

The Effect of the Conjunctive Particle Wāu 'Ataf on the Istinbāt of Fiqh Rulings

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ABSTRACT

The hurūf al-māʿnī have a profound connection in understanding the meaning of a sentence pattern in the Arabic language and in deriving legal rulings according to Shariah. This is because most issues related to dalālah (indication) and fiqh matters depend on the understanding of the meaning of the particles present in the text. This paper discusses the concept of wāu 'ataf, the importance of its usage by scholars, and its effect on the istinbāt (deduction) of fiqh rulings. The field of Arabic language is challenging and constantly evolving over time. These developments necessitate the ijtihad of scholars in determining rulings for specific issues. Muftahids derive rulings from authoritative sources, namely the Qur'an, Sunnah, and valid ijma', while also referring to the principles of istidlāl (deductive reasoning) and istinbāt in Islamic law. These principles revolve around the Arabic language, grammar (nahu), and rhetoric (balaghah). This paper analyses the meaning and significance of wāu 'ataf from the perspectives of both Arabic linguists and scholars of usul al-fiqh in their classical works. The analysis shows that it has become a supporting source in establishing several rulings, including various fiqh issues, and serves as a methodology for istinbāt in cases of differing madhhab opinions. This paper also provides examples of the usage of wāu 'ataf in several fiqh issues.

Keywords: Conjunctive, particle wau, istinbat, fiqh rulings

INTRODUCTION

The huruf al-ma'ani play a crucial role in understanding meanings and deriving rulings from a Shariah perspective. This is because many issues depend on the indications found within sentence patterns and specific texts, and fiqh rulings often rely on the guidance conveyed through the huruf al-ma'ani in a given text. Early scholars paid careful attention to this matter, and many specialists in Qur'anic studies emphasized that it is essential for anyone interpreting the Qur'an. For example, scholars of Islamic theology discuss the Qur'an from the perspective of meanings inherent in the text itself, whereas Arabic linguists and literary scholars address all aspects of phrasing related to the Arabic language. Meanwhile, usul scholars and fuqaha focus only on phrasing as it exists for the purpose of deriving rulings (al-Subkiy, p. 135). The difference between usul scholars and linguists in discussing Qur'anic phrasing is that linguists examine wording from all aspects to establish rules used in the science of language, whereas usul scholars and fuqaha focus only on the phrasing as it exists and use the rules compiled by linguists as guidance.

Al-Suyuti (d. 911H) asserts: "Know that understanding this (i.e., the huruf al-ma'ani) is among the required matters because differences exist according to their context. Therefore, the wording and the derived ruling differ according to the situation" (Al-Suyuti, vol. 1, p. 190). Scholars of usul al-fiqh also give due attention to the importance of huruf al-ma'ani, as a jurist (faqih) greatly needs this knowledge. Jalaluddin al-Mahalliy (d. 864H) states: "This is a discussion of the letters required by a faqih to understand their meanings, due to their frequent occurrence in evidences (Al-Mahalli, vol. 1, p. 335) and their role in determining fiqh issues (Al-Ansariy, vol. 1, p. 229), or because they depend on fiqh rulings and are a matter of difference in usage for researchers" (AlQadhi, vol. 1, p. 194). Among the huruf al-ma'ani discussed, the 'ataf particles and the letter wau serve as the main focus of this discussion, as they share both the phrasing and meaning of a verse.

Methodological Framework

This study employs a qualitative, textual, and analytical paradigm rooted in Islamic epistemology, integrating linguistic analysis (*nahu*) with jurisprudential reasoning (*usul al-fiqh*) to examine the meanings of *wau* among *huruf al-ma'ani*. Using comparative textual analysis, it explores interpretations across Arabic grammarians and *usuliyyun*, drawing on Qur'anic verses, classical grammar works, and foundational *usul al-fiqh* texts, supported by secondary commentaries and modern hermeneutical studies. Data collection involves textual extraction, comparative review, and historical tracing, while analysis categorizes thematic functions of *wau*—such as collection, order, and similarity—synthesizing linguistic universality with *fiqh* application. Validity is ensured through triangulation, cross-disciplinary grounding, and transparent citation, with ethical considerations emphasizing respect for the Qur'anic text and fairness in presenting scholarly differences. The study acknowledges limitations, focusing solely on *wau*, relying on classical sources, and recognizing unresolved interpretive divergences.

