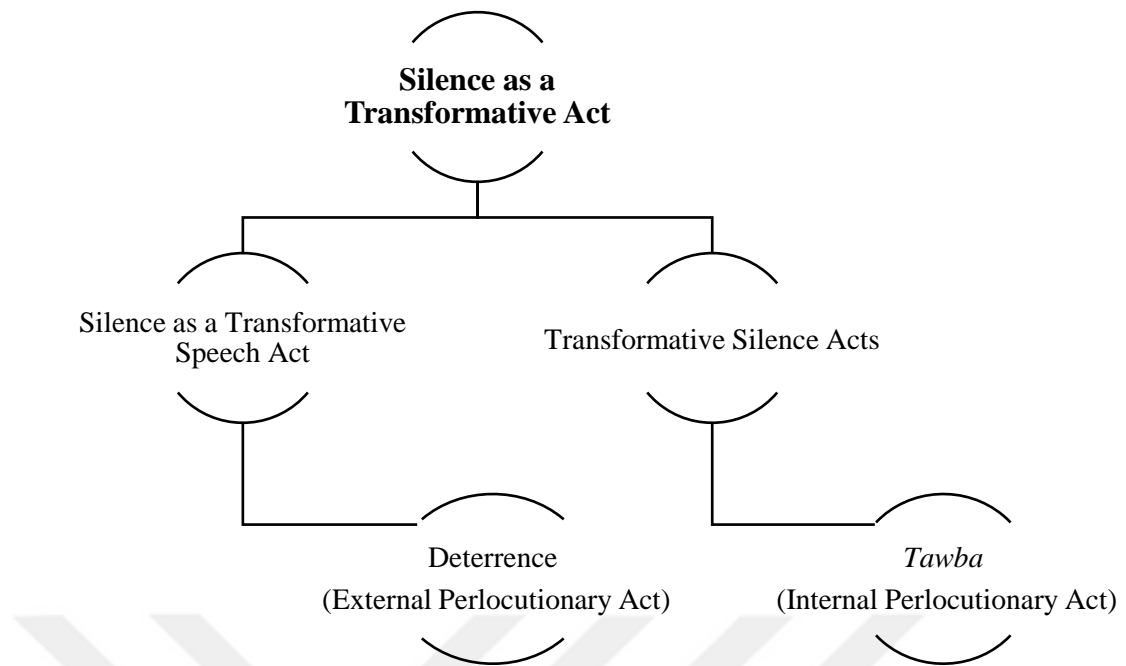


Figure 4.7: Transformative Silence Acts

CONCLUSION

Islamic law divides violations into two types, namely violations of rights of God (*huqūq Allāh*) and violations of rights of other beings (*huqūq al-‘ibād*). Punishments of offenses under the first category are called *hudūd* and are specified by the Qur’ān and the Sunnah, whereas punishments of offenses under the second category are called *ta’zīr* and are not specified by the Qur’ān and the Sunnah. Deciding about the appropriate *ta’zīr* punishment is left to the discretion of the judge who takes into account the context of the offense, the status and state of the offender, and the harm caused by the offense. One of these punishments is ostracism (*hajr*), in which the offender is deprived from all forms of social interaction. The primary mechanism of ostracism is silence.

Ostracism in Islamic law is called *hajr*. *Hajr* is an Arabic word derived from the verb *hajara*, which literally means abandoned or left. In Islamic law, it is used to mean physically abandoning, ceasing to talk to, or withdrawing emotions from someone⁴⁹⁰.

⁴⁹⁰ Shahud, *Al-Khulāsah Fī Ahkām Hajr al-Muslim*.

There are two levels of ostracism in Islamic law, external and internal. External ostracism (*hajr khārijī*) refers to cutting all channels of interpersonal communication with the offender until they regret their fault and repent. As for internal ostracism (*hajr dākhilī*), the offender is neither abandoned nor treated harshly but deprived from all feelings of love and compassion. External ostracism is permissible when it is expected to deter the offender and help them correct their behavior and it is not permissible when it is expected to generate more harm than benefit.

Ostracism in Islam is motivated by fear of temptation (*khawf al-iftitān*) or used as treatment (*dawā*) or punishment (*ta'zīr*). When its motive is fear of temptation, it is referred to as *preventive ostracism* (*hajr wiqā'ī*). Preventive ostracism consists of avoiding communication with the offender in order to prevent the spread of heresy.

When the motive of ostracism is treatment or punishment, it is referred to as *positive ostracism* (*hajr ijābī*). Positive ostracism consists of cutting all channels of communication with the offender until they regret their fault and repent. This form of ostracism should be performed by someone who has authority over the offender. This authority can be material such as the judge's or non-material such as the teacher's authority over his pupils. In addition, the ostracized should be notified about the reasons of ostracism. The motive of ostracism is treatment when it is caused by persisting faults or offenses and its motive is punishment when it is caused by transient faults. Positive ostracism is further divided into two subcategories: ostracism for personal matters (*al-hajr li hadh al-nafs*) and ostracism for religious matters (*al-hajr al-shar'ī*). Ostracism for personal matters is prohibited by Islamic law if it exceeds three days. As for ostracism for religious matters, it is lawful and even recommended by Islamic law in some situations. Ostracizing someone for a religious reason, such as his committing a sin or an immoral act, is allowed and even recommended by Islamic law in particular circumstances. This form of ostracism is illustrated in autobiographical account narrated by Ka'ab b. Malik, who have been ostracized by Prophet Muhammad and the Muslim community for fifty days.

This account shows that ostracism ended with Ka'ab b. Malik deterrence. However, a close look at the account under consideration shows that he also went through an inner moral transformation characterized by three interconnected stages. The first stage consists of knowledge and awareness about one's shortcomings and realization that disobedience forms a barrier between man and his Creator. Alienation from the Beloved gives rise to an inner state of grief and sorrow referred to as regret. When the

feeling of guilt and regret reaches its peak, it culminates in determination and resolution to stay away from all forms of transgressions that would possibly alienate the person from his Creator. The totality of these three stages is referred to as *tawba*. Speech act theory distinguishes between two types of statements, namely constatives and performatives. Constatives are statements that report facts or relate a state of affairs, whereas performatives perform the action they describe by the very fact of describing it. In his article *Paradoxical Speech Acts: Transformatives and Counterformatives*, Epstein introduces another type of speech acts, which he calls: *transformatives*. Transformatives are communicative acts that internally transforms the process of communication.

Since deterrence is an act that not only affects the interlocutors, but also transforms the speaker-addressee relation into one of deterrer and deterred, and since deterrence in the account under study is an outcome of ostracism, whose primary mechanism is silence, we claim that silence in this case is equivalent to a *transformative speech act*. We have also concluded from this analysis that, like deterrence, *tawba* is a communicative act that internally transforms the process of communication and changes the speaker-addressee relationship. Since *tawba* in the account under study is an outcome of ostracism, whose primary mechanism is silence, we claimed that silence in this case is equivalent to a *transformative act*. We will refer to silence that elicits (or causes) internal transformation or that transforms the speaker-addressee relationship at the non-material realm as *transformative silence*, throughout this study.



SECTION TWO

**PRAGMATICS OF SILENCE AS PROPER USE OF
SPEECH**

SILENCE AS PROPER USE OF SPEECH (*SAWM AL-LISĀN*)

Silence as proper use of speech, referred to as *sawm al-lisān* in Arabic, is a topic that has been discussed by Muslim scholars in excessive length. In Islam, it is believed that the danger of the tongue is enormous and that it can only be avoided through silence. One of the most comprehensive works on the importance and virtues of silence as guarding the tongue from evil speech is Ghazali's book entitled '*Āfāt al-Lisān*', which can be translated as "defects of the tongue".

After praising God for the gift of speech in the introduction of his book, Ghazālī describes speech, and its virtues as follows:

The tongue is one of the great bounties and one of the strangest subtleties of His (God's) making because it is small in weight but immense in terms of consequences. Belief and disbelief are not made distinct save by the things which the tongue performs. There is nothing that exists or does not exist, nothing that creates or is created, and nothing that is imagined or known or supposed except that the tongue can give account of it and can deal with it rationally by establishing its existence or non-existence. Everything knowledge can attain the tongue can express by saying whether it is true or false, and there is nothing that cannot in principle be known. This is a unique property which does not exist in any other part of the human body because the eye cannot perceive more than color and shapes, the ear can comprehend only sounds, and the hand can know only forms, and thus it is with the other parts of the human body. However, the tongue has an immense field of operation. There is nothing that can restrain it and there is no limit to its potential zone of operation. It has an extraordinary capacity to do good and an enormous field of operation in causing evil. And whoever just enjoys the sweetness of his tongue and neglects it, the latter may take him to destruction. And one can only be saved from the tongue's evil by tying it with the reigns of *shari'a*, so that such a person allows the tongue to operate in what it benefits him in this world and the hereafter.⁴⁹¹

In this introductory passage, Ghazālī describes the unlimited virtues of speech as well as its potential dangers and argues that it is only through silence that the destructive consequences of speech can be prevented.⁴⁹² Prophet Muhammad said:

He who believes in Allah and the Last Day does not harm his neighbor, and he who believes in Allah and the Last Day shows hospitality to his guest and he who believes in Allah and the Last Day speaks good or remains silent.⁴⁹³

This hadith lists three praiseworthy qualities of believers, namely goodness towards one's neighbors, hospitality, and speaking good or otherwise remaining silent.

⁴⁹¹ Abu-Hamed Ghazali, "Kitāb Āfāt al-lisān," in *Ihya Ulūm Al-Din*, 2nd ed., vol. 3, 5 vols. (Beirut: Dar Sader, 2004), 3.

⁴⁹² Abu-Hamed Ghazali, "Kitāb Āfāt al-lisān," in *Ihya Ulūm Al-Din*, 2nd ed., vol. 3, 5 vols. (Beirut: Dar Sader, 2004), 3–74.

⁴⁹³ *Sahih Bukhari*, Grade: *Sahih*, English translation: Book 76, *Hadith* 483. <https://sunnah.com/bukhari:6476>.

In Islam, speech can be either obligatory, recommended, prohibited, reprehensible, or permissible. The first part of the Hadith- speaking good-concerns the first two categories. The second part concerns the third and fourth categories. Whether the fifth category belongs to the first or to the second part is debatable among scholars. Some scholars argue that silence is preferable in this case. Others argue that talk is preferable if benefit that would result from it outweighs harm, and silence is preferable if its (talk's) harm would outweighs its benefit⁴⁹⁴. Speech that is purely harmful encompasses gossip, ridicule, and mockery, lying, backbiting, and all forms of hypocrisy. Speech that might be harmful includes speaking about that which is not of one's concern, chattering about unnecessary things at excessive length, indulging in polemics and disputation, artificiality in speech, insulting, cursing, excessive joking, revealing secrets, and giving false promises. In all these cases, speech is considered vicious –with varying degrees- and thus silence in such situations is either necessary or recommended depending on the degree of immorality of speech. In some situations, speech is recommended. Such cases include speaking out in a critical moment in a law case, speaking to heal someone's heart, or giving advice or warnings to prevent potential harms. Silence in these situations is either prohibited or reprehensible and should thus be avoided. At other instances, speech becomes obligatory. Such situations include silence about one's knowledge by not sharing it, hiding defects in a product to sell it, and not bearing witness in law cases where one's statement is needed. In these situations, silence is prohibited.

This section is composed of two chapters, namely chapters five and six. In these chapters, we will investigate pragmatics of virtuous silence. In Chapter Five, we will explore pragmatics of silence as a response to verbal aggressiveness. In Chapter Six, , we will explore pragmatics of silence as a response to Divine Speech.

⁴⁹⁴ Lashin, Musa Shahin, *Fath Al-Mun'im Sharh Sahih Muslim*.

CHAPTER V

TRANSFORMATIVE SILENCE ACTS: PRAGMATICS OF SILENCE AS A RESPONSE TO VERBAL AGGRESSIVENESS

INTRODUCTION

Verbal aggressiveness often leads to anger and rapid information exchange with the offender. Such verbal exchange is generally characterized by an increase in volume and speed of speech, which usually lay the ground for a quarrel. The transition from healthy conversation to a quarrel is problematic because it changes the priorities of the parties involved in the verbal exchange whose main motive shifts from disclosing truth to attacking the other party.⁴⁹⁵ What makes the situation worse is that the design of the aggression resulting from anger is often communicative in nature. That is, the aggression does not “efficiently injure or kill the target, but instead demonstrates fighting ability, determination, or the willingness to take the interaction into the realm of physical harm.”⁴⁹⁶ Since the shift from peaceful dialogue to a quarrel is often intensified by anger, controlling one’s inner self becomes a necessary requirement for conducting an ideal conversation.

In this chapter, we will first discuss the use of silence as a self-control strategy and explore its relationship with the virtue of *hilm*. Second, we will discuss uses, motives, and functions of silence as an argumentation strategy in light of *Ādāb al-Baḥth w-al-Munāzara*. Finally, we will investigate pragmatics of silence as a response to verbal aggressiveness.

⁴⁹⁵ Moira Howes and Catherine Hundleby, “The Epistemology of Anger in Argumentation,” *Symposion. Theoretical and Applied Inquiries in Philosophy and Social Sciences*, no. 2 (2018): 229–54.

⁴⁹⁶ Aaron Sell et al., “The Grammar of Anger: Mapping the Computational Architecture of a Recalibrational Emotion,” *Cognition* 168 (November 2017): 110–28, <https://doi.org/10.1016/j.cognition.2017.06.002>.

I. SELF-CONTROL THROUGH MORAL ANGER , METABOLIZED ANGER, AND SILENCE

1. Self-Control through Moral Anger

Aristotle defines anger as: “A desire accompanied by pain, for a conspicuous revenge for a conspicuous slight at the hands of men who have no call to slight oneself or one’s friends”.⁴⁹⁷ Anger, according to Aristotle’s definition, is a multidimensional phenomenon that comprises a cognitive and a psychological component. The cognitive component consists mainly in the thoughts of revenge aroused in the mind of the person who has been attacked and its psychological component consists in the feeling of pain that rises in response to the attack and the pleasure associated with taking revenge. Aristotle argues that anger is a healthy human emotion as long as it does not get out of control, however he states that virtue lies in skillful governance of one’s reactions when angry. In other words, what Aristotle mainly calls for is not eradication of anger but self-control.

Anyone can get angry – that is easy – or give or spend money; but to do this to the right person, to the right extent, at the right time, with the right aim, and in the right way, that is not for everyone, nor is it easy; that is why goodness is both rare and laudable and noble.⁴⁹⁸

The influence of Aristotle’s approach to anger and its skillful use is present in the works of many contemporary scholars, especially feminists, who argue that anger is the most effective response to injustice. They held that if one has been treated in an unjust way, they have the legitimate right to express their anger.⁴⁹⁹ This approach is referred to in the literature as *the Moderation Approach*. It holds that the angry person’s is expected to respond in a calm and polite way to offense. Anger in this case is believed to be moral as long as its destructive consequences are avoided and is thus referred to as *moral anger*.⁵⁰⁰

Moral anger involves judging that its object (a) has wrongfully harmed someone or something of value or (b) has failed to care about someone or something in the appropriate way.⁵⁰¹

⁴⁹⁷ Cited in Howes and Hundleby, “The Epistemology of Anger in Argumentation”, 230.

⁴⁹⁸ Howes and Hundleby, 231.

⁴⁹⁹ Emily McRae, “Metabolizing Anger: A Tantric Buddhist Solution to the Problem of Moral Anger,” *Philosophy East and West* 65, no. 2 (2015): 464–84.

⁵⁰⁰ Pettigrove, Glen, “Meekness and ‘Moral’ Anger,” *Ethics* 122, no. 2 (2012): 341–70.

⁵⁰¹ Pettigrove, Glen, 342.

Proponents of the Aristotelian approach believe that moral anger is the most appropriate response to offense for four main reasons. The first reason is referred to as *the epistemic claim*, which suggests that anger carries an epistemic value because it indicates that something is wrong about a situation. The second reason is called *the evaluative claim* and suggests that anger indicates that the subject of offense has value.

Under ordinary circumstances it is claimed, if we do not feel anger when X appears to have been harmed, then one can infer that we do not believe either (a) X is really important, or (b) X has been or is about to be unjustly harmed, or (c) the cause of the harm is a morally responsible agent. Given this fact about our cognitive and emotional constitution, if valuing X is good, then anger in the relevant circumstances is good.⁵⁰²

The third reason is called the *communicative claim* and suggests that anger transmits valuable moral messages to the wrongdoer. The fourth is called *the motivational claim* and holds that anger motivates the wronged to defend what they care about and thus make a change.

According to the Aristotelian approach, anger is not only a natural emotion but also a necessary response to offense as long as it is kept under control and used appropriately. Aristotle adds that failure to become angry or to express one's anger indicates that the person is either fool, coward, or slavish.⁵⁰³ However, critics of this approach claim that such failure -to become angry- may rather be an accomplishment and a deliberate decision by a mature person who not only understands that they have been abused but who also have the courage to control their anger and turn it into a productive force that would increase personal and social welfare. Proponents of this view call for another approach to anger, which they refer to as meekness⁵⁰⁴, metabolized anger⁵⁰⁵, transition anger⁵⁰⁶ or tantric anger⁵⁰⁷.

⁵⁰² Add source.

⁵⁰³ McRae, "Metabolizing Anger: A Tantric Buddhist Solution to the Problem of Moral Anger."

⁵⁰⁴ Pettigrove, Glen, "Meekness and 'Moral' Anger."

⁵⁰⁵ McRae, "Metabolizing Anger: A Tantric Buddhist Solution to the Problem of Moral Anger."

⁵⁰⁶ Nussbaum, Martha, "Transitional Anger," *Journal of the American Philosophical Association* 1, no. 1 (2015): 41–56.

