

A Person's Silence In Time When Clarification Is Needed Is Considered His Approval and Clarification

A Response To The Deceptive Misquotation of Abū 'Āliyah and Those With Him

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Abū 'Āliyah claims that I have invented a principle which opposes the principles of *salafiyyah* as it relates to a person's silence and what this silence indicates. He claims that the scholars of *Islām* have declared an *Ijmā* (consensus) that silence does not indicate approval, nor does it negate it. During the night show interview, Abū 'Āliyah's trainees asserted that I had made a major mistake, implying that my understanding of the Islamic principles is deficient; however, in actuality it is they who truly lack understanding. Not only did they abandon studying this issue in depth, but they also failed to extensively research these principles before presenting it to the public.

Indeed, if one were to research this affair, it is evident that Abū 'Āliyah and his students were erroneous and inaccurate in their responses. Their responses lacked insight and understanding; and such is the case of those speak without knowledge, scholarly guidance and advice.





In fact, if one were to refer to the books of *fiqh* principles, one would find that the scholars of *Islām* mention an **extremely crucial** *fiqh* principle, yet *Abū 'Āliyah* (and supporters) failed to reveal this information to the public.

The principle here is:

“Silence is not considered a (person’s) definite opinion.”

The scholars who have authored books on this topic highlight that there are **numerous exceptions** regarding this principle. Two examples are:

- A virgin girl’s silence upon being approached for marriage
- A person in *iḥrām* having his hair cut while not voicing his disapproval.

And there are many other examples of a person’s silence signifying approval on a matter.

Jalāl ad-Dīn al-Suyūṭī (died 849H.) who authored a book on this topic stated, “There are other **exceptions to this principle**. Most of those exceptions are weak, while **others are accompanied by actions which take the place of verbal approval**, and there are some instances which are debatable.¹

Zain ad-Dīn Ibn Nujaim (died 970H.) mentioned the principle of not attributing an opinion to a silent person in his *fiqh* treatise, and then he stated, “**Many exceptions apply to this principle**, and in these occurrences, silence is considered (similar) to speech.”

¹ *Al Ashbāh wal Nathāir* by Imām al-Suyūṭī pg. 142-143



Ibn Nujaim then commenced and mentioned **37 examples of exceptions** to this general principle.

Shaykh 'Abd al-Raḥmān as- Ṣa 'idī (died 1376H.) stated in his summarized treatise on *fiqh* principles:

“Principle number 11: An opinion is not attributed to a silent person, **except if that person remains silent at the time where clarification is sought.**”²

The compilers of *The Encyclopedia of Fiqh* (printed in Kuwait) stated:

“There is no doubt that a definite agreement or disagreement cannot be attributed to someone who displays passive silence; and because of this, the principle is applied: There is no opinion attributed to someone who is silent.”

They go on to say: “**But silence at the time of need is (in reality) considered clarification (of one's opinion).** This is due to the presence of supporting evidences and factors which indicate a person's approval.”

Another author, while explaining the principle stated:

There are other wordings (which are related to this principle), and then he goes on to mention some of those words, and from them:

“An opinion cannot be attributed to someone who is silent, but lack of clarification at the time of need **is clarification.**”

He also mentions:

“Lack of clarification at the time of need is considered **approval and clarification.**”³

² Al Qawā'īd wal uṣūl al Jāmi'ah – Principle #11

³ Al Qawā'īd al Fiqhiyah wa Tatbīqataha vol. 1, pg. 161





The point of emphasis here is that if these individuals are willing to dedicate their time and effort to teach what they believe to be important and of benefit, why haven't they spent some time researching before spreading their mistakes far and wide?!

The only thing that comes to mind is the old adage which is constantly repeated by scholars, **"The person lacking, has nothing to offer!"**