1.0 The Meaning of the Letter *Wau* According to Arabic Grammarians and *Usul Fiqh* Scholars

Arabic grammarians (*ahl al-nahu*) argue that the meaning of *wau* is, in absolute terms, the collection (*mutlak aljam'i*) of both sides of a sentence pattern without indicating any particular order. The *wau* can follow something in a manner of similarity or adjacency, as in the words of Allah (s.w.t):

فَأَنجَيْنَاهُ وَأَصْحَابَ السَّوَيفَةِ وَجَعَلْنَاهَا آيَةً لِّأَعْلَمِينَ

Meaning: “Thus We saved him and those with him in the Ark, and We made it a sign (demonstrating Our power and providing admonition) for all creation”. (al-Ankabut: 15).

Or it may follow what precedes it, as in:

وَلَقَدْ أَرْسَلْنَا نُوحًا وَإِبْرَاهِيمَ وَجَعَلْنَا فِي ذُرِّيَّتِهِمَا النُّبُوءَةَ وَالْكِتَابَ فَفَمِنْهُمْ مُّهْتَدٍ وَكَثِيرٌ مِنْهُمْ فَاسِقُونَ

Meaning: “And indeed! We sent Noah and Abraham, and We made among their descendants those of high rank who received the scriptures; yet some of them were guided, and most of them were defiantly disobedient”. (al-Hadid: 26).

Alternatively, it can mean to follow, accompany, or succeed (*lahiq*), as in:

كَذَلِكَ يُوحَىٰ إِلَيْكَ وَإِلَى الَّذِينَ مِن قَبْلِكَ اللَّهُ الْعَزِيزُ الْحَكِيمُ

Meaning: “As revealed to you (O Muhammad) and to the messengers before you, by Allah, the All-Powerful, the Most Wise””. (al-Syura: 3).

Thus, if one says (قام زيد وعمر) “Zaid and Amr stood up,” it can convey all three meanings (vol. 1, p. 438) (AlAnsariy, vol. 2, p. 354) (vol. 2, p. 156) (al-Suyuti, vol. 3, p. 155) exemplified above.

Scholars such as Al-Kasani (d. 189H), Qitrib (d. 206H), al-Farra' (d. 207H), Hisyam (d. 209H), Abu Ja'far Ahmad bin Ja'far al-Dinuri (d. 289H), Tha'lab (291H), Qulam Tha'lab Abu Umar al-Zahid (d. 345H), Ibn Darastawsh (d. 347H), and al-Rabi' (d. 420H) maintain that *wau* indicates order (*al-tartib*) (Al-Andalusiy, vol. 2, p. 633) (Al-Azhariy, vol. 2, p. 156; Al-Suyuti, vol. 3, p. 155). Ibn Kisan (d. 299H) contends that *wau* implies genuine simultaneity (*al-ma'iyah*) and its application to others is metaphorical (*majaz*). He emphasizes that “*wau* provides probabilistic meaning to three categories and usually serves to collect elements together; therefore, it indicates gathering within a sentence or text” (Al-Suyuti, vol. 3, p. 156). Al-Radiy (d. 672H) argues that the use of *wau* beyond indicating order (*al-tartib*) is metaphorical (*majaz*), and that originally its usage is for order (*al-tartib*) and conveys a literal meaning (*al-haqiqah*), not metaphorical) (Al-Suyuti, vol. 3, p. 156). Ibn Malik (d. 672H) states that the letter *wau* has unique characteristics according to grammatical rules and conveys probabilistic meaning in terms of similarity (Ibn Malik, p. 174).

From the above discussion by Arabic grammarians (nahu), it can be concluded that wau carries three meanings: (i) collection alone, (ii) order, and (iii) similarity, with the grammarians' precise position being collection alone (mutlak al-jam'i).