⁵⁰⁷ McRae, "Metabolizing Anger: A Tantric Buddhist Solution to the Problem of Moral Anger."

2. Self-Control through Metabolized Anger

In her article *Meekness and 'Moral' Anger*, Pettigrove states that a close look at anger highlights the need for a virtue to correct it and argues that this virtue is what Shaftesbury, Butler, Hutcheson, Hume and their contemporaries call *meekness*.

Meekness is the virtue whose purview is the governance of anger and related emotions. The meek person is slow to anger and is not prone to resent others, to desire their suffering, or to take pleasure in their distress.⁵⁰⁸

Pettigrove states that the meek is not someone who never becomes angry, but one who is slow to anger and that when they become angry, they restrain their emotion and refrain from expressing it. She also claims that, unlike normal anger, the meek's anger does not last long.

Just as the meek are slow to anger, they are slow to condemn. They judge, whenever possible, in favor of the offender. The point is not that they turn a blind eye toward wrongdoing. They are as capable and as prepared as anyone else to judge that an act has caused an undeserved harm and is, in that sense, a wrong act. But in the absence of overwhelming evidence, they are unwilling to draw unfavorable conclusions about the agent's motives.⁵⁰⁹

This approach to anger has been advocated by many ancient and contemporary Buddhists, who call for controlling one's anger and responding to it with love and compassion to correct the ignorance and wrong perceptions at its root.⁵¹⁰

Contemporary Western scholars such as Martha Nussbaum and Emily McRae are also among the proponents of this approach, which they call *transition-anger* and *tantric or metabolized anger*, respectively. Nussbaum states:

Transition-anger is "forward looking" in the sense that "a reasonable person shifts [from anger] toward more productive forward-looking thoughts, asking what can actually be done to increase either personal or social welfare."⁵¹¹

McRae's *tantric or metabolized anger* is based on the Tantric Buddhist view that one can transform anger into a productive force that increases personal and social welfare.

Unlike the Aristotelian approach to anger, which stresses the importance of self-control in situations of offense or abuse, Nussbaum and McRae's approach emphasizes anger's short- and long-term consequences. In other words, they believe that it is not the state of anger itself, but rather the action that follows it that matters.⁵¹² Metabolized

⁵⁰⁸ Pettigrove, Glen, "Meekness and 'Moral' Anger", 343.

⁵⁰⁹ Pettigrove, Glen, 366.

⁵¹⁰ Pettigrove, Glen.

⁵¹¹ Howes and Hundleby, "The Epistemology of Anger in Argumentation", 233.

⁵¹² Nussbaum, Martha, "Transitional Anger."

or transition anger can be distinguished from normal anger in various ways. First, metabolized anger prevents the destructive consequences associated with normal anger as the wronged transforms his feeling into a productive force that would aid his moral development on one hand and increase social welfare on the other hand. It thus protects the wronged from the feeling of pain which is often accompanied with the desire to harm the wrongdoer, and which may possibly culminate in hatred and protects the wrongdoer from any aggressive or harmful reaction that would intensify the quarrel. Second, metabolized anger is believed to be a moral and spiritual achievement accomplished through sophisticated spiritual training, which enables the wronged to take control over their emotions and respond accordingly. Third, the desire for vengeance, which Aristotle believes to be a constituent of normal and moral anger, is not only eliminated from the mind of the wronged but also replaced with an urge to help the other morally and spiritually. Metabolized or transition anger is characterized not only by self-control, as moral anger is, but also by benevolence which the latter lacks.⁵¹³

One of the main distinctions between moral anger and metabolized anger is that the former is based on redirecting one's angry reaction in terms of its duration, degree, and frequency without exerting any effort to eliminate one's desire for revenge.

Metabolized anger, however, consists of transforming the angry reaction and eliminating the deep desire for vengeance that accompany it.

Unlike the Aristotelian view, this transformation is not just a matter of directing anger in a more appropriate way; rather the experience of anger itself becomes transformed as it is experienced as non-compulsive and oriented toward helping rather than harming. This anger (tantric anger) becomes qualitatively different from what it was before (normal anger).⁵¹⁴

According to the moderation approach, the best one can do to prevent the destructive harms of anger is to moderate the latter by redirecting one's angry reaction in terms of its degree, duration, and frequency without making any effort to eliminate the desire for revenge underlying it. This view, however, does not take into consideration the spiritually mature person who might be able to control their anger and turn it into a productive force. Metabolized anger on the other hand, consists of a radical transformation of the angry reaction and of elimination of the desire for revenge

⁵¹³ McRae, "Metabolizing Anger: A Tantric Buddhist Solution to the Problem of Moral Anger."

⁵¹⁴ Emily McRae, "Metabolizing Anger: A Tantric Buddhist Solution to the Problem of Moral Anger," *Philosophy East and West* 65, no. 2 (2015): 478.

underlying it, something only those who have undergone a sophisticated spiritual training can do⁵¹⁵.

3. Self-Control through Silence

In his book *Ihyā' 'Ulūm al-Dīn*, Ghazali states that anger is a built into all human beings to defend them from harm. However, humans are required to use it in a moderate way because excessive anger clouds the intellect, and its absence leads to cowardice. Ghazali divides humans into four categories. He states that some are easily angered and easily pleased. Others are neither easily angered nor easily pleased. Some others are hard to anger and easy to please and the worst type are those who are easily angered and hard to please. He adds that the best character occurs when one swallows anger by choice not by weakness of character because in the latter case it eventually culminates in many destructive actions. Ghazali also argues that maintaining composure when angry is an obligation and offers theoretical and practical ways to bring it under control. The theoretical treatment is to know that there is spiritual reward in suppressing anger. The practical treatment is seeking refuge with God from Satan, changing one's position, and silence.⁵¹⁶

The first practical remedy is to say, "I seek refuge with God from the accursed Satan", Sulayman ibn Surad reported:

Two men abused one another in the presence of the Prophet, may Allah bless him and grant him peace, and one of them began to get angry and his face got red. The Prophet, may Allah bless him and grant him peace, looked at him and said: I know some words that, if he says them, will remove this from him. They are: "I seek refuge with Allah from the Accursed Shaytan".⁵¹⁷

The second practical remedy to anger is changing one's position. If one is angered while standing, he should sit, if he was sitting, he should lay on the ground. If he was still not calmed, he should purify himself with cold water because anger comes from the devil and its nature is fire, so it is extinguished with fire.⁵¹⁸ Prophet Muhammad

⁵¹⁵ McRae, "Metabolizing Anger: A Tantric Buddhist Solution to the Problem of Moral Anger."

⁵¹⁶ Abu-Hamed Ghazali, "Kitāb Dham al-Ghadab," in *Ihya Ulum Al-Din*, 2nd ed., vol. 3, 5 vols. (Beirut: Dar Sader, 2004), 204–248.

⁵¹⁷ *Al-Adab al-Mufrad*. Grade: *Sahih*. English Translation: Book 57, Hadith 1319. <https://sunnah.com/adab:1319>

⁵¹⁸ Abu-Hamed Ghazali, "Kitāb Dham al-Ghadab".

said: “If one of you is angry while he is standing, let him sit down so his anger will leave him; otherwise, let him lie down”.⁵¹⁹

A third practical way to suppress anger’s destructive consequences on self and others is silence.

Ibn 'Abbas said:

The Messenger of Allah, may Allah bless him and grant him peace, said: ' Teach and make it easy. Teach and make it easy.' three times. He went on, 'When you are angry, be silent' twice.⁵²⁰

The practice of silence as a self-control strategy is called *tahallum*. It is a process whereby the angry person keeps forcing himself to respond with silence to offense. By doing so, one gradually eliminates their desire to take revenge. This exercise would eventually culminate in the acquisition of the moral virtue of *hilm*, whereby self-control and benevolence become one’s second nature. This indicates that there is circular causality between the practice of silence as a response to offense on the virtue of *hilm*. The more one forces himself to respond with silence to offense, the closer they become to the acquisition of the virtue of *hilm*. One of the characteristics of the possessor of *hilm*, or the *halīm*, is that he naturally responds to offense with silence. This relationship is illustrated in figure 10.

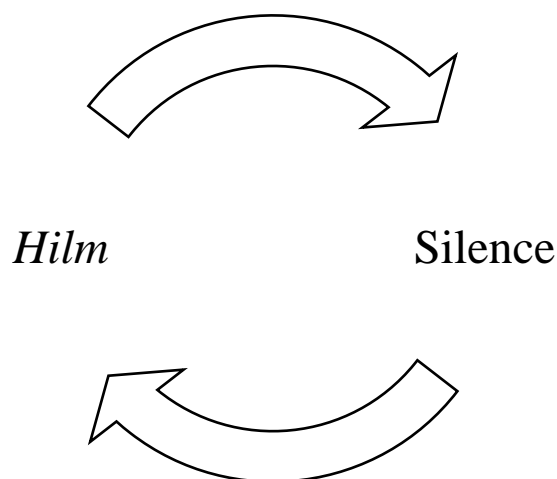


Figure 5.1: The relationship between silence and *hilm*

⁵¹⁹ *Sunan Abi-Dawud*. Grade: *Sahih*. English Translation: Book 42, Hadith 4764. <https://sunnah.com/abudawud:4782>.

⁵²⁰ *Al-Adab al-Mufrad*. Grade: *Sahih*. English Translation: Book 57, Hadith 1320. <https://sunnah.com/adab:1320>.

Hilm is defined as a combination of *anāt* (deliberateness) and *‘aql* (intelligence). It is also defined as the opposite of foolishness. “The virtue described by *hilm*, which renders its possessor *halīm*, is in general terms at least, “judiciousness”, keenness of mind and prudence in action. The possession of *hilm* derives from the capacity to correctly weigh up contingencies, in particular negative ones, to be resolute in soul and calm in conduct, in absolute confidence of a positive outcome.”⁵²¹

Hilm may manifest itself in different ways but it remains basically a virtue that enables the person to respond with good manners to offensive action. This meaning is emphasized in the following *hadith* reported by Abu-Hurayra, he said:

A man came to the Prophet, may Allah bless him and grant him peace, and said: ‘Messenger of Allah! I have relatives with whom I maintain ties while they cut me off. I am good to them while they are bad to me. They behave foolishly towards me while I am forbearing towards them.’ The Prophet said: “If things are as you said, you will not lack divine aid as long as you continue to do that”.⁵²²

Bustī states that the two main cornerstones of *hilm* are intelligence and silence.⁵²³ Muslim scholars argue that *hilm* is gained through the practice of silence as a response to an offensive action. This process is called *tahallum*. Prophet Muhammad said: “Knowledge is gained through learning (*ta’allum*) and *hilm* is learned through *tahallum*.⁵²⁴” The difference between *tahallum* and *hilm* is that the former refers to controlling one’s anger whereas the latter refers to controlling one’s desire for vengeance. By forcing oneself to respond with silence to an offensive action, one refrains from responding back and thus gradually eliminates their desire to take revenge. This exercise would eventually culminate in the acquisition of the moral virtue of *hilm*, whereby self-control and benevolence become one’s second nature. It is narrated that Abdullah Ibn al-Mubārak once said: “I lived with a fool for a long period and kept enduring his harm and controlling my anger until *hilm* became a second nature (*malakah*) to me”.⁵²⁵

⁵²¹ Ida Zilio-Grandi, “Hilm or ‘Judiciousness’: A Contribution to the Study of Islamic Ethics,” *Studia Islamica* 110 (2015): 84.

⁵²² *Sahih Muslim*, Grade: *Sahih*, English translation: Book 32, *Hadith* 6204. <https://sunnah.com/muslim:2558a>.

⁵²³ Bustī, *Rawdat Al-‘Uqalā Wa Nuzhat al-Fudalā*, 32-42.

⁵²⁴ Cited in Abū-Hāmid Ghazālī, *Ihyā Ulūm Al-Dīn*, vol. 3, 5 vols. (Beirut: Dār Ṣāḍir, 2004), 218.

⁵²⁵ Abū-Saīd Khādīmi, *Al-Barīkah Sharh al-Tarīqah*, vol. 2, 2 vols. (Istanbul: Al-Hakīkah, 2011), 20.

Hilm is also manifested by forgiveness since the silent person forgoes a verbal response and abstains from vengeance. It enables the wronged to transform his feeling into a productive force that would aid his moral and spiritual development and increase social harmony. It also protects the wronged from the feeling of pain which is often accompanied with the desire to harm the wrongdoer and protects the wrongdoer from any aggressive or harmful reaction that would pave the way to quarrel. An additional function of *hilm* is mentioned by Zilio-Grandi who argues that “*hilm* performs a formidable civic function, i.e., that of prophylaxis (*rad*’) because it forms a barrier in the heart of that who does evil and receives good in return, a barrier that would prevent them from committing a similar offense again”.⁵²⁶ Silence in this case is a transformative act because it has the power to activate the addressee and urge them to act in a certain way, externally or internally.

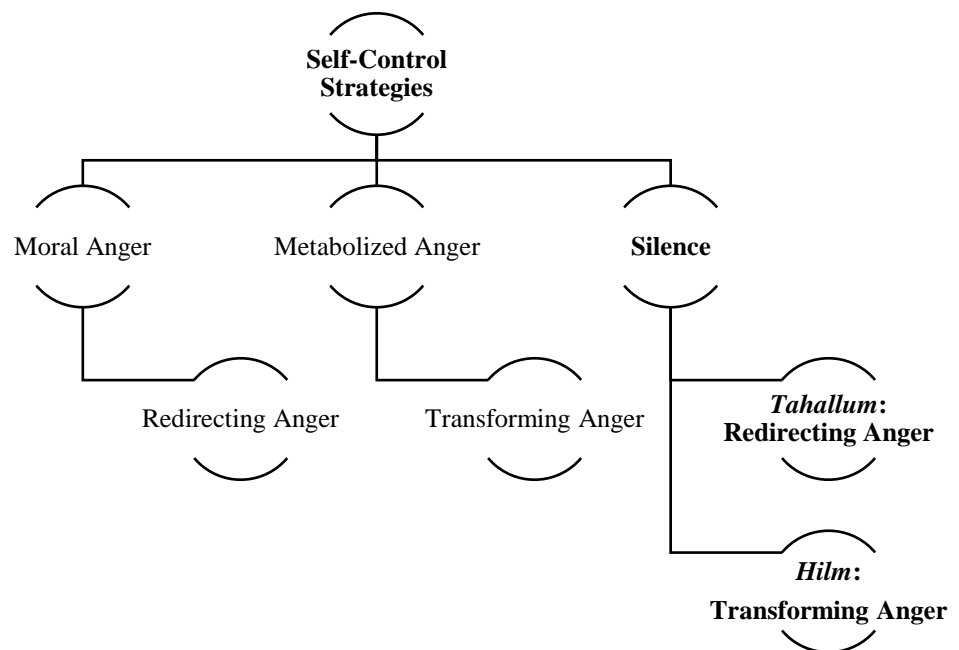


Figure 5.2: Three Self-Control Strategies: Moral Anger, Metabolized Anger, and Silence

Silence in response to offense is an approach that both the commoner and the spiritually mature would be able to practice. By forcing oneself to respond with silence to offense, the commoner practices *tahallum*. By doing so, one gradually eliminates

⁵²⁶ Zilio-Grandi, “Ḥilm or ‘Judiciousness’: A Contribution to the Study of Islamic Ethics.”, 90.

their desire for vengeance. This exercise would eventually culminate in the acquisition of the moral virtue of *hilm*, whereby self-control and benevolence become one's second nature.

The practice of silence as a response to verbal aggressiveness has been addressed extensively by *munāzara*⁵²⁷ scholars who formulated an ideal discussion procedure to differentiate *munāzara*⁵²⁸ -or ideal argumentation- from quarrelling and power-flexing. In the following section, we will investigate uses, motives, and functions of silence in argumentation in light of the disciplines of *Jadal* and *Ādāb al-Baḥth wa al-Munāzara*.

II. USES, FUNCTIONS, AND MOTIVES OF SILENCE IN ARGUMENTATION

The ethical dimension of argumentation has been addressed extensively by *munāzara*⁵²⁹ scholars who formulated an ideal discussion procedure to differentiate *munāzara*⁵³⁰ -or ideal argumentation- from quarrelling and power-flexing. While the former is motivated by the normative goal of manifestation of truth the latter are mainly motivated by the desire to silence the respondent by using trickeries, invalid moves and disorderly performance. *Munāzara* aims at disclosing the truth by following a set of rules and etiquette (*ādāb*), which have both outer and inner dimensions. At the outer level, the discussants follow a set of rules that enable them to conduct an ethical

⁵²⁷ *Munāzara* is an institutionalized discipline of disputation that started with al-Samarqandi's *Risāla fī Ādāb al-Baḥth*, which encompasses juridical dialectics, philosophical dialectics, and Sufi criticism of dialectics. See Leonard Faytre, "Munāzara and the Internal Dimension of Argumentation Ethics: A Translation and Commentary of Ahmed Cevdet's Adab-ı Sedad in the Light of Sufism and Western Argumentation Ethics" (Master Thesis, Istanbul, Ibn Haldun University, 2018), 52.

⁵²⁸ In this article, we use the terms *Munāzarah* and argumentation interchangeably.

⁵²⁹ *Munāzara* is an institutionalized discipline of disputation that started with al-Samarqandi's *Risāla fī Ādāb al-Baḥth*, which encompasses juridical dialectics, philosophical dialectics, and Sufi criticism of dialectics. See Leonard Faytre, "Munāzara and the Internal Dimension of Argumentation Ethics: A Translation and Commentary of Ahmed Cevdet's Adab-ı Sedad in the Light of Sufism and Western Argumentation Ethics" (Master Thesis, Istanbul, Ibn Haldun University, 2018), 52.

⁵³⁰ In this article, we use the terms *Munāzarah* and argumentation interchangeably.

debate. At the inner level, each of the discussants is required to regulate their relationship with God by constantly controlling their inner self.⁵³¹

Ahmed Cevdet Paşa argues that the discussant should control their inner self before the debate to be able to control their tongue during it. Otherwise, they will eventually fail to conduct an ethical debate.⁵³² This indicates that there is an interrelation between the attributes of the arguer and their ability to control their tongue. *Munāzara* is thus not only the interpersonal act of exchange of arguments, but also a procedure that teaches arguers a set of ethical rules and manners and the order of movements to be followed during the debate until they acquire the disposition (*malakah*) of being a good arguer. In other words, as quarrelling is a vice of the vicious person, argumentation becomes an attribute of the virtuous person.

Parties who want to be ideal arguers need to know when to speak and when to remain silent. In fact, it is one of the five major outcomes of *munāzara* as listed by Taşköprüzade in his *Risālat al-Ādāb fī ‘ilmi Ādāb al-Baḥth w-al-Munāzara*.⁵³³ He states that *munāzara* enables the discussants to disclose the truth, teaches them the methods of sound and ethical argumentation, helps them understand other sciences and disciplines, allows them to reject doubtful evidence, and teaches them when to speak and when to remain silent.

In this sub-section, we will investigate the last outcome mentioned by Taşköprüzade, namely the appropriate use of speech and silence in argumentation. We will more specifically explore the use of silence in argumentation by discussing situations where the arguer should speak and situations where they are required to remain silent during argumentation. We will also study the motives and functions of silence in argumentation and demonstrate that the appropriate use of silence is an attribute and a virtue of good arguers. More specifically, we will analyze how silence, born out of the virtue of *hilm*, prevents the debate from shifting into quarrel and enables the discussants to conduct an ideal argumentation based on ethical standards.

⁵³¹ Leonard Faytre, “Munazara and the Internal Dimension of Argumentation Ethics: A Translation and Commentary of Ahmed Cevdet’s Adab-ı Sedit in the Light of Sufism and Western Argumentation Ethics” (Istanbul, Ibn Haldun University, 2018), 52.

⁵³² Faytre.

⁵³³ Taşköprüzade, *Risālat Al-Ādāb Fī ‘ilmi Ādāb al-Baḥth Wal-Munāzara*, 1st ed. (kuwait: Dar al-Zahiriyyah, n.d.).

1. Rules of Speech and Silence in Argumentation

In the twenty fourth chapter of his book *Al-Kāfiyah fi al-Jadal*⁵³⁴, Juwayni lists more than twenty rules discussants should follow before and during the debate. The following are rules related to speech and silence *ādāb* in Munāzara:

- **Rule 1:** The claimant should first and foremost observe his intention. He should make sure that his aim is disclosing the truth and not winning the debate.
- **Rule 2:** The claimant should start with thanking God and glorifying Him and invoking *salawāt* upon Prophet Muhammad and asking for divine support and guidance, loudly or secretly.
- **Rule 3:** The claimant should not argue with someone from whom he feels hatred or enmity if he thinks that discussion with such a person may raise his anger and thus disturb him.
- **Rule 4:** The claimant should not participate in argumentation if discussants are not given equal chances to express their views because this will either cause him a sense of abjectness or raise his anger.
- **Rule 5:** The claimant should not argue with someone who is obstinate or someone who is trying to show off.
- **Rule 6:** The claimant should distinguish between the novice and the adept and argue with each one accordingly. He should be extremely kind and provide detailed and clear answers to the novice to help him understand the truth of the matter and motivate him to learn more and should be concise with the adept.
- **Rule 7:** The claimant should use a moderate voice while speaking.
- **Rule 8:** The claimant should show humility and reverence during the discussion and be willing to accept truth, whatever it is.
- **Rule 9:** The claimant should avoid verbosity because it leads to dullness and boredom.
- **Rule 10:** The claimant should not formulate his arguments according to the inclinations of his audience. His aim should rather be gaining God's pleasure by disclosing the truth, regardless of his audience's expectations.

⁵³⁴ Juwayni, Abd al-Malik, *Al-Kāfiya Fi al-Jadal*, 1st ed. (Beirut: Dār al-Kutub al-'Ilmiyyah, 1999).

- **Rule 11:** The claimant is expected to keep a smiling face and a positive attitude during the discussion.
- **Rule 12:** The claimant should not belittle or humiliate his respondent.
- **Rule 13:** The claimant should listen attentively to each other and respect each other's turn to speak. If the claimant is interrupted by his respondent, he should remind him to listen and remain silent until his turn comes. If he keeps interrupting him, he should end the discussion because such behavior disturbs both the speaker and the listener and negatively affects the flow of understanding.
- **Rule 14:** The claimant should understand his respondent's argument. If his respondent uses long expressions, he should summarize his main points and ask him to confirm what he understood and then respond accordingly.
- **Rule 15:** If the claimant notices some inconsistencies in his respondent's argument, he should inform him. Failure to do so shows that he is not willing to disclose the truth.
- **Rule 16:** The claimant should not take his respondent to task for his slips of tongue. If he is not sure whether a statement is intended or not, he should ask his respondent. If the latter says it was a slip of the tongue, he should disregard it.
- **Rule 17:** The claimant should not worry about providing the same response to many questions. In the contrary, he should know that invalidating various statements with one argument adds to the strength of the latter.
- **Rule 18:** The claimant should not try to silence his respondent by yelling and shouting or by intimidating him because this constitutes a violation of ethics in general and ethics of *munāzara* in particular.
- **Rule 19:** The claimant should respond to his respondent in one of three ways. If the respondent shows an inconsistency or a weakness in his argument, he is expected to correct it and provide strong evidence that supports his claim, this is called *inqiād*. If he notices an inconsistency or a weakness in his respondent's statement, he should refute it, this is called *isqāt*. If he sees that his respondent's statement is not directly related to his argument, he should refrain from responding back, this is called *i'rād*.
- **Rule 20:** The discussants should follow ethics of *munāzara* by doing what brings benefit and avoiding what brings harm to it. At the core of these *ādāb* is

that each of the discussants performs his task in *munāzara* and do not exceed it to something else. The main task of the claimant is providing evidence that supports his claim and the main duty of the questioner is refuting such evidence. If the claimant sees that the questioner's statements refute his evidence, he should provide further evidence to support his claim. If, on the other hand, he notices that the questioner statements do not weaken his argument he is not required to speak and may remain silent. If the questioner notices an inconsistency or weakness in the claimant's argument, he should refute it. Otherwise, he may remain silent.

In addition to these rules, Juwayni argues that silence is more appropriate than speech when the discussant realizes that his respondent uses tricks during argumentation. Examples of these tricks include escaping from the main argument by commenting on every single word the claimant mentions and using sophisticated expressions that would create the illusion in the audience's mind that one is refuting the argument while they are not. Another example is when the respondent remains silent until the claimant finishes his argument (to create the impression that he was listening attentively) and then reformulates the argument in a way that was not intended by the claimant. If the latter attempts to restate his argument, the respondent accuses him of violating *munāzara* ethics by interrupting him and insists on that despite the claimant's clarification. Juwayni argues that in these and similar cases, silence is not only recommended but often obligatory.⁵³⁵

2. Three Argumentation Strategies: Persuasion (*iqnā'*), Silencing (*ilzām*), and Silence (*i'rād*)

Despite its importance in disclosing truth, indulging in argumentation is not recommended by many Muslim scholars unless it is necessary to do so. In his book *Ayyuhā al-Walad (Dear Beloved Son)*, Ghazali states that one should avoid arguing with anyone on any issue because debate may culminate in enmity and dispute and may eventually be a source of evil traits such as show, arrogance, jealousy, and pride. When one faces a situation where argumentation is necessary, they should make sure

⁵³⁵ Juwayni, Abd al-Malik.

that their intention is not winning the debate but disclosing the truth.⁵³⁶ This is mainly achieved through persuasion (*iqnā'*) or silencing (*ilzām*).⁵³⁷ In persuasion, parties try to persuade each other that the claim is successfully defended or successfully rejected. In silencing, however, although the claim is defended or rejected, persuasion is not achieved. In those cases, one party is left without any other rational moves to further the discussion. The case is not yet closed, and the truth is not disclosed. However, if the arguer believes that truth would not be disclosed through these two strategies and that there is a possibility that argumentation will turn into quarrel, they may use a third strategy, namely turning away (*i'rād*).

I'rād literally means turning away. In the context of *munāzara*, it refers to refraining from argumentation. An arguer might refrain from argumentation either by reminding the other party that it is not possible to continue argumentation if the rules and etiquette are not observed, by using a rhetorical statement to end the conversation⁵³⁸, or by remaining silent. In this chapter, we will focus on the last form of *i'rād*, namely remaining silent. The arguer uses *i'rād* by remaining silent either to make the other party aware of their mistake or to end the debate. Silence in these cases is communicative because it conveys moral messages to the wrongdoer and make them realize that they have committed an unethical move. If they decide to continue argumentation by adhering to its ethical rules, the arguer may breach their silence and continue the debate. Otherwise, they would simply quit the debate through extended silence. Arguers may use silence in argumentation for many reasons, but the overarching motivation is to perform a proper argumentation that aims at disclosing the truth.

⁵³⁶ Ghazāli, *Ayyuhā Al-Walad*, 2nd ed. (Dār al-Minhāj, 2014).

⁵³⁷ Faytre, “‘Munazara’ and the Internal Dimension of Argumentation Ethics: A Translation and Commentary of Ahmed Cevdet’s *Adab-ı Sedat* in the Light of Sufism and Western Argumentation Ethics”, 73.

⁵³⁸ This meaning is stated in Q 25: 63 which runs as follows: “And the servants of the Most Merciful are those who walk upon the earth easily,¹ and when the ignorant address them [harshly], they say [words of] peace”.

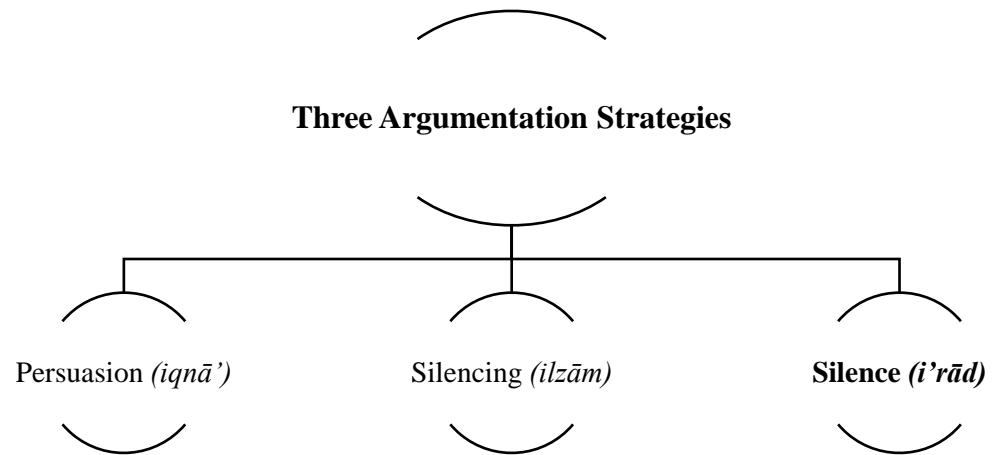


Figure 5.3: Three Argumentation Strategies: Persuasion (*iqnā'*), Silencing (*ilzām*), and Silence (*i'rād*)

3. Silence as a Response to Unethical Moves in Argumentation

In an ideal argumentation, parties will confine themselves to persuasion. The parties continue argumentation up until one is left without any other possible move. If one party breaches the ethical conduct during argumentation, the other party has two options: silencing (*ilzām*) or remaining silent and leaving the argumentation (*i'rād*). However, the option of silencing the other party should be chosen only when it is more appropriate than remaining silent. The reason behind this is that *ilzām*, even if it is achieved without any aggression is still a form of quarrel where the goal is not helping each other for the manifestation of truth.⁵³⁹ In cases where *ilzām* is not morally beneficial for both parties, *i'rād* becomes the most optimal argumentation strategy. Silence in this case should not be understood as an acknowledgement of defeat.⁵⁴⁰

Some *munāzara* scholars state that even a sound argument should be rejected in cases of violation of any rule of *munāzara* procedure and ethics.⁵⁴¹ Thus, any further response to the respondent in such cases is seen as a deviation from the main goal of

⁵³⁹ Āmidī, *ʿAbd al-Wahhāb alā Waladiyyah*, 103-104.

⁵⁴⁰ Juwaynī, Abd al-Malik, *Al-Kāfiya Fi al-Jadal*, 1st ed. (Beirut: Dār al-Kutub al-'Ilmiyyah, 1999), 318-325.

⁵⁴¹ Güney, "Critical Edition of Kemāl al-din Masud b. Husain al-Shirwanī's Work Titled Sharh Ādāb al-Samarqandī", 118.

the debate, which is disclosing the truth. When the ethical violation is committed by the respondent, the claimant's silent response is referred to as *i'rād*. When it is committed by the claimant, the respondent's silence is called *imsāk*.

We had already established that argumentation is a co-operative quest for the manifestation of truth. We have also elaborated on how *munāzara* is not only the name of the act of arguing, but that it is also an attribute of the agent. The intricate correlation between the agent and the act is observed in the violations of the discussion moves. The claimant cannot simply claim something and remain silent. They have to provide proofs that support their claim. Failure to do so is called *tahakkum* (despotism).⁵⁴² In the same manner, if the respondent insistently stops short at merely vetoing a premise or a standpoint without further justification, this insistence will be called *mukābarah* (obstinacy).⁵⁴³ If one party steals the right to speak of the other, this act will be called *ghasb* (usurpation).⁵⁴⁴ In the same manner, coming up with a counter argument without exhausting the available moves is called '*ajalah* (hastiness).⁵⁴⁵ These violations often turn argumentation into a quarrel. Below, we will shed light on three unethical moves to which silence is more appropriate than speech in argumentation.

3.1. Silence as a Response to Ghasb (Usurpation)

In *Al-Kāfiya fi al-Jadal*, attributed to Juwaynī, the author lists a series of rules for an ethical conduct of argumentation. We will choose some rules that directly pertain to silence as an argumentative strategy. By adjoining the views of *munāzara* scholars in later centuries, we will examine how silence as a strategy is employed. We will begin with *ghasb* (usurpation).

Juwaynī states that arguers should listen attentively to each other and respect each other's turn to speak. If the arguer is interrupted by his respondent, he should remind the latter that he is required to listen and remain silent until his turn comes. If he keeps interrupting him, the arguer should end the discussion because such behaviour disturbs both the speaker and the listener and negatively affects the flow of understanding.⁵⁴⁶

⁵⁴² Jaunpūrī, *Sharḥ al-Raṣḥīdīya*, 84.

⁵⁴³ Ahmed Cevdet, *Mantık Metinleri 2*, 116-117.

⁵⁴⁴ Āmidī, '*Abd al-Wahhāb alā Waladiyyah*, 77.

⁵⁴⁵ Jaunpūrī, *Sharḥ al-Raṣḥīdīya*, 82.

⁵⁴⁶ Juwaynī, *Al-Kāfiya Fi al-Jadal*, 321.

In this rule, Juwaynī emphasizes an important rule that discussants are required to follow during the argumentative discourse, namely attentive listening and respecting each other’s right of speech. *Munāzara* scholars refer to violation of this rule as *ghasb* (usurpation). *Ghasb* takes place when the right to speak of one party is stolen by the other party. It mostly happens when the respondent starts to disprove the claimant’s argument. The procedure requires that the right to speak should be reserved to the claimant. If the claimant has not proved her claim yet, the only option for the respondent is objecting to the claim. Instead, the respondent attributes a proof to the claim of the claimant and starts arguing against it. There are scholars like Gelenbevī who disagree that usurpation is an invalid move with the claim that the content of usurpation might be beneficial for the manifestation of truth.⁵⁴⁷ However almost all other *munāzara* scholars argue that *ghasb* is a violation of *munāzara* ethics because it deprives the claimant from performing his main task in *munāzara*, which is proving his claim. In this case, the respondent’s intervention is considered invalid regardless of the content of his statement.⁵⁴⁸

3.2. Silence as a Response to *Mukābarah* (Obstinacy)

It is stated in *Al-Kāfiyah* that the arguer should not argue with someone who is obstinate or arrogant (*muta’annit*).⁵⁴⁹ A discussion move is rendered *mukābarah* on a number of occasions.⁵⁵⁰ Here we focus mainly on the case where one-party objects to an evidently true premise. When faced with *mukābarah*, the other party might employ silencing. When this strategy does not work, the arguer is required to remain silent. *I’rād* as silence is believed to be the most appropriate augmentation strategy when the respondent is obstinate (*muta’annit*) because the latter keeps relying on what he knows and stubbornly refuses to change his opinion or consider other points of view even when it is self-evident. His intervention is thus seen as a violation of *munāzara* rules and ethics.⁵⁵¹ The word *mukābarah* is etymologically related to the word *kibr*, which

⁵⁴⁷ Gelenbevī, *Gelenbevī alā Ādāb me’ā Hāshiyat*, 122-124.

⁵⁴⁸ Güney, “Critical Edition of Kemāl al-din Masud b. Husain al-Shirwani’s. Work Titled Sharh Ādāb al-Samarqandi”, 118; Āmidī, *Abd al-Wahhāb alā Waladiyyah*, 77.

⁵⁴⁹ Juwaynī, *Al-Kāfiya Fi al-Jadal*, 320.

⁵⁵⁰ Ahmed Cevdet, *Mantık Metinleri* 2, 116.

⁵⁵¹ Āmidī, *Abd al-Wahhāb alā Waladiyyah*, 59.

means arrogance. Rejecting a self-evident premise without providing any logical argument is an indicator not only of obstinacy but also of arrogance.