Usul fiqh scholars also assert that the usage of wau is generally collection alone (mutlak al-jam'i), aside from the meanings indicated by the grammarians. Al-Sarakhsi (d. 494H) emphasizes: "They assign the letter fa' as a connector (wasal) with the following meaning (al-ta'qib), the letter thumma for the next meaning (al-ta'qib) with distant association (al-tarakhi), and the letter maa to mean continuity or union (al-qiran). If we say that wau signifies union (al-qiran) or order (al-tartib), it implies repetition from its original usage. If we say wau indicates 'ataf absolutely, it provides a new meaning beyond its original usage...." (Al-Sarakhsi, vol. 1, p. 201). Al-Imam al-Amidiy (d. 631H) says: "As for the letter wau, the majority of Arabic literary scholars agree that its use is for collection alone (mutlak al-jam'i) without implying order (al-tartib) or similarity (al-ma'yyah), although some differ in opinion..." (Al-Amidiy, vol. 1, p. 88). Imam al-Shafi'i holds that it signifies order (al-tartib), as does Imam Abu Hanifah. However, Abu Hanifah's students, Abu Yusuf and Muhammad bin Hasan, argue that it signifies similarity (al-ma'yyah) (Al-Amidiy, vol. 1, p. 96).

In conclusion, from the perspective of usul al-fiqh scholars, the usage of wau can be categorized into three types: (i) order (al-tartib), according to Imam al-Shafi'i and Imam Abu Hanifah, (ii) similarity (al-ma'yyah), according to Abu Yusuf and Muhammad bin Hasan, and (iii) collection alone (mutlak al-jam'i) without implying order or similarity, which is the preferred opinion (al-mukhtar).

2.0 Differences of Opinion in Istinbat of Fiqh Rulings

The differences of opinion between the ahl al-nahu and the scholars of usul fiqh regarding the meaning and usage of the letter wau, as discussed above, have an impact on the way fiqh rulings are derived. For example:

a) Allah (s.w.t.) says:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا إِذَا قُمْتُمْ إِلَى الصَّلَاةِ فَاغْسِلُوا وُجُوهَكُمْ وَأَيْدِيَكُمْ إِلَى الْمَرَافِقِ وَامْسَحُوا بِرُءُوسِكُمْ وَأَرْجُلَكُمْ إِلَى الْكَعْبَيْنِ وَإِنْ كُنْتُمْ جُنُبًا فَاطَّهَّرُوا وَإِنْ كُنْتُمْ مَرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِنْكُم مِّنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوْهِكُمْ وَأَيْدِيكُمْ مِنْهُ مَا يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ وَلَكِنْ يُرِيدُ لِيُذْهِبَ لَكُمْ الْبَلَاءَ عَنْكُمْ وَيَمْلَأَ وَجْهَكُمْ بِالنُّورِ وَلِيُخْرِجَكُمْ مِّنَ الظُّلُمَاتِ إِلَى النُّورِ ۚ ذَٰلِكُمْ فَتَمُنُّ بِوَعْدِهِ ۚ إِنَّ اللَّهَ عَلِيمٌ ذَكِيمٌ

Meaning: "O you who have believed, when you are about to perform the prayer (while in a state of minor impurity), then perform wudu: wash your faces, wash your hands up to the elbows, wipe part of your heads, and wash your feet up to the ankles. And if you are in a state of major impurity, then perform the obligatory bath. And if you are ill, on a journey, or one of you comes from relieving oneself, or you have touched women and cannot find water, then perform tayammum with clean soil – wipe your faces and hands with it. Allah does not intend to make things difficult for you, but He intends to purify you and complete His Favor upon you so that you may be grateful". (al-Maidah: 6).

Fiqh scholars differ on the order (al-tartib) of performing ablution (wudu'). Some argue that the sequence is recommended, as held by the later Maliki scholars, Imam Abu Hanifah, al-Thawri, and Dawud. Others contend that the sequence is obligatory, supported by Imam al-Syafie, Imam Ahmad, and Abu Ubaid. According to the Maliki and Abu Hanifah schools, the order is recommended only for non-obligatory acts (Al-Isnawiy, vol. 1, p. 338; Al-Ansariy, vol. 1, p. 229).