3.3.Silence as a Response to Irrelevant Moves of the Other Party

One of the names for the science of argumentation is *'ilm al-tawjīh*, roughly translated as *the science of relevance*.⁵⁵² In a proper argumentation, the exchange between parties happens in such a manner that each move is relevant to the other. In *al-Kāfiya*, Juwaynī states that the arguer should respond to his respondent in one of three ways. If the respondent shows an inconsistency or a weakness in his argument, he is expected to correct it and provide strong evidence that supports his claim, this is called *inqiād*. If he notices an inconsistency or a weakness in his respondent's statement, he should refute it, this is called *isqāt*. If he sees that his respondent's argument is irrelevant, he should refrain from arguing with him, this is called *i'rād*.⁵⁵³

In this rule, Juwaynī states that silence is the most appropriate response to the respondent who, out of ill intention, deviates from the main topic of discussion by presenting an argument that is irrelevant to the issue debated or that is irrelevant in terms of the right order of discussion moves. This act is believed to be a violation of rules and ethics of argumentation because it indicates that the aim of the respondent is not disclosing the truth but winning the debate. According to *munāzara* ethics, the discussants should not deviate from the main topic of the debate⁵⁵⁴ and should keep in mind their initial goal, which is nothing but disclosing the truth. The party that deviates from the topic in fact acknowledges defeat but acts otherwise. Therefore, *i'rād* as silence is more appropriate than rational persuasion or silencing in this case.

Munāzara is thus a discipline that teaches arguers when to remain silent and when to speak. One is a good arguer when they make the right, logical, procedural moves in the order suggested; remain silent when silence is more appropriate than speech; and leave argumentation in a setting where they believe that co-operative quest for the manifestation of truth is impossible.⁵⁵⁵ Below, we will investigate motives and functions of silence (*i'rād*) in the above-mentioned situations.

⁵⁵² Āmidī, *'Abd al-Wahhāb alā Waladiyyah*, 8.

⁵⁵³ Juwaynī, *Al-Kāfiya Fi al-Jadal*, 323.

⁵⁵⁴ Ahmed Cevdet, *Mantık Metinleri 2*, 126

⁵⁵⁵ We noted some issues pertaining to silence in argumentation. We did not discuss obvious issues like insulting or belittling.

4. Motives and Functions of Silence in Argumentation

The main motive behind the use of silence- as *i'rād* -in the above-mentioned situations is related to the conception of how truth is achieved. This conception is emphasized by Juwaynī who states that the arguer should first and foremost observe his intention and make sure that his aim is disclosing the truth and not winning the debate.⁵⁵⁶ He also states that the arguer should ask for *tawfīq* (divine aid) to be able to distinguish right from wrong.⁵⁵⁷ In these rules, Juwaynī emphasizes not only the aim of *munāzara* which is disclosing the truth, but also the way it can be achieved. In other words, if manifestation of the truth is the ultimate aim of the discussants, it is only through divine aid (*tawfīq*) that this aim can be achieved. Faytre states: “if *munāzara* demands to pay attention to other discussants’ points of view it is above all in a metaphysical relation with God and with truth, and not only in a profane dimension that would just take discussants and audience into account”.⁵⁵⁸

In *munāzara* context, the discussant is supposed to purify their intention, seek divine aid (*tawfīq*), and then follow a set of logical and ethical rules and standards to disclose the truth. This is not to say that there is a causal relation between adherence to *munāzara* rules and gaining divine support. Rather, this is to indicate that failure to respect such rules is believed to deprive the discussants from *tawfīq*. This meaning is emphasized in the following hadith reported by Sa’id b. al-Musayyab, he said:

While the Messenger of Allah was sitting with some of his companions, a man reviled Abu Bakr and insulted him. But Abu Bakr remained silent. He insulted him twice, but Abu Bakr controlled himself. He insulted him thrice and Abu Bakr took revenge on him. Then the Messenger of Allah got up when Abu Bakr took revenge. Abu Bakr said: Were you angry with me, Messenger of Allah? The Messenger of Allah replied: An angel came down from Heaven and he was rejecting what he had said to you. When you took revenge, a devil came down. I was not going to sit when the devil came down.⁵⁵⁹

⁵⁵⁶ Juwayni, Abd al-Malik, *Al-Kāfiya Fi al-Jadal*.

⁵⁵⁷ *Ibid*, 318.

⁵⁵⁸ Faytre, “Munāzara and the Internal Dimension of Argumentation Ethics: A Translation and Commentary of Ahmed Cevdet’s *Adab-ı Sedat* in the Light of Sufism and Western Argumentation Ethics”, 51.

⁵⁵⁹ *Sunan Abi Dawud*, Grade: *hasan li-ghayrih*, English translation: Book 42, *Hadith* 4878. <https://sunnah.com/abudawud:4878>

It is also reported that the Prophet added: “Abu Bakr, (keep in mind) three things which are always true, whenever a person is subjected to an injustice but leaves the matter to Allah, then Allah will come to his aid...”.⁵⁶⁰

This hadith indicates that silence in the form of *i'rād* is the most appropriate response to verbal aggressiveness as we discussed above. If speech in such situations results in deprivation from divine support (*tawfiq*), silence is to be seen as an act that prevents this incident from happening. We can say that one of the main motives of silence in these cases is preventing an unpleasant incident from happening, namely deprivation from *tawfiq*.

Silence as a response to the respondent's unethical moves in *munāzara* performs various functions. Through silence, the arguer indicates that the respondent has violated one of the ethical rules of *munāzara*. The silent response also transmits valuable moral messages to the respondent by showing them that the arguer is not willing to stoop to their level by committing a likewise unethical move. Silence also contributes to the moral and spiritual development of the arguer who elevates himself morally and spiritually by controlling their tongue. Finally, silence helps maintaining social harmony by preventing the debate from shifting to quarrel.

III. PRAGMATICS OF SILENCE AS A RESPONSE TO VERBAL AGGRESSIVENESS

1. Silent Blame as a Transformative Speech Act

Blame is sometimes perceived as another form of punishment or criticism.⁵⁶¹ These two definitions of blame are mainly founded on the many similarities between blame and punishment on one hand and between blame and criticism on the other hand. However, they neglect some important differences between these concepts.

Blame may be seen as a component of punishment since the blamed is not exposed to the suffering that is often associated with punishment.⁵⁶² Likewise, criticism may be

⁵⁶⁰ Haythami, *Majma' Alzawāid Wa Manba' al-Fawāid*, 10 vols. (Muassassat al-Ma'ārif, 1986), 8:192.

⁵⁶¹ Michael McKenna, “Directed Blame and Conversation,” in *Blame*, ed. D. Justin Coates and Neal A. Tognazzini (Oxford University Press, 2012), 119–40, <https://doi.org/10.1093/acprof:oso/9780199860821.003.0007>.

⁵⁶² McKenna.

perceived as a component of blame since one can be criticized without being blamed.

Simion states:

Criticism and blame are two distinct normative categories; furthermore, the corresponding speech acts can also come apart. I can criticize you ('What you did was wrong') but fail to blame you (...although I must say I've done it myself in the past, I can sympathize!).⁵⁶³

McKenna argues that blame is a *conversational* act given that it is a response to a wrongful action.⁵⁶⁴ He states:

Speakers of a natural language engaged in the give and take of conversational transactions rely on complex expectations of shared background assumptions of a sort that allow for successful implicatures and related modes of conveying meaning that cannot be captured simply by attending to the strict semantic content of what is said between interlocutors. Innuendo, sarcasm, things discretely not said or not even indirectly mentioned, all figure into our understanding of the delicate interactions of individuals engaged in felicitous (and infelicitous) conversations with each other. Pragmatic context takes center stage here. A structurally analogous point applies to the nature of blaming understood as functioning like a move in a conversation.⁵⁶⁵

Duff also stresses the communicative function of blame, which he defines as “an attempt to communicate to the wrongdoer a moral understanding of his wrongdoing; to bring him to recognize his guilt and repent what he has done”.⁵⁶⁶ This view is also supported by Fricker who asserts that blame is informative.⁵⁶⁷ Fricker states that blame has at least two functions: epistemic and social.⁵⁶⁸ Its epistemic function consists of raising the wrongdoer's awareness about their wrongdoing and making them feel remorse for having done it. She believes that blame aims at “increasing the alignment of the blamer and the wrongdoer's moral understandings”. As for its social function, it is basically a normative consequence of the epistemic one. According to Fricker, the feeling of remorse elicited in the blamed aims at preventing them from committing the same mistake again in the future.⁵⁶⁹ In her article *Blame as Performance*, Simion states that the epistemic function of blame may also be achieved through criticism, which

⁵⁶³ Mona Simion, “Blame as Performance,” *Synthese*, April 10, 2021, 1–20, <https://doi.org/10.1007/s11229-021-03130-7>.

⁵⁶⁴ McKenna, “Directed Blame and Conversation.”

⁵⁶⁵ McKenna.

⁵⁶⁶ Cited in Simion, “Blame as Performance.”

⁵⁶⁷ Simion.

⁵⁶⁸ Miranda Fricker, “What's the Point of Blame? A Paradigm Based Explanation,” *Nous* 50, no. 1 (2016): 165–83, <https://doi.org/10.1111/nous.12067>.

⁵⁶⁹ Simion, “Blame as Performance.”

also informs the wrongdoer about their wrongdoing.⁵⁷⁰ What criticism cannot achieve is the social function of blame, which can only be achieved by “inspiring remorse”.⁵⁷¹ Fricker adds that the act of blaming is successful only when the blamed uptakes the message. She refers to blame that fulfills this condition as *communicative blame*.

When people blame us in this or that style, they might of course be trying to make us feel bad in some other way, but in Communicative Blame the speech act is geared specifically to bring us to feel the proper pang of remorse.⁵⁷²

Fricker defines communicative blame as “second personal communications of fault, backed up by the force of some reproving emotion with which the blamer tries to inspire remorse in the wrongdoer”.⁵⁷³ She argues that communicative blame is a transformative act whereby the blamer not only informs the wrongdoer about their wrongdoing but also tries to elicit a feeling of remorse for having done it by putting some psychological pressure on the blamed from a position of certain moral authority. In other words, the speech act of blame aims primarily at inspiring feelings of remorse in the wrongdoer (illocutionary point) to elicit an inner and outer change in the wrongdoer’s behaviour in the future (perlocutionary point).⁵⁷⁴ Fricker states:

The point of Communicative Blame is to bring increased alignment of the moral understandings of wronged and wrongdoer. By demanding that the wrongdoer take full account of the moral significance of what she has done, the blamer is going in for a speech act whose aim is to bring about an enlargement of the wrongdoer’s moral awareness to include the perspective of the wronged party. By focusing on the interpersonal mechanism of Communicative Blame in its everyday functional mode, and by reference to its transformative illocutionary and perlocutionary points, I hope to have shown that blame need not, and does not basically, express any unworthy impetus such as vengeful retributive drive, moralistic high-mindedness, or anxious control freakery; but is rather fueled by a transformative moral-epistemic energy towards shared moral sensibility, along with a candidly disciplinary hope. It is a communicative act that reprimands with feeling, in the hope of bringing the wrongdoer to better understand and perhaps correct her behaviour. Which is fair enough.⁵⁷⁵

Fricker adds that communicative blame can be explicit or silent.⁵⁷⁶ This view is further elaborated by Simion who explores the differences and the relationship between the

⁵⁷⁰ Simion.

⁵⁷¹ Simion.

⁵⁷² Fricker, “What’s the Point of Blame?”

⁵⁷³ Mabel Holgado, “What’s the Point of Silent Blame?,” *Annales UMCS, Politologia* 26 (December 28, 2019): 7, <https://doi.org/10.17951/k.2019.26.2.7-23>.

⁵⁷⁴ Fricker, “What’s the Point of Blame?”

⁵⁷⁵ Fricker.

⁵⁷⁶ Holgado, “What’s the Point of Silent Blame?”

speech act of explicitly blaming and the speech act of blaming in light of Austin's speech act theory.⁵⁷⁷

In her article *Blame as Performance*, Simion distinguishes between the speech act of *explicitly blaming* and the speech act of *blaming*. She argues that, like other performatives, the speech act of explicitly blaming involves assertion and action.⁵⁷⁸

She states:

The speech act of explicitly blaming is a performative, then, it needs be the case, like with all performatives, that there are two actions involved in the speech act of explicit blaming: the assertive speech act (describing the worldly fact that I blame you) and the world-changing act it performs—that of blaming. When I utter 'I blame you!' I both describe what I'm doing—the fact that I blame you—and doing it: I thereby blame you. There are two acts involved in this speech act, the assertion and the blaming itself. Crucially, if that is the case, blame is an act, a performance.⁵⁷⁹

Simion's analysis of blame as a speech act shows that the latter has two dimensions, outer and inner. Its outer dimension is basically the explicit expression of blame, namely the utterance through which the blamer responds to the wrongdoer's fault. As for its inner dimension, it is the mental act or "the sub-vocalized counterpart of outer blaming". Simion states:

Blame is a performance that can take inner (mental) and outer (spoken) shape.⁵⁸⁰ Spoken blame is the outer counterpart of inner blame, just like, for instance, assertion is the outer counterpart of judgment. since spoken blame is our characteristic way of expressing mental blame, the one is the outer counterpart of the other. I can blame you in speech but not in thought, and I can mentally blame you without putting it in speech. Mental blame stands to spoken blame like the inner to the outer.⁵⁸¹

When blame is not expressed explicitly, it is referred to as *silent blame*.⁵⁸² Unlike in explicit blame, in silent blame the blamer does not explicitly-directly or indirectly-inform the wrongdoer about their fault. What is communicated to the blamed through silent blame is a "negative reactive attitude of withdrawal of good will from the blamer's behalf" and a need for adjustment from his part.⁵⁸³ In this type of blame, the wrongdoer is an active agent who not only reacts to the blamer's utterances but also goes through a process of introspection to identify the reasons behind the blamer's silent attitude.

⁵⁷⁷ Simion, "Blame as Performance."

⁵⁷⁸ Simion.

⁵⁷⁹ Simion.

⁵⁸⁰ Simion.

⁵⁸¹ Simion.

⁵⁸² Fricker, "What's the Point of Blame?"

⁵⁸³ Holgado, "What's the Point of Silent Blame?"

2. Transformative Silence Acts

We have stated above that *munāzara* is not only the interpersonal act of exchange of arguments, but also a procedure that teaches arguers a set of ethical rules and manners and the order of movements to be followed during the debate until they acquire the disposition (*malakah*) of being a good arguer. Parties who want to be ideal arguers need to know when to speak and when to remain silent. If arguers use speech to disclose the truth, why would they use silence?

We have also stated that in an ideal argumentation, parties will confine themselves to persuasion. The parties continue argumentation up until one is left without any other possible move. If one party breaches the ethical conduct during argumentation, the other party has two options: silencing (*ilzām*) or remaining silent and leaving the argumentation (*i'rād*). However, the option of silencing the other party should be chosen only when it is more appropriate than remaining silent. The reason behind this is that *ilzām*, even if it is achieved without any aggression is still a form of quarrel where the goal is not helping each other for the manifestation of truth.⁵⁸⁴ In cases where *ilzām* is not morally beneficial for both parties, *i'rād* becomes the most optimal argumentation strategy. Silence in this case should not be understood as an acknowledgement of defeat.⁵⁸⁵

We have later discussed some situations where *i'rād* in the form of silence is the most appropriate argumentation strategy. One of these examples is the claimant's silence upon realizing that his respondent uses tricks during argumentation. Examples of these tricks include escaping from the main argument by commenting on every single word the claimant mentions and using sophisticated expressions that would create the illusion in the audience's mind that one is refuting the argument while they are not. Another example is when the respondent remains silent until the claimant finishes his argument (to create the impression that he was listening attentively) and then reformulates the argument in a way that was not intended by the claimant. If the latter attempts to restate his argument, the respondent accuses him of violating *munāzara* ethics by interrupting him and insists on that despite the claimant's clarification.

⁵⁸⁴ Āmidī, *ʿAbd al-Wahhāb alā Waladiyyah*, 103-104.

⁵⁸⁵ Juwaynī, Abd al-Malik, *Al-Kāfiya Fi al-Jadal*, 1st ed. (Beirut: Dār al-Kutub al-'Ilmiyyah, 1999), 318-325.

Juwayni argues that in these and similar cases, silence is not only recommended but often obligatory.⁵⁸⁶ Other examples include *ghasb*, *mukābarah*, and unethical moves of the other party. *Ghasb* occurs when the respondent steals the right of speaking from the claimant and thus deprives him from performing his main task in *munāzara*, which is proving his claim. In this case, the respondent's intervention is considered invalid regardless of the content of his statement.⁵⁸⁷ *Mukābarah* usually takes place when the respondent is obstinate (*muta'annit*) because the latter keeps relying on what he knows and stubbornly refuses to change his opinion or consider other points of view even when it is self-evident. Rejecting a self-evident premise without providing any logical argument is an indicator not only of obstinacy but also of arrogance. His intervention is thus seen as a violation of *munāzara* rules and ethics.⁵⁸⁸ Other unethical moves of the respondent include deviation from the main topic of discussion out of ill intention. Such deviation is considered a violation of rules and ethics of argumentation because it indicates that the aim of the respondent is not disclosing the truth but winning the debate. According to *munāzara* ethics, the discussants should not deviate from the main topic of the debate⁵⁸⁹ and should keep in mind their initial goal, which is nothing but disclosing the truth. The party that deviates from the topic in fact acknowledges defeat but acts otherwise. Therefore, *i'rād* as silence is more appropriate than persuasion or silencing in this case.

Silence in the above-mentioned cases is used as a response to unethical moves of the respondent, which are all instances of verbal aggressiveness. Silence in those cases is an example of *silent blame* whereby the blamer does not explicitly inform the wrongdoer about their fault but transmits a negative reactive attitude of withdrawal of good will from the blamed, who is supposed to identify the reasons behind the blamer's silent attitude. By remaining silent in the above mentioned situations, the claimant not only informs the respondent that he committed a violation of *munāzara* ethics, but also urges him to correct his behavior. In the words of Fricker, "it is a communicative act that reprimands with feeling, in the hope of bringing the wrongdoer to better understand and perhaps correct her behaviour".⁵⁹⁰ Silence in this case is equivalent to

⁵⁸⁶ Juwayni, Abd al-Malik, *Al-Kāfiya Fi al-Jadal*.

⁵⁸⁷ Güney, "Critical Edition of Kemāl al-din Masud b. Husain al-Shirwani's. Work Titled Sharh Ādāb al-Samarqandi", 118; Āmidī, *Abd al-Wahhāb alā Waladiyyah*, 77.

⁵⁸⁸ Āmidī, *Abd al-Wahhāb alā Waladiyyah*, 59.

⁵⁸⁹ Ahmed Cevdet, *Mantık Metinleri* 2, 126

⁵⁹⁰ Fricker, "What's the Point of Blame?"

a *transformative speech act*. If the respondent decides to continue argumentation by adhering to its ethical rules, the claimant may breach his silence and continue the debate. Otherwise, he would simply quit the debate through extended silence.

Silence in the above mentioned cases may also be seen as a self-control strategy that enables the discussant to constantly control his inner self.⁵⁹¹ We have stated above that the practice of silence as a self-control strategy is called *tahallum*. It is a process whereby the person keeps forcing himself to respond with silence to offense. By doing so, one gradually eliminates their desire to take revenge. This exercise would eventually culminate in the acquisition of the moral virtue of *hilm*, whereby self-control and benevolence become one's second nature. The more one forces himself to respond with silence to offense, the closer they become to the acquisition of the virtue of *hilm*. One of the characteristics of the possessor of *hilm*, or the *halīm*, is that he naturally responds to offense with silence.

Hilm enables the wronged to transform his feeling into a productive force that would aid his moral and spiritual development and protects the wrongdoer from any aggressive or harmful reaction that would pave the way to quarrel. An additional function of *hilm* is mentioned by Zilio-Grandi who argues that "*hilm* performs a formidable civic function, i.e., that of prophylaxis (*rad`*) because it forms a barrier in the heart of that who does evil and receives good in return, a barrier that would prevent them from committing a similar offense again".⁵⁹² Silence in this case is a *transformative act* because it has the power to elicit an inner moral and spiritual transformation in the silent person and to activate the addressee and urge them to act in a certain way, externally or internally.

⁵⁹¹ Leonard Faytre, "Munazara and the Internal Dimension of Argumentation Ethics: A Translation and Commentary of Ahmed Cevdet's Adab-ı Sedat in the Light of Sufism and Western Argumentation Ethics" (Istanbul, Ibn Haldun University, 2018), 52.

⁵⁹² Zilio-Grandi, "Hilm or 'Judiciousness': A Contribution to the Study of Islamic Ethics.", 90.

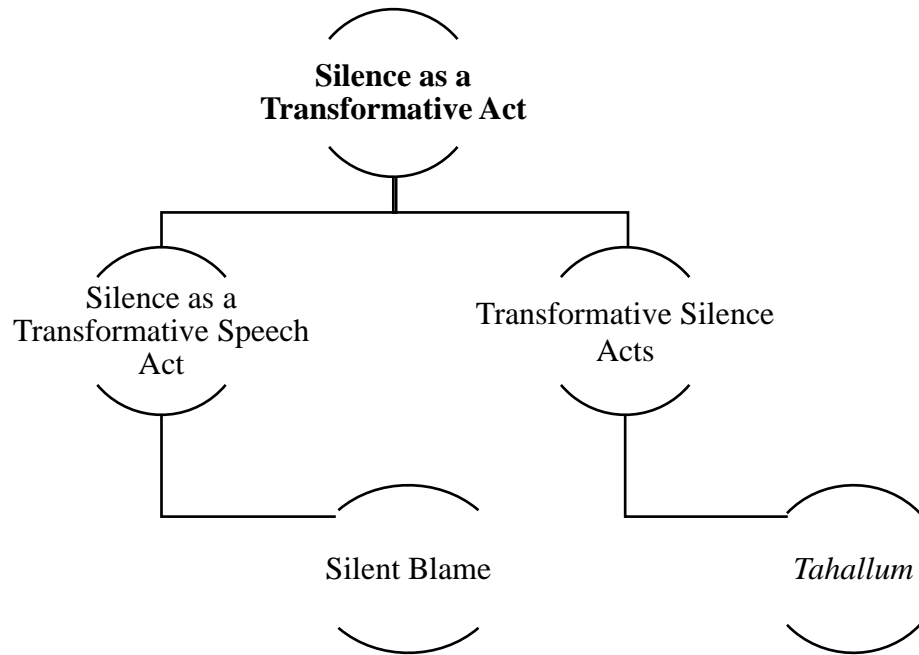


Figure 5.4: Transformative Silence Acts in Argumentation

CONCLUSION

In this chapter, we argued that the appropriate use of silence in argumentation not only prevents the debate from shifting to quarrel, but also enables the discussants to conduct an ideal argumentation based on ethical standards. Our research was done within the overall framework of *munāzara* and *jadal*. As such, we have claimed that the rules and ethics of argumentation regulates speech and silence and that there are three main argumentation strategies, namely *iqnā'* (persuasion), *ilzām* (silencing), and *i'rād* (turning away). We have also stated that silence might be regarded as the most appropriate response to unethical moves during argumentation in some occasions. These unethical moves include *ghasb* (usurpation), *mukābarah* (obstinacy), and irrelevant moves. We argued that silence in those cases is an example of *silent blame* whereby the blamer does not explicitly inform the wrongdoer about their fault but transmits a negative reactive attitude of withdrawal of good will from the blamed, who is supposed to identify the reasons behind the blamer's silent attitude. By remaining silent in the above mentioned situations, the claimant not only informs the respondent that he committed a violation of *munāzara* ethics, but also urges him to correct his behavior. In the words of Fricker, "it is a communicative act that reprimands with

feeling, in the hope of bringing the wrongdoer to better understand and perhaps correct her behaviour”⁵⁹³. Silence in this case is equivalent to a *transformative speech act*.

We have also explained how silence as a response to verbal aggressiveness is a *transformative act* that adorns the silent person with the virtue of *hilm*, whereby self-control and benevolence become one’s second nature. Far from being limited to the individual person only, silence born out of *hilm* has social repercussions as well. This is because *hilm* is also communicative in nature, and its civic function is done through forming a barrier in the heart of the wrongdoer, a barrier that would prevent them from committing a similar offense again.

⁵⁹³ Fricker, “What’s the Point of Blame?”

CHAPTER VI

TRANSFORMATIVE SILENCE ACTS: PRAGMATICS OF SILENCE AS A RESPONSE TO DIVINE SPEECH

INTRODUCTION

The Qur'ān identifies three modes of communication between God and human beings. The first mode is communication through revelation or inspiration (*wahy*), the second is communication from behind a veil (*min warā'i hijab*), and the third mode is communication mediated by a messenger (*rasūl*). Q 42:51 states:

It is not fitting for a human being that God should speak to him except by inspiration [revelation], or from behind a veil, or by sending a messenger to reveal, with His permission, what God wills, for He is Most High, Most Wise⁵⁹⁴.

In his article *Models of Communication in the Qur'ān: Divine–Human Interaction*, Zakyi Ibrahim uses the linear model of communication to explain these three modes of divine-human communication in terms of the main components of communication, namely, the speaker, the message, the addressee, the channel, the response, the feedback, and the noise.

In this chapter, we will investigate functions and motives of silence in divine-human communication mediated by a messenger based on Ibrahim's *Messenger Model*. In this model, Ibrahim analyses communication between the Speaker-God- and the immediate recipient of the Divine Message, namely Prophets and Messengers, through *Jibrīl*. However, our analysis of Divine-Human communication will focus on the communication between God (the Speaker) and the indirect recipients of the divine Message, namely ordinary human beings (addressee). The message in our case is the Qur'ān and the channel of communication is the reader's voice.

We will start with a general overview of the three models of divine-human communication. Then, we will identify the elements of communication in the Messenger Model with a focus on the functions and motives of silence in the process.

⁵⁹⁴ Quran, 42:51.

I. THREE DIVINE-HUMAN COMMUNICATION MODELS

Models of communication are visual representations developed to simplify complex communication processes. These models identify the different components of communication and explain the interrelations among them.

One of the simplest models of communication is Shannon and Weaver's model.⁵⁹⁵ It describes communication as a linear process through which a speaker transmits a *message* to an addressee via a *channel*.⁵⁹⁶ Any interference in the channel that would possibly distort the message is referred to as *noise*. Upon receipt of the message the addressee produces a response (*effect*) and sends *feedback* to the speaker.⁵⁹⁷

This model is applicable not only to human-human communication but also to divine-human communication. In his article *Models of Communication in the Qur'ān: Divine–Human Interaction*, Ibrahim uses the linear model of communication to outline three modes of divine-human communication drawn mainly from the following verse of the Qur'ān:

It is not fitting for a human being that God should speak to him except by inspiration [revelation], or from behind a veil, or by sending a messenger to reveal, with His permission, what God wills, for He is Most High, Most Wise.⁵⁹⁸

According to this verse, God communicates with human beings either through inspiration, from behind a veil, or through a messenger. The nature of divine speech is discussed widely by Muslim theologians who have diverse views on this issue but who all confirm God's act of communication.⁵⁹⁹ In order to explain the three modes of divine–human communication discussed above; Ibrahim developed three different visual representations based on the linear model of communication. Each model is explained by identifying the basic elements of the communication process, namely, the speaker, the message, the addressee, the channel (medium), the response (effect), the feedback, and the noise⁶⁰⁰. These three models are summarized in what the author labels *general divine-human communication model* illustrated in Figure 12.

⁵⁹⁵ Originally developed by Shannon and Weaver in 1948, this model describes communication as a linear process.

⁵⁹⁶ Also referred to as medium.

⁵⁹⁷ Pierce, Teresa and Emy M, Corey, *The Evolution of Human Communication: From Theory to Practice* (EtrePress, 2009).

⁵⁹⁸ Quran, 42:51.

⁵⁹⁹ Ibrahim, M. Zakyi, "Models of Communication in the Qur'an: Divine–Human Interaction," *The American Journal of Islamic Social Sciences* 22, no. 1 (2005): 71–95.

⁶⁰⁰ Ibrahim, M. Zakyi.

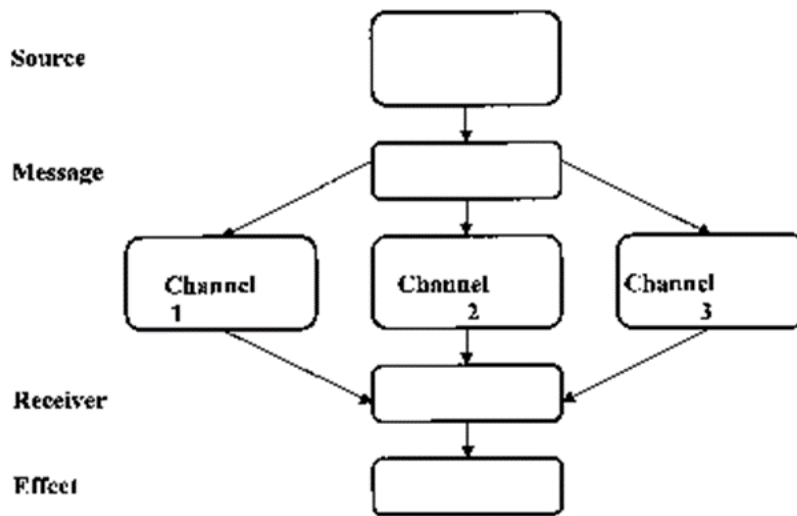


Figure 6.1: General divine-human communication model⁶⁰¹

The model is constructed in a vertical way to emphasize the downward communication that characterizes and reflects the hierarchical nature of the divine-human interaction given that God and human beings are of different natures and that human beings are subordinate to God. The author adds that the message in any downward communication in general and in divine-human interaction, in particular, is to be taken seriously because of its potential consequence.⁶⁰²

1. The Inspirational Model

The first mode of communication between God and human beings mentioned in the Qur’ān is what Ibrahim labels *the inspirational model*. Inspiration is one of the possible translations of the term *wahy* mentioned in Quran 42:51. *Wahy* refers to “all heavenly messages given to a selected prophet, either to implement them himself, or to convey them to a group of people.”⁶⁰³

Inspiration to the heart occurs suddenly (*duf’ah*)⁶⁰⁴ either in a dream or in a waking state. Examples of God’s communication with human beings through inspiration include God’s interaction with the mother of Prophet Moses, with Prophet Ibrahim,

⁶⁰¹ Ibrahim, M. Zakyi.

⁶⁰² Ibrahim, M. Zakyi.

⁶⁰³ Cited in Ibrahim, M. Zakyi.

⁶⁰⁴ Razi, *Al-Tafsīr al-Kabīr*.

and with Prophet David (Dāwūd)⁶⁰⁵. Divine-human communication through inspiration is not limited to prophets and saints. It also takes place between God and ordinary human beings either in a dream or in a waking state.⁶⁰⁶ The *inspirational model* is illustrated in figure 6.2.

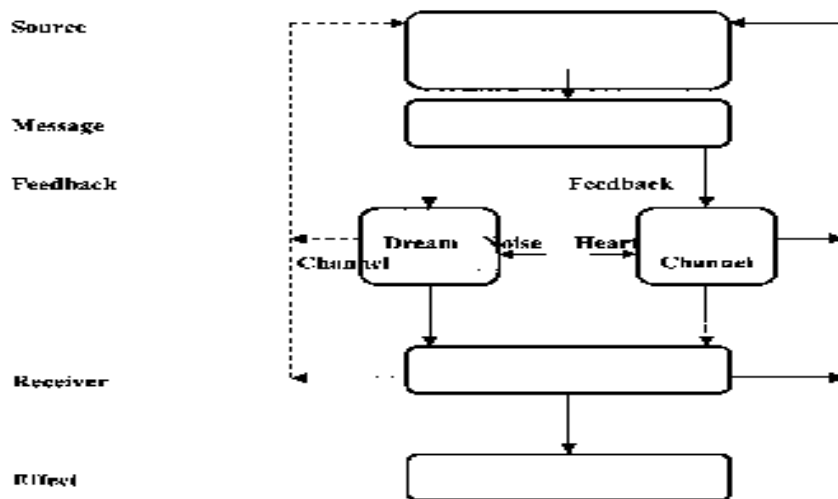


Figure 6.2: Divine–Human Communication: The Inspirational Model⁶⁰⁷.

2. The Behind a Veil Model

Divine–human communication may take another form as stated in Quran 42:51. According to this mode, which Zayki Ibrahim labels *the Behind a Veil Model*, God communicates with human beings directly without being seen. This model is exemplified by the communication that took place between God and Prophet Moses. Muslim theologians have diverse opinions about the nature of divine speech in this case. One of these views is that God communicates through His eternal speech, which is without letters or a voice and which cannot be possibly understood by the intellect.⁶⁰⁸ This position is held by Ash‘arites, who believe that God created a consciousness in the hearing of Prophet Moses such that he knows God’s speech without letters or voice. The *Behind a Veil Model* is illustrated in figure 6.3.

⁶⁰⁵ Quran, 20:38-39 and 37:102 and 4:163.

⁶⁰⁶ Ibrahim, M. Zakyi, “Models of Communication in the Qur’an: Divine–Human Interaction.”

⁶⁰⁷ Ibrahim, M. Zakyi.

⁶⁰⁸ Cited in Ibrahim, M. Zakyi.

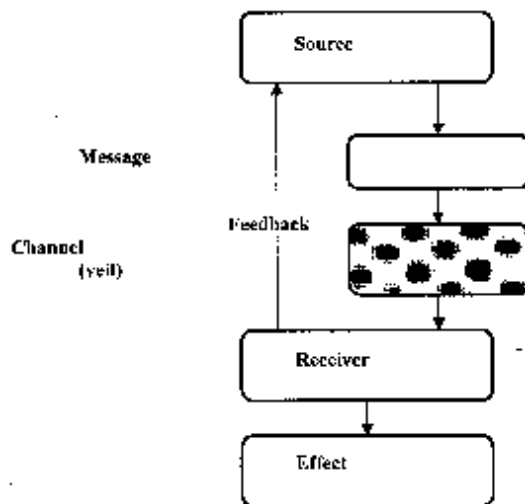


Figure 6.3: Divine–Human Communication: The Behind a Veil Model⁶⁰⁹.

5. The Messenger Model

The third mode of communication between God and human beings is labeled by Ibrahim *the Messenger Model*. As its name indicates, divine-human communication in this model is mediated by a messenger, namely an angel. This model is considered God’s standard way of revealing His message to humanity. The Message may vary from one messenger to another; yet, its core is the same, namely establishing monotheism and combating polytheism as indicated in Q 21:25:

And We sent not before you any messenger except We revealed to him that ‘there is no deity except Me, so worship Me’.⁶¹⁰

The Messenger Model is described in figure 6.4.

⁶⁰⁹ Ibrahim, M. Zakyi.

⁶¹⁰ Quran 21:25.