Ibn Rushd (595H) explains that the disagreement stems from two factors:

1. The collective meaning indicated by the letter wau it can signify 'ataf with sequential order (al-tartib)
2. or without order. Those who interpret wau in the wudu verse as implying sequence consider following the order obligatory. Those who interpret it without sequence consider it non-obligatory. The second reason is the difference of opinion regarding the actions of the Prophet (s.a.w.). Do the Prophet's

actions indicate that they are obligatory or merely recommended? Those who hold that the Prophet's actions are obligatory maintain that the sequence in ablution (*wudu'*) is also obligatory, because there is no narration showing the Prophet performing ablution (*wudu'*) without following the order. The second group contends that the sequence is recommended only; for those who distinguish between recommended (*sunnah*) and obligatory (*fard*) acts, the sequence is obligatory only for obligatory acts. For those who do not make this distinction, they argue that the requirements imposed on obligatory acts may also apply to recommended acts.

Most scholars agree that the second factor is the main reason for disagreement, rather than the letter *wau* itself. This is because *wau* merely indicates the aggregation between the preceding clause (*al-ma'tuf*) and the clause following *wau* (*al-ma'tuf 'alaih*) without consideration of equivalence (*al-ma'iyah*). If sequence (*al-tartib*) or equivalence (*al-ma'iyah*) is present, it falls outside the main discussion of the letter *wau*'s usage" (Ibn Rushd, vol. 1, p. 12).

Furthermore, fiqh scholars differ on sequence (*al-muwalaah*) in ablution (*wudu'*). Imam Malik holds that sequence is *fard* along with pronunciation and ability, excused in cases of forgetfulness or valid excuses. Imam al-Syafie and Abu Hanifah consider sequence in ablution (*wudu'*) non-obligatory. Ibn Rushd notes that the disagreement stems from the sharing function in the letter *wau*, as *wau* sometimes unites (*'ataf*) consecutive actions (*al-mutataba'ah*) or successive ones (*al-mutalahiqah*), and sometimes unites actions that are distant (*al-mutarakhiyah*). Scholars also differ in interpreting whether such actions are obligatory or recommended (Ibn Rusd, vol. 1, p. 12). Nevertheless, the main issue here is the difference in interpreting the actions of the Prophet (s.a.w.), whether they are obligatory or recommended not due to the letter *wau* itself. a) Allah (s.w.t.) says:

﴿إِنَّ الصَّفَا وَالْمَرْوَةَ مِنْ شَعَائِرِ اللَّهِ فَمَنْ حَجَّ الْبَيْتَ أَوْ اعْتَمَرَ فَلَا جُنَاحَ عَلَيْهِ أَنْ يَطَّوَّفَ بِهِمَا وَمَنْ تَطَوَّعَ خَيْرٌ فَإِنَّ اللَّهَ أَكْبَرُ شَاكِرٌ عَلِيمٌ﴾

Meaning: "Indeed, *Safa* and *Marwah* are among the symbols of Allah's religion; so, whoever performs Hajj to the House or performs Umrah, there is no blame upon him for walking between them. And whoever does good voluntarily, then indeed Allah is All-Rewarding, All-Knowing". (al-Baqarah: 158).

In this verse, those who argue that the *huruf wau* indicates sequence (*tartib*) state that because when this verse was revealed, the Companions (r.a.) asked the Prophet (s.a.w.) where they should begin, and the Prophet (s.a.w.) said:

إِبدؤوا بما بدأ الله به

Meaning: "Begin with what Allah has begun with" (Al-Namlah, p. 142).

Thus, the practice was to begin in an orderly manner, starting at the hill of *Safa* and ending at the hill of *Marwah* (Al-Amidiy, vol. 1, p. 93; Al-Zamakhshari, vol. 8, p. 93. Ibn Rushd, vol. 1, p. 12).

Those who oppose this view argue that the Prophet (s.a.w.) did not command starting at *Safa* because the wording itself implies sequence; rather, the Prophet (s.a.w.) clarified the intended meaning due to the general nature (*ijmal*) of the *huruf wau*. Therefore, the Companions (r.a.) asked, "Where should we begin?" If the *huruf wau* implied sequence (*tartib*), they would have understood this without asking, as they were fluent Arabs and the Qur'an was revealed in their language. Hence, the *huruf wau* here means mere aggregation (*al-jam'i*), not sequence (*tartib*) (Al-Zamakhshari, vol. 8, p. 93).