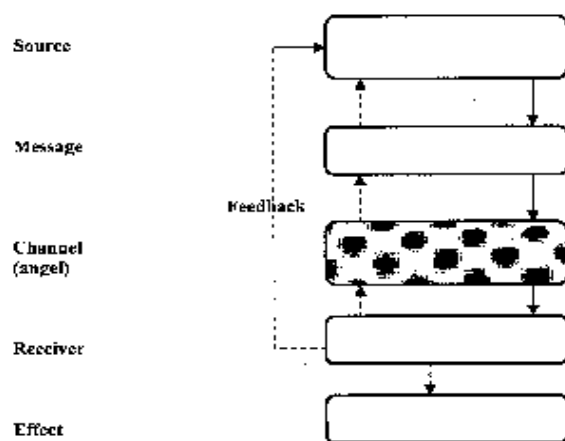


Figure 6.4: Divine-Human Communication: The Messenger Model⁶¹¹

In *the Messenger Model*, Ibrahim analyses communication between the Speaker-God and the immediate recipient of the Divine Message, namely Prophets and Messengers, through *Jibrīl*. However, our analysis of Divine-Human communication in the Qur’ānic discourse will focus on the communication between God and the indirect recipients of the divine Message, namely ordinary human beings. The channel of communication in this case will be the reader’s voice.⁶¹²

II. COMPONENTS OF THE QUR’ĀNIC DISCOURSE BASED ON THE MESSENGER COMMUNICATION MODEL

The Qur’ān is the sacred scripture of Islam revealed by the angel Gabriel (*jibrīl*) to Prophet Muhammad between the years 610 and 632. The word *qur’an* is derived from the verb *qara-a*, which means “to read” or “to recite”. Muslims believe that the Qur’ān is the literal transcript of God’s speech and refer to it as *kalāmullah* (divine speech). The Qur’ān is divine speech revealed to humanity through Prophet Muhammad. The Quranic discourse⁶¹³ uses different methods and takes different forms. Sometimes, it uses clear direct language between the speaker and the listener. Other times it uses

⁶¹¹ Ibrahim, M. Zakyi, “Models of Communication in the Qur’an: Divine–Human Interaction.”

⁶¹² The Qur’ān is God’s message to all mankind and is believed to be relevant at all times. *Jibrīl* and Prophet Muhammad are indirect channels in this case.

⁶¹³ Discourse is any verbal or inner speech directed towards others for understanding. See *khitab* in Kafawi, Abu Al-Baqa, *Al-Kulliyat* (Turath For Solutions, 2013).

signs and connotations they bear.⁶¹⁴ Below, we will use the *Messenger Communication Model* to analyze the Qur'ānic discourse in terms of the six main components of the linear communication model, namely speaker, addressee, message, channel(s), response (effect), and feedback.

1. Speaker

The Speaker refers to the sender or communicator who creates messages and transmits them to an audience. In the Qur'ānic discourse, the speaker is God.

Divine speech is characterized by the use of the first person plural (We) and singular (I) as well as the third person plural singular (He). The first person plural is used to refer to the divine Speaker as in Q 15:9 or to a human speaker as in Q1:5-7, which run as follows:

Indeed, it is **We** who sent down the Qur'ān and indeed, **We** will be its guardian.⁶¹⁵

It is **You we** worship, and **You we** ask for help.

Guide **us** to the straight path

The path of those upon whom **You** have bestowed favor, not of those who have evoked [**Your**] anger or of those who are astray.⁶¹⁶

The first person singular also refers to either the divine or to a human speaker. An example where it explicitly refers to God is provided in Q 20:14, which run as follows:

Indeed, **I** am God . There is no deity except **Me**, so worship **Me** and establish prayer for **My** remembrance.⁶¹⁷

When the first person singular used in the Qur'ān refers to a human speaker, it is usually preceded by the imperative 'say'⁶¹⁸ as in Q 3:20.

So if they argue with you, **say**, '**I** have submitted **myself** to God [in Islam], and [so have] those who follow **me**.' **And say** to those who were given the Scripture and [to] the unlearned, "Have you submitted yourselves?" And if they submit [in Islam], they are rightly guided; but if they turn away - then upon you is only the [duty of] notification. And God is Seeing of [His] servants'.⁶¹⁹

⁶¹⁴ Odeh, Abu-Odeh, "Lughat Al-Khitāb al-Qur'ānī" (The World Islamic Sciences and Education University, Jordan, 2013).

⁶¹⁵ Quran, 15:9.

⁶¹⁶ Quran, 1:5-7.

⁶¹⁷ Quran, 20:14.

⁶¹⁸ Sinai, Nicolai, *The Qur'an: A Historical-Critical Introduction* (Edinburgh University Press, 2017).

⁶¹⁹ Quran, 34:39.

As for the third person, it mainly refers to God as is the case of Q 2:255 and Q 62: 2, which run as follows:

God - there is no deity except **Him**, the Ever-Living, the Sustainer of [all] existence. Neither drowsiness overtakes **Him** nor sleep. To **Him** belongs whatever is in the heavens and whatever is on the earth. Who is it that can intercede with **Him** except by **His** permission? **He** knows what is [presently] before them and what will be after them, and they encompass not a thing of **His** knowledge except for what **He** wills. **His** Kursi extends over the heavens and the earth, and their preservation tires **Him** not. And **He** is the Most High, the Most Great.⁶²⁰

It is **He** who has sent among the unlettered a Messenger from themselves reciting to them **His** verses and purifying them and teaching them the Book and wisdom - although they were before in clear error.⁶²¹

Despite the use of different personal pronouns, the dominance of the divine first person throughout the Qur'ānic discourse indicates that it is first and foremost divine speech directed towards human interlocutors addressed with the second-person singular and plural.⁶²²

2. Addressee

The counterpart of the first person -in its singular and plural forms- is the second person *you*, which always refers to a human addressee. In some verses, the addressee is a specific person, namely Prophet Muhammad, the direct recipient of the revealed divine speech as in Q 5:67:

O Messenger, announce that which has been revealed to you from your Lord, and if you do not, then you have not conveyed His message. And God will protect you from the people. Indeed, God does not guide the disbelieving people.⁶²³

In other verses, the addressee is a particular group such as the believers or a wider audience such mankind⁶²⁴ as indicated in Q 9:119, and Q 10:57, respectively:

O you who have believed, fear God and be with those who are true (in word and deed).⁶²⁵

O mankind, there has to come to you instruction from your Lord and healing for what is in the breasts and guidance and mercy for the believers.⁶²⁶

⁶²⁰ Quran, 2:255.

⁶²¹ Quran, 62:2.

⁶²² Sinai, Nicolai, *The Qur'an: A Historical-Critical Introduction*.

⁶²³ Quran, 5:67.

⁶²⁴ Sinai, Nicolai, *The Qur'an: A Historical-Critical Introduction*.

⁶²⁵ Quran, 9:119.

⁶²⁶ Sinai, Nicolai, *The Qur'an: A Historical-Critical Introduction*.

As we mentioned above, the divine voice sometimes addresses Prophet Muhammad and other times addresses his audience. In addition, the addressees also appear to be speaking. The transitions from the divine speaker to the human speaker in the Qur'ān create dialectical exchanges between the prophet and his audience, exchanges that are often interrupted by the direct interference of the divine voice.⁶²⁷

3. Message

The message in the divine-human communication model under study is the Qur'ān, which differs from any ordinary speech in many ways. One of the main differences is that the divine message is relevant at all times. Another difference is that it is universal; it outlines for all people all what matters to them in this world and the next. A third difference is that it is not just a word, but a speech that carries a project of guidance to humanity, in other words a civilizational project.⁶²⁸

The Qur'ān uses various methods including, but not limited to, dialogue, stories, representations, supplication, orders and prohibitions, and warnings to convey the intended ideas and meanings to its diversified audience.⁶²⁹ The Qur'ānic message is the major source Muslims use to regulate their lives at the creedal, social, moral, and spiritual levels. Creedal issues the Qur'ān addresses include issues related to belief, namely belief in God, in his angels, in his books, in his messengers, in the day of judgement, and in the divine decree. The Qur'ān also addresses legal and moral issues and regulates human action in society by setting legal and moral rulings for human behaviour in society. These rulings are divided into two categories. The first category includes acts of worship that regulate a person's relationship with his Lord (*ibādāt*) such as *salāt*, alms giving, fasting, and pilgrimage to Makkah. The second category includes rulings that regulate relationships among human beings in society (*mu'āmalāt*). *Mu'āmalāt* can be further divided into various sub-categories. The first includes family-related rulings that explain the purpose of family and the rights and duties of family members on one hand and that regulate the relationships between spouses, children, and relatives on the other hand. The second sub-category includes rulings related to financial transactions. These rulings explain the purpose of and types

⁶²⁷ Sinai, Nicolai, *The Qur'an: A Historical-Critical Introduction*.

⁶²⁸ Odeh, Abu-Odeh, "Lughat Al-Khitāb al-Qur'ānī."

⁶²⁹ Odeh, Abu-Odeh.

of financial transactions as well as the rights and duties of the buyer and seller on one hand and regulates the relationships between the people involved in the financial transaction on the other hand. The third includes rulings related to criminal issues. These rulings clarify the actions that Islam forbids and set punitive measures that aim at preserving the individual's life, honor, property, progeny, and religion. The fourth and fifth sub-categories include rulings that aim at establishing and preserving justice in society and regulating relationships between Muslim and non-Muslim societies in situations of peace and war, respectively. The sixth sub-category includes rulings that explain and regulate economic resources and action in Muslim societies. Some of these rulings are explicitly stated in the Qur'ān in details because they do not change by changing time or environment. Rulings related to inheritance are an example of such detailed statements. Other rulings are mentioned briefly in the Qur'ān in a general manner because they may change with changing time and environments. Examples include, but are not limited to, many rulings from the international, criminal, and constitutional codes. The Qur'ān stipulates the general rules therein and leaves the details to human intellect to accommodate the needs of the people according to the changing environment.

In addition to the creedal, social, and moral issues, the Qur'ān also regulates spiritual life, that is life of the heart as stated in Q 17:82: "And We send down of the Qur'ān that which is healing and mercy for the believers, but it does not increase the wrongdoers except in loss".⁶³⁰ According to this verse, the Qur'ān is both healing and mercy for believers. It is healing because it heals their hearts from false beliefs and blameworthy qualities and mercy because it edifies them.⁶³¹

The Qur'ānic message aims to guide people in this world and the next by regulating their social and inner lives through correct belief and good morals and actions that would enable them to reach happiness and form a virtuous society.⁶³²

⁶³⁰ Quran 17:82.

⁶³¹ Razi, *Al-Tafsīr al-Kabīr*.

⁶³² Zehili, Mustafa, *Alwajīz Fī Usūl Al-Fiqh al-Islāmī*, 2 vols. (Qatar: Ministry of Islamic Affairs, 2006).

6. Response and feedback

God says in the Qur'ān:

”وَإِذَا قُرِئَ الْقُرْآنُ فَاسْتَمِعُوا لَهُ وَأَنْصِتُوا لَعَلَّكُمْ تُرْحَمُونَ“.⁶³³

“And when the Qur'ān is recited, then listen to it and remain silent, that mercy may be shown to you”.⁶³⁴

This verse was revealed regarding the requirement of silence and listening when the Qur'ān is recited. In other words, the verse commends the addressee to remain silent and to listen attentively to the divine message. Some scholars argue that this requirement is applicable whenever the Qur'ān is recited, but others state that it is only applicable to Qur'ān recitation during *salāt*⁶³⁵ and *khutbah*.⁶³⁶

Hanafi scholars are of the first opinion. According to them, silence and listening are obligatory whenever the Qur'ān is recited. Yet, they differ on whether it is an individual obligation (*fard 'ayn*)⁶³⁷ or a collective duty (*fard kifāyah*).⁶³⁸ According to the majority, it is collective duty. In other words, the obligation is fulfilled as long as there are some people who remain silent and listen to the recitation.

Another point raised by Hanafi scholars concerns the recitation itself. According to Elmalılı Hamdi Yazır⁶³⁹, silence and listening are not obligatory when the Qur'ān is recited from devices such as computers, tape recorders and radios. He argues that the sounds coming from the gramophone or radio reflect the voice of a reader but cannot be considered a reading. They are rather to be seen as an echo and reflection of a

⁶³³ Quran 7:204.

⁶³⁴ <https://quran.com/7>.

⁶³⁵ Salat, also spelled *salah*, Arabic *salāt* is the daily ritual prayer enjoined upon all Muslims as one of the five Pillars of Islam (*arkān al-Islām*). Muslims offer *salāt* five times a day every day at specific times. For more details, see: <https://www.britannica.com/topic/salat>.

⁶³⁶ *Khutbah* is a sermon delivered during the special noon prayer on Friday that all adult, male, free Muslims are obliged to attend. It replaces the usual noon ritual prayer (*ṣalāt al-zuhr*) and must take place before a sizable number of Muslims in one central mosque in each locality. For more details, see: <https://www.britannica.com/topic/jumah> for more details.

⁶³⁷ *Fard 'ayn* refers to legal obligations that must be performed by each individual Muslim, including prayer, charity, fasting, and pilgrimage. Individual obligation is contrasted with communal obligation (*fard al-kifāyah*). For more details, see: www.oxfordislamicstudies.com.

⁶³⁸ *Fard al-kifāyah* is a legal obligation that must be discharged by the Muslim community as a whole; if enough members in the Muslim community discharge the obligation, the remaining Muslims are freed from the responsibility before God. However, if a communal obligation is not sufficiently discharged, then every individual Muslim must act to address the deficiency.

⁶³⁹ Elmalılı Muhammed Hamdi Yazır was an Ottoman theologian, logician, Qur'ān translator, Qur'ānic exegesis scholar, Islamic legal academic, philosopher and encyclopedist. For more information see <https://islamansiklopedisi.org.tr/elmalili-muhammed-hamdi>.

reading. In other words, silence and listening are obligatory upon those who share the same physical setting with the person who recites the Qur'ān.⁶⁴⁰ This does not mean that one is expected to talk or ignore the recitation read in an electronic device. A Muslim who is in such a situation is expected to show respect to the Divine Speech out of *adab*.⁶⁴¹

Scholars other than Hanafis are of the opinion that listening and silence are not obligatory but recommended (*mustahabb*) outside *salāt* and *khutbah*. According to them, the above-mentioned verse was revealed in the context of *salāt* and is thus applicable to that context only.⁶⁴² Other scholars including Sa'id ibn Jubayr, Mujahid, 'Ata', 'Amr ibn Dinar and other commentators of the Qur'ān believe that this verse was revealed about listening to the *imām*⁶⁴³ during the *khutbah*.⁶⁴⁴

The diversity of opinions regarding silence when the Qur'ān is recited does not affect our quest about the motives and functions of the practice of silence in this context, be it during *salāt* and *khutbah* or outside them. According to Qur'ān exegeses, there are at least three motives behind the practice of silence when the Qur'ān is recited. The listener is to be silent in order to glorify the Speaker, to listen to His Word, and to contemplate on the literal and subtle meanings of the divine message.

6.1. Silence as glorification

The first motive of the practice of silence when the Qur'ān is recited is glorifying the Speaker and declaring His greatness. Sheikh Abu Sahl said that there is nothing in the Presence except withering, lethargy, and silence under God's majesty".⁶⁴⁵ With silence, the listener honors the divine speech and shows respect to the Speaker. This is particularly the case during *salāt*. Mu'awiya b. al-Hakam said:

While I was praying with the Messenger of God, a man in the company sneezed. I said: May God have mercy on you! The people stared at me with disapproving looks, so I said: Woe be upon me, why is it that you stare at me? They began to strike their hands on their thighs, and when I saw them urging me to observe silence (I became angry), but I said nothing. When the Messenger of God had said the prayer (and I declare that neither before him nor after him have I seen a leader who gave better

⁶⁴⁰ Yazır, Elmalılı Muhammad Hamdi, *Hak Dini Kur'an Dili Tefsiri*, Mahmud Bedreddin Yazır (Ankara: Ministry of Religious Affairs, 2015).

⁶⁴¹ In the context of behavior, refers to prescribed Islamic etiquette.

⁶⁴² Razi, *Al-Tafsir al-Kabir*.

⁶⁴³ *Imām* is the leader of the congregational prayers in the mosque.

⁶⁴⁴ *Tafsir Al-Wahidi: Al-Wasit Fi Tafsir al-Qur'an al-Majid*.

⁶⁴⁵ Sulami, Abdulrahman, *Tafsir al-Sulami: Haqaiq al-Tafsir*.

instruction than he for whom I would give my father and mother as ransom). I swear that he did not scold, beat or revile me but said: Talking to persons is not fitting during the prayer, for it consists of glorifying God, declaring his Greatness. and recitation of the Qur'ān or words to that effect.⁶⁴⁶

Silence during *salāt* is to be seen in the context of dialogue between the Lord and his servant. It is to be seen in the context of a dialogue in which the worshipper listens to the Divine Speech as it comes to Him in the Scripture and replies to it by glorifying his Creator, thanking Him, and declaring His greatness. For this reason, *salāt* is a period of silence from all other forms of communication. During it, Muslims are strictly forbidden from uttering words or making sounds that might distract them because it demands their full attention. All sounds or conversations that would possibly distract them from their attentive worship are strictly forbidden.

6.2. Silence as listening (*insāt*)

The second motive for the practice of silence is listening to the divine message. Silence in this context is referred to as '*insāt*', which is defined as silence with the purpose of listening.⁶⁴⁷ Silence is necessary so that the listener may communicate with God and hear Him speak to him through Scripture. This is particularly the case of the practice of silence to listen to the *imām's* edifying words during the *khutbah*. Prophet Muhammad said:

Prophet Muhammad said: He who took a bath and then came for Jumu'a prayer and then prayed what was fixed for *hā*, then **listened** and **remained silent** till the Imam finished the sermon, and then prayed along with him, his sins between that time and the next Friday would be forgiven, and even of three days more.⁶⁴⁸

Prophet Muhammad has greatly stressed the importance of observing silence during the *khutbah* to the extent that one is not even allowed to ask his companion to remain silent, he said: "Whoever says to his companion on Friday, when the *imām* is delivering the sermon: 'Listen attentively,' has engaged in idle talk".⁶⁴⁹

⁶⁴⁶ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 4, *Hadith* 1094. <https://sunnah.com/muslim:537a>.

⁶⁴⁷ Encyclopedia of Islamic Jurisprudence, "Istima'," in *Encyclopedia of Islamic Jurisprudence* (Kuwait: Kuwait Ministry of Awqaf and Islamic Affairs, 1986).

⁶⁴⁸ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 4, *Hadith* 1867. <https://sunnah.com/muslim:857a>.

⁶⁴⁹ *Sahih Muslim*, Grade: *Sahih*, English translation: Book 4, *Hadith* 1846. <https://sunnah.com/muslim:851a>

According to some Qur'ān exegetists, silence is a condition of good listening and good listening is a condition of real-inner- listening. One remains silent with their outward tongues so that they listen to divine speech with their ears and are silent with their inner tongues so that they listen to it with their hearts, and whoever hears the Qur'ān with his heart he has heard it directly from God.⁶⁵⁰ Ibn Qayyim said:

If you want to benefit from the Qur'ān, gather your heart when it is recited, listen to it and enter into the presence of the One who revealed it. Know that He is speaking to you through it.⁶⁵¹

There are two levels of *insāt* to the divine message. At the first level, the addressee listens with their ears to sound and its melodies. At the second level, they listen with the heart to the subtle meanings of the verses. Listening with the ear is a quality of the beginners in the spiritual path whereas listening with the heart is a quality of the elect. In order to listen with the ear, one ought to refrain from talk; and in order to listen with the heart one should be silent from inner talk (*hadith al-nafs*).⁶⁵²

6.3. Silence as contemplation (*tafakkur*)

The third motive behind the practice of silence while listening to the Qur'ān is contemplation. The Qur'ān invites believers to contemplate the mysteries of its verses, of the universe and of the self on many occasions. This call for contemplation is expressed in different terms including reasoning (*ta'qqul*), forethought (*tadabbur*), remembrance (*tadhakkur*), and contemplation (*tafakkur*).⁶⁵³ Ibn Qayyim al-Jawziyya said:

In the Qur'ān, God, glory unto Him, invites His servants to *marifatullah* through two ways: by observing the things created by God and reflecting on them and by contemplating and reflecting on the verses of the Holy Qur'ān. The first group consists of the Lord's observable signs, while the second consists of the visible, audible, and thinkable.⁶⁵⁴

Contemplation on the meanings of the Qur'ānic message is considered worship.

Prophet Muhammad once said to His companions: 'Give your eyes their fortune of worship'. They said: 'O Messenger of God! What is their fortune of worship?' He

⁶⁵⁰ Hakkı, İsmail, *Tafsir Ruh Al-Bayan Fi Tafsir al-Quran*.

⁶⁵¹ Ibn al-Qayyim, *Al-Fawa'id* (Beirut: Dar al-Nafais, 1981).

⁶⁵² Ibn Arabi, Muhiyiddin, *Tafsir Ibn Arabi*.

⁶⁵³ Topbaş, Osman Nuri, *Contemplation in Islam* (Istanbul: Erkam Printhouse, 2017).

⁶⁵⁴ Ibn al-Qayyim, *Al-Fawa'id*.

said: 'To look at the Qur'ān, contemplate its verses (signs), and take consideration at its wonders'.⁶⁵⁵

Muslim scholars believe also that it is only when one contemplates the Qur'ān that they enter into communication with God. The Ottoman scholar Muhammad Khadimi states:

The only way to be saved from all kinds of troubles, tribulations and misfortunes lies in embracing the Qur'ān and actualizing it in life. Persistence in deeds of worship, especially in reading the Qur'ān slowly and contemplatively, with discretion, is among the best of deeds. Reading the Qur'ān in such a manner is like speaking with God, glory into Him.⁶⁵⁶

Contemplation is an inner process that takes place in the heart and that manifests externally in silence. In other words, silence and contemplation are two faces of the same coin. The interconnectedness of silence and contemplation is emphasized in the Islamic intellectual tradition. Ali said:

Good lies entirely in four things: speech, silence, vision, and behavior. A speech outside the remembrance of God is vain. A silence devoid of contemplation is an error. A vision without consideration is ignorance. Behavior that does not direct one to worshipping God is foolish. May God have mercy on him whose speech is of Divine remembrance and good, whose silence is contemplation, and whose behavior is of righteousness! People are always safe from their words and actions.⁶⁵⁷

Al-Hassan said:

He, whose speech is not wisdom, it is falsehood; and he, whose silence is not contemplation (in the signs of God), it is heedlessness; and he, whose vision is not consideration, it is amusement.⁶⁵⁸

This understanding is also found in other religions and traditions. According to Tawus:

The disciples of Jesus once asked him: 'O Spirit of God! Is there on the surface of the earth anybody like you?'. He said: 'Yes, he, whose speech is remembrance (of God), whose silence is contemplation (in the signs of God), and whose vision is consideration, is like me'.⁶⁵⁹

Various terms used in the Qur'ān carry the meaning of contemplation. The most recurring of these are *tafakkur*, *tadabbur*, and *tadhakkur*, which are all essential processes required to effectively extract meaning from the Qur'ānic message. *Tafakkur* refers to the active process by which an individual chooses to direct and focus their

⁶⁵⁵ Cited in Topbaş, Osman Nuri, *Contemplation in Islam*.

⁶⁵⁶ Cited in Topbaş, Osman Nuri.

⁶⁵⁷ Abu Nasr Tusi, *Al-Luma'* (Beirut: Dar Al-Kutub al-Ilmiyah, 2007).

⁶⁵⁸ Ghazali, Abu-Hamid, *Ihya Ulum Al-Din*, vol. 5, 3 vols., n.d.

⁶⁵⁹ Ghazali, Abu-Hamid.

thoughts .It is the process of gaining deep understanding of divine messages and deriving lessons from them. *Tafakkur* is usually practiced along with *tadabbur*. *Tadabbur* refers to reflecting on the implications of the Qur’ān ic messages on one’s life. God says: “Do they not reflect on the Qur’ān or are there locks on the hearts?”⁶⁶⁰ He also says: “Do they not consider the consequences of the speech (the Quran)”⁶⁶¹ *Tadhakkur* is yet another contemplative process by which the heart constantly re-evaluates knowledge it has learned in light of new experiences, in order to gain deeper insight and firm grounding. Through reflection of this sort one becomes aware of the diseases plaguing one’s heart and begins to appreciate one’s own blessings. One gains knowledge through *tafakkur* and *tadabbur* and preserves it through *tadhakkur*.⁶⁶² Muslim scholars state that the purpose of contemplative silence and listening to the Qur’ān is action, that is responding to the demands of the Speaker.⁶⁶³ Prophet Muhammad and his companions would contemplate on the Qur’ān when it is recited to understand its meanings and put the knowledge, they gained into practice.⁶⁶⁴

Fudayl b. Iyad said: ‘The Qur’ān was revealed to be practiced, but humans have only adopted its reading as practice’. He was asked: ‘How does one put the Qur’ān into practice?’. He replied: ‘By accepting what it declares as permissible and impermissible, putting it into practice, complying with its commands, avoiding its prohibitions and pausing to think over its awe-inspiring expression’.⁶⁶⁵

The recipient of the Qur’ānic message first listens to the plain meaning conveyed by the message from its grammatical construction and historical context. The meanings retained at this level are considered *khobar* (description) and can be regarded as thought (*fikr*).⁶⁶⁶ He then goes beyond the names and events that are explicitly mentioned in the text and concentrates on the morale of the narrative. This mental process is referred to as *i’tibār*. The meanings grasped at this level arise from rational deliberation upon divine speech and are regarded as knowledge ‘*ilm*’.⁶⁶⁷ The knowledge gained at this level gives rise to a spiritual state (*hāl*), which in turn gives rise to *irāda* (willpower), which ultimately leads to ‘*amal* (action).’⁶⁶⁸ The interdependency between

⁶⁶⁰ Quran 47:24.

⁶⁶¹ Quran 23:68.

⁶⁶² Ibn al-Qayyim, *Miftah Dar Al-Saada* (Jaddah: Majma’ al-fiqh al-Islami, 2011).

⁶⁶³ Sharawi, Muhammad Mutawalli, *Tafsir Al-Sharawi*.

⁶⁶⁴ Topbaş, Osman Nuri, *Contemplation in Islam*.

⁶⁶⁵ Khatib Baghdadi, *Iqtidaa Al-Ilm al-Amal.*, n.d.

⁶⁶⁶ Abdul-Rahman, Zuhair, “Spiritual Psychology: The Lost Art of Contemplation,” *Yaqeen Institute for Islamic Research*, 2017.

⁶⁶⁷ Abdul-Rahman, Zuhair.

⁶⁶⁸ Ibn al-Qayyim, *Miftah Dar Al-Saada*.

knowledge (*‘ilm*), state of the heart (*hāl*), and action (*‘amal*) is further explained by Imam Ghazali as follows:

The main fruit of contemplation is knowledge, which gives rise to a state of the heart (*hāl*) and culminates in action. Once knowledge sets in the heart the heart begins to undergo change. And when the heart begins to change so are the actions executed by the limbs. Action therefore depends on the state of the heart, and the state of the heart on knowledge, and knowledge on contemplation. That means that contemplation is both the beginning and the key to all good things. True contemplation is one that delivers one from ugliness to beauty and from greed to abstinence and contentedness. This is the kind of contemplation that yields piety.⁶⁶⁹

The heart gains knowledge through contemplation in one of two ways, either suddenly through a divine light inspired to the heart, or gradually through learning and practice. The first is the case of Prophets and saints and the second is the case of ordinary human beings. Sufyan Ibn ‘Uyayna states that knowledge starts with listening, then understanding, then memorizing, then action, and finally spreading it. If the servant of God listens to His book -the Qur’ān- with a sincere intention, God helps him understand it and casts light into his chest.⁶⁷⁰

The interrelations between silence as glorification, listening and contemplation on one hand and the acquisition of knowledge (*‘ilm*), the change at the level of the heart (*hāl*), and action (*‘amal*) are illustrated in figure 6.5.

⁶⁶⁹ Ghazali, Abu-Hamid, *Ihya Ulum Al-Din*.

⁶⁷⁰ Qortobi, Abu Abdullah, *Tafsir Al-Qortobi: Al-Jami’ Li Ahkam al-Qur’an* (Muassassat al-Risalah, 2006).

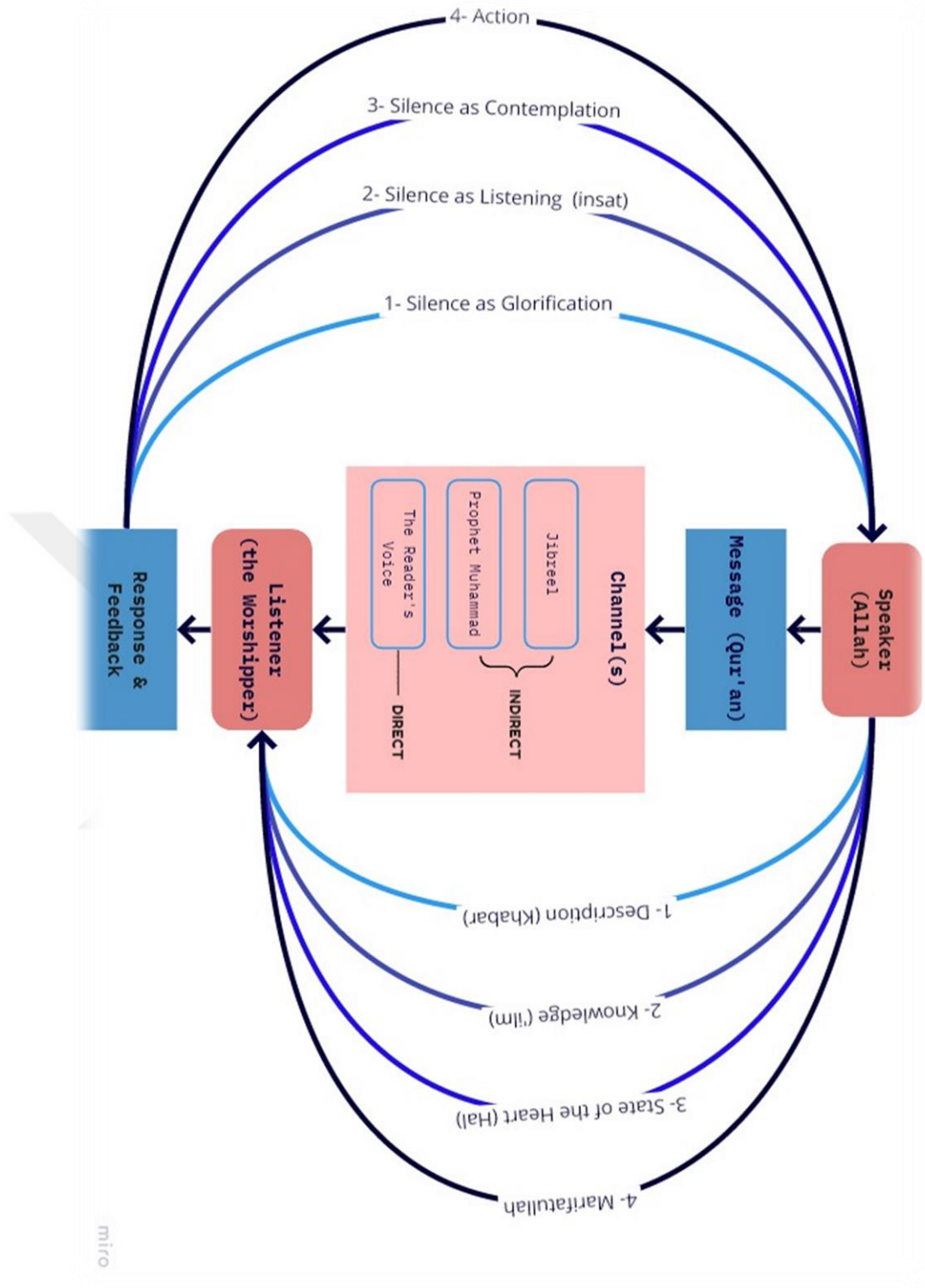


Figure 6.5: Motives and functions of silence in the Qur'anic Discourse.

In order to read and listen to the entire Qur’ān in a contemplative way, Sufis first practice contemplation on verses that would reinforce the sentiments of feeling the presence of the Almighty and His love in the heart. Naqshbandi Sufis call this process *murāqaba*.⁶⁷¹ *Murāqaba* is the process by which one inspects his inner world and keeps his inner and outer actions under constant and continuous surveillance to acquire an awakened heart. It has four main stages.

The first stage is contemplation on the Oneness of God (*Murāqaba Ahadiyya*). At this stage, the disciple contemplates on the following verses:

Say, ‘O Prophet,’ ‘He is God—One ‘ and Indivisible’.
God—the Sustainer ‘ needed by all’.
He has never had offspring, nor was He born.
And there is none comparable to Him’.⁶⁷²

These verses emphasize three important facts. The first is that God is One and Unique. The second is that He is Independent and Besought of all (*samad*). And the third is that Oneness (*ahadiyya*) does not allow of any division or partnership. Contemplation on these verses continues until their meanings are engraved in the heart. It is only then that the heart becomes receptive to inspiration and spiritual illumination.

The second stage is Contemplation of Divine Togetherness (*Murāqaba Ma’iyya*). At this stage, the disciple contemplates on the meanings of the following verse: “He (God) is with you, wherever you may be...”.⁶⁷³ This verse emphasizes the fact that God knows everything about His servants wheresoever they are. Once this meaning is engraved in the heart, the believer realizes that all his inner and outer actions are under divine surveillance all the time, therefore abstains from committing evil.

The third stage is Contemplation on Divine Nearness (*Murāqaba-ı Aqrabiyya*). At this stage the disciple contemplates on the following verse: “And certainly We created man, and We know what his mind suggests to him, and We are nearer to him than his life-vein”.⁶⁷⁴ This verse emphasizes the fact that God not only accompanies His servants wherever they are, but is also closer to them than themselves. He knows their thoughts, intentions and feelings. Prophet Muhammad said: “O people, show mercy to yourselves for you are not calling One who is deaf or absent. Verily, you are calling

⁶⁷¹ Topbaş, Osman Nuri, *Contemplation in Islam*.

⁶⁷² Quran, 112:1-4.

⁶⁷³ Quran, 57:4.

⁶⁷⁴ Quran, 50:16.

One who is All-Hearing (and) Near to you and is with you”.⁶⁷⁵ Once the believer realizes that God knows even his most hidden thoughts, he not only avoids committing evil but also abstains from ill intention, thoughts, and feelings. Consequently, seeds of love and intimacy and closeness with God flourish in his heart.

The fourth stage is Contemplation of Divine Love (*Murāqaba-ı Mahabba*). At this stage, the disciple contemplates on the following verse: “...He shall love them and they shall love Him”.⁶⁷⁶ This verse states that the relationship between God and His servants is based on mutual love. Once this meaning is engraved in the heart, the believer begins to perceive creation with love, simply for the sake of its Creator. This state gives rise to a feeling of gratitude in the person’s heart.

The listener to the Qur’ānic message keeps repeating this four-stage process until he acquires an awakened heart able to contemplate on the meanings of the entire Qur’ān. A heart directed towards God and receptive to His mercy.⁶⁷⁷

7. Noise

Noise is defined as “anything that distorts the message intended by the source, anything that interferes with the addressee’s receiving the message as the source intended (it) to be received”.⁶⁷⁸ In the Qur’ānic discourse, we can distinguish between two types of noise, namely external and internal. External noise includes anything that would prevent the listener from hearing divine speech as it is recited by the reader. Examples of this type of noise include any sound in the external environment that would distract the listener or prevent them from listening to the reading of the Qur’ān. Another example is the listener’s involvement in any other form of communication when the Qur’ān is recited. In addition, some Qur’ān exegetists consider the voice of the reader as a potential source of distraction if the latter exaggerates in beautifying his recitation with rhythms and melodies to the extent of diverting the listener’s attention from focus on the meanings of the verses to focus on voice of the reader and his recitation. Internal noise is of two types. One is referred to as heedlessness (*ghafla*), which is a state in which the listener is not fully attentive to the meanings of the

⁶⁷⁵ Muslim, “Dhikr wa Du’ā wa Tawbah wal-Istighfār,” in *Sahīh Muslim* (Beirut: Dar Al-Kotob al-Ilmiyah, 2016), 2704.

⁶⁷⁶ Quran, 5:54.

⁶⁷⁷ Topbaş, Osman Nūrī, *Contemplation in Islam*.

⁶⁷⁸ DeVito, Joseph, *The Communication Handbook: A Dictionary* (Harper & Row, 1986).

Qur'ānic message although all external conditions are met. This is due mainly to the listener's distraction by inner talk (*hadith al-nafs*). This type of internal noise prevents the listener not from hearing the reading but from contemplating on it and grasping its subtle meanings. The second type of internal noise is related to the state of the heart of the listener as stated in Q 47:24, which runs as follows: "Do they not then reflect on the Quran? Or are there locks upon their hearts?".⁶⁷⁹ This verse emphasizes the interrelation between contemplation and its seat, namely the awakened heart.

It is only when noise-external and internal- is prevented that the listener may enter into real communication with His Lord and that his heart becomes receptive to the breezes of His mercy as stated in Q 7:204.

CONCLUSION

The Qur'ān is divine speech revealed to humanity through Prophet Muhammad. The dominance of the divine first person throughout the Qur'ānic discourse indicates that it is first and foremost divine speech directed towards human interlocutors addressed with the second-person singular and plural⁶⁸⁰. Qur'ānic discourse differs from any ordinary speech in many ways. One of the main differences is that it is relevant at all times. Another difference is that it is universal. A third difference is that it is not just a word, but a speech that carries a project of guidance to humanity, in other words a civilizational project.

The recipient of this divine message (the addressee) is required to remain silent and to listen to it attentively. The first motive of the practice of silence when the Qur'ān is recited is glorifying the Speaker and declaring His greatness. With silence, the listener honors the divine speech and shows respect to the Speaker. The second motive for the practice of silence is listening to the divine message. Silence in this context is referred to as '*insāt*', which is defined as silence with the purpose of listening.⁶⁸¹ Silence is necessary so that the listener may communicate with God and hear Him speak to him through Scripture. According to Qur'ān exegetists, silence is a condition of good listening and good listening is a condition of real-inner- listening. One remains silent

⁶⁷⁹ Quran, 47:24.

⁶⁸⁰ Sinai, Nicolai, *The Qur'an: A Historical-Critical Introduction*.

⁶⁸¹ Encyclopedia of Islamic Jurisprudence, "Istima'."

with their outward tongues so that they listen to divine speech with their ears and are silent with their inner tongues so that they listen to it with their inner ears⁶⁸², and whoever hears the Qur'ān with his heart he has heard it directly from God.

A third motive behind the practice of silence while listening to the Qur'ān is contemplation. Muslim scholars believe also that it is only when one contemplates the Qur'ān that they enter into direct communication with God. They also state that the purpose of contemplative silence and listening to the Qur'ān is responding to the demands of the Speaker. The recipient of the Qur'ānic message first listens to the plain meaning conveyed by the message from its grammatical construction and historical context. The meanings retained at this level are considered *khobar* (description) and can be regarded as thought (*fikr*). He then goes beyond the names and events that are explicitly mentioned in the text and concentrates on the morale of the narrative. This mental process is referred to as *i'tibār*. The meanings grasped at this level arise from rational deliberation upon divine speech and are regarded as knowledge '*ilm*'. The knowledge gained at this level gives rise to a spiritual state (*hāl*), which in turn gives rise to *irāda* (motive), which ultimately leads to '*amal* (action).

Divine-human communication may be distorted by two types of noise, external or internal. External noise includes anything that would prevent the listener from hearing divine speech as it is recited by the reader whereas internal noise prevents him from contemplating its meanings. It is only when these two types of noise are prevented that the listener enters into real communication with His Lord and that his heart becomes receptive to the breezes of His mercy. It is also then that the silent listener begins to grasp the silent language (*lisān al-hāl*) of Divine wonders and mysteries.⁶⁸³

⁶⁸² The inner ear refers to the heart.

⁶⁸³ Topbaş, Osman Nuri, *Contemplation in Islam*.

CHAPTER VII

CONCLUSION

In his book *How to Do Things with Words*, Austin differentiates between two types of statements: declaratives and performatives. He states that there are instances where *saying* something is actually *doing* something. An example of such instances is the utterance of the expression 'I do', during a marriage ceremony as a response to a marriage offer. Upon uttering such expression, the act of marrying takes place.⁶⁸⁴ Austin argues that performative utterances must be expressed explicitly using a verb in the first person singular present indicative active. However, legal speech acts are sometimes expressed by implication and often have effects that go beyond the discursive intentions of the speaker. Examples of legal speech acts expressed by implication include the silent response to offer, which can be taken as evidence of intention to create a contract.⁶⁸⁵ Silence in this case is equivalent to a *commissive* speech act. Austin defines commissive speech acts as statements that involve "an assuming of an obligation or declaring of an intention".⁶⁸⁶ The main distinguishing characteristic of a commissive is that it commits the speaker to perform an action, as its name indicates. This is particularly the case of promises, which Austin identifies as "one of the more awe-inspiring performatives".⁶⁸⁷ In his theory of social acts, Reinach argues that the act of promising creates "a juridical "bond" between promiser and promisee, with a particular ontological existence"⁶⁸⁸. This juridical bond ceases to exist once the promiser fulfills his obligation. This is particularly the case of bilateral promises formed by the parties involved in a legal contract.⁶⁸⁹ Silence per se cannot be an expression for any juridical act, hence cannot have any legal effect. It gains its illocutionary force from the contextual effects that accompany it and that makes it

⁶⁸⁴ John Austin, *How to Do Things with Words*, 2nd ed. (Oxford: Oxford University Press, 1962).

⁶⁸⁵ Ross Charnock.

⁶⁸⁶ John Austin, 162.

⁶⁸⁷ John Austin, 9.

⁶⁸⁸ Cited in Ross Charnock, 421.

⁶⁸⁹ Charnock.

socially and legally significant. Silence becomes equivalent to acceptance and thus validates the contract when the silent person has a legal or social obligation to speak but remains silent.⁶⁹⁰ This would include such cases as where the silent person has a duty to speak but remains silent for reasons related to their status or their inner state (*bayān hāl al-mutakallim*), or in cases where their silence would cause harm (*darar*) or ambiguity (*gharar*). Silence in the latter case is considered a statement to prevent a negative consequence from happening (*daf' al-darar wal-gharar*). We referred to silence in the first case as *speaker-dependent silence* and in the second case as *consequence-dependent silence*.

We have stated previously that speech act theory distinguishes between two types of statements, namely constatives and performatives. Constatives are statements that report facts or relate a state of affairs, whereas performatives perform the action they describe by the very fact of describing it. In his article *Paradoxical Speech Acts: Transformatives and Counterformatives*, Epstein introduces and analyzes two other types of speech acts, which he calls: *transformatives* and *counterformatives*.⁶⁹¹ Transformatives are statements that transform the relationship between the communicators. Examples of such statements include confessions of love, for instance. Such confessions not only report a fact or perform an action, but also transform the relationship between interlocutors and change the character of the communication between them. Such statements may improve a relationship, put an end to it, or change its nature.⁶⁹² We concluded from our analysis that silence, like speech, can be equivalent to a transformative speech act as is the case of silent punishment or ostracism. We have stated in Chapter Four that one of the outcomes of the use of “silent punishment” or ostracism, is deterrence of the person being ostracized, namely the offender. We have also stated that deterrence is an act that not only affects the interlocutors, but also *transforms* the speaker-addressee relation into one of deterrer and deterred.⁶⁹³ Since deterrence in this case is an outcome of ostracism, whose primary mechanism is silence, we argued that silence in this case is equivalent to a *transformative speech act*.

⁶⁹⁰ Owsia, “Silence: Efficacy in Contract Formation. A Comparative Review of French and English Law.”

⁶⁹¹ Mikhail Epstein, “Paradoxical Speech Acts: Transformatives and Counterformatives,” *Parallax* 21, no. 2 (April 3, 2015): 134–42, <https://doi.org/10.1080/13534645.2015.1022366>.

⁶⁹² Epstein.

⁶⁹³ VUORI, “Deterring Things With Words.”

The illocutionary and perlocutionary forces associated with transformative speech acts are not limited to transforming the interlocutors' relationship. In some communication contexts, the speaker's silence can also transform the addressee's thoughts, feelings, or actions. We concluded from our analysis that silence, like speech, can be equivalent to a transformative speech act as is the case of silent blame. In Chapter Five, we discussed pragmatics of silent blame in the context of argumentation. We have stated that in an ideal argumentation, parties confine themselves to persuasion. However, if one party breaches the ethical conduct of argumentation, the other party has two options: silencing (*ilzām*) or remaining silent and leaving the argumentation (*i'rād*). Silence as *i'rād* is an example of *silent blame* whereby the blamer does not explicitly inform the wrongdoer about their fault but transmits a negative reactive attitude of withdrawal of good will from the blamed, who is supposed to identify the reasons behind the blamer's silent attitude. By remaining silent in such situations, the claimant not only informs the respondent that he committed a violation of *argumentation* rules, but also urges him to correct his behavior. In the words of Fricker, "it is a communicative act that reprimands with feeling, in the hope of bringing the wrongdoer to better understand and perhaps correct her behaviour".⁶⁹⁴ Silence in this case is equivalent to a *transformative speech act*. If the respondent decides to continue argumentation by adhering to its ethical rules, the claimant may breach his silence and continue the debate. Otherwise, he would simply quit the debate through extended silence. We concluded from our analysis that silence, like speech, can sometimes be equivalent to a transformative speech act. Silence in such cases is associated with the illocutionary and perlocutionary forces of transforming the interlocutors' relationship as is the case of silent punishment or transforming the addressee's thoughts, feelings or actions as is the case of silent blame. The transformative power of silence is not limited to the material level of existence. There are cases where silence transforms the interlocutors' relationship at the non-material level of existence and cases where it transforms the inner states of the silent person. We stated in Chapter Four that the outcomes of silent punishment or ostracism were not limited to deterrence alone (external perlocutionary act) but also included *tawba* (internal perlocutionary act), which Khalil explains as follows:

The very act of *tawba* is a part of a dialectical relationship between God and the human being, in which the two jointly partake in a process of turning and returning: God turns

⁶⁹⁴ Fricker, "What's the Point of Blame?"

to the human being in *tawba*, after he falls, through an act of mercy, the human being responds in *tawba*, partly out of regret; then God accepts in *tawba*, through an act of relenting and forgiveness⁶⁹⁵... By placing the initiative on the divine side, the Qur'ān raises the *tawba* relationship from a simple two-fold process of man initiating and God responding to one in which both parties may initiate and respond.⁶⁹⁶

Tawba is a “threefold dialectic in which (1) God mercifully turns to the human being to facilitate his felicitous return. 2) the human being, conscious of his sin, returns seeking a *tawba* of acceptance; and 3) God responds to this request out of His unfathomable mercy”.⁶⁹⁷ This implies that this divine act is first and foremost an act of guidance whereby God turns towards the wrongdoer to facilitate his return to Him by showing him his own shortcomings and his need for His Creator’s vast mercy. This act also *transforms* the inner state of the offender from “rebellious defiance to penitentiary regret”⁶⁹⁸ which ultimately culminates in an *inner transformation* of the individual. This transformation, or “interior conversion” as Khalil calls it, is a process whereby the guilty individual goes through a deep moral and spiritual introspection that ultimately culminates in radical shift from disobedience to obedience and full commitment to the spiritual path. *Tawba* is thus a process of purification whereby the guilty individual goes through an inner moral and spiritual transformation that raises him to the rank of one who has never sinned or may even attain higher spiritual stations than one who has never sinned because the sinner emerges from *tawba* more conscientious than before.⁶⁹⁹ We concluded from this analysis that, like deterrence, *tawba* is a communicative act that internally transforms the process of communication and changes the speaker-addressee relationship. Since *tawba* in the account under study is an outcome of ostracism, whose primary mechanism is silence, we argued that silence in this case is equivalent to a *transformative act*. We referred to silence that elicits (or causes) internal transformation or that transforms the speaker-addressee relationship at the non-material realm as *transformative silence*. In Chapter Five, we argued that silence as a response to verbal aggressiveness in the context of argumentation is to be seen, not only as silent blame, but also as a self-control strategy whereby the silent person keeps forcing himself to respond with silence to offense. By

⁶⁹⁵ Khalil, 21.

⁶⁹⁶ Khalil, 44.

⁶⁹⁷ Khalil, 44-45.

⁶⁹⁸ Khalil, 45.

⁶⁹⁹ Roohi Tahir, “Repentance as a Way of Life: Islam, Spirituality, & Practice,” Yaqeen Institute for Islamic Research, 2018, <https://yaqeeninstitute.org/read/paper/repentance-as-a-way-of-life-islam-spirituality-practice>.

doing so, one gradually eliminates their desire to take revenge. This exercise would eventually culminate in the acquisition of the moral virtue of *hilm*, whereby self-control and benevolence become one's second nature. The more one forces himself to respond with silence to offense, the closer they become to the acquisition of the virtue of *hilm*. One of the characteristics of the possessor of *hilm*, or the *halīm*, is that he naturally responds to offense with silence. *Hilm* enables the wronged to *transform* his feeling into a productive force that would aid his moral and spiritual development and protects the wrongdoer from any aggressive or harmful reaction that would pave the way to quarrel. An additional function of *hilm* is mentioned by Zilio-Grandi who argues that "*hilm* performs a formidable civic function, i.e., that of prophylaxis (*rad'*) because it forms a barrier in the heart of that who does evil and receives good in return, a barrier that would prevent them from committing a similar offense again".⁷⁰⁰ Silence in this case is a *transformative act* because it has the power to elicit an inner moral and spiritual *transformation* in the silent person and to activate the addressee and urge them to act in a certain way, externally or internally.

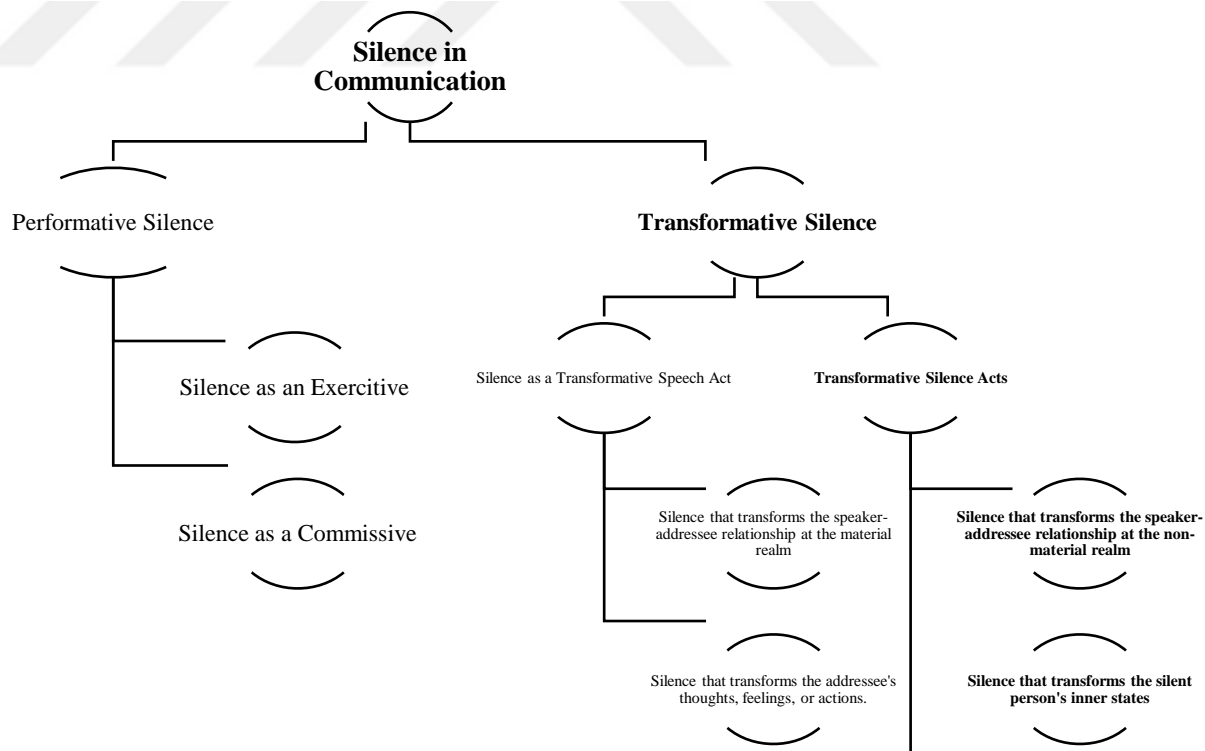


Figure 7.1: Pragmatics of Silence in Communication

⁷⁰⁰ Zilio-Grandi, "Ḥilm or 'Judiciousness': A Contribution to the Study of Islamic Ethics.", 90.

We concluded from our analysis that silence is not only equivalent to a performative but may, in some communication settings, be equivalent to a transformative act. We referred to silence that has a performative power as *performative silence* and to silence that has a transformative power as *transformative silence* (See Figure 7.2).



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