Nevertheless, the majority of scholars (*jumhur*) hold that the *huruf wau* in this verse conveys aggregation only (*mutlaq al-jam'i*), and the notion of sequence is derived from other commands (*al-amr*), where the order of mentioning something in speech indicates emphasis and attention. Thus, this argument is widely accepted (Al-Saraksi, vol. 1, p. 202). It is clear that the sequence in the practice of sa'i between *Safa* and *Marwa* is obligatory because of the actions of the Prophet (s.a.w.) and his instruction, not because of the wording of the

verse itself. In conclusion, the *jumhur* maintain that the *sa'i* must begin at *Safa*; starting at *Marwa* would render it invalid (Ibn Rushd, vol. 1, p 252).

b) Allah (s.w.t.) says:

وَلَا تَأْكُلُوا مِمَّا لَمْ يَذْكُرْ أَسْمَ الْإِلَهِ عَلَيْهِ وَابْنَهُ لَفَسَنَ قِيٌّ وَإِنَّ الشَّيَاطِينَ لَيُوحُونَ إِلَىٰ أَوْلِيَائِهِمْ لِيُجِدُوا كُفْرَكُمْ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ

Meaning: “And do not eat of that upon which the name of Allah has not been mentioned, for indeed it is defiance; and indeed, the devils inspire their allies to dispute with you, and if you obey them, you would be associators”. (al-An’am: 121).

This verse, Allah (s.w.t.) forbids consuming food on which His name is not mentioned, including carrion (*al-maitah*), sacrifices performed by polytheists on their idols, and the slaughter and game of disbelievers who are not the people of the Book (ahl al-kitab) (Al-Mawardi, vol. 1, p. 557). The hurf wau in this verse carries three interpretations:

1. Wau ‘ataf, without distinction between the preceding and following verses, whether in the form of command (talab) or information (khabar). This view is supported by the School of Sibawaih.
2. Wau indicates a new discourse or isti’naf, and the verse following the wau is a new statement, independent of the previous verse.
3. Wau conveys a situational or circumstantial meaning (wau al-hal), where the subsequent verse constitutes the circumstantial context, meaning do not eat in a state of defiance (Al-Samin, vol. 5, p. 130-131; Al-Syashi, p. 180). Wau here conveys a law that is concurrent or associated (mustarak).

From these interpretations, jurists (*fuqaha*) differ on the legal ruling concerning the consumption of a sacrifice by a Muslim if the name of Allah (s.w.t.) (*al-tasmiyah*) is omitted, either intentionally or by mistake. This divergence can be categorized into four groups:

First Opinion:

This group holds that mentioning the name of Allah (s.w.t.) or *al-tasmiyah* is not a condition during hunting or slaughtering; rather, it is only recommended (sunnat muakkadah). If it is not done, whether intentionally or by forgetfulness, the hunted animal or slaughtered meat remains permissible to eat. This view is supported by the Shafi’i school, a narration from Imam Ahmad, some Maliki scholars, Qatadah, Hasan, and also Imam al-Nakha’i (Al-Nawawi, vol. 8, p. 308 and 311). They argue that the hurf wau in this verse conveys the meaning of a situation or circumstance (wau al-hal). This is because there is a discrepancy between the preceding and following clauses regarding equivalence (al-’ataf) in terms of command (talab) and information (khabar). Thus, the verse is interpreted as “do not eat it while it is in a state of fasik,” and the word fasik here is general (mujmal), explained by other verses in the same surah. In conclusion, the prohibition in this verse refers to eating without mentioning the name of Allah (s.w.t.), as if the verse states: “Do not eat anything over which Allah’s name is not mentioned, or if another name besides Allah’s is invoked in a state of fasik.” Accordingly, this group limits the prohibition to carrion (*al-maitah*) and anything over which Allah’s name is not mentioned.

The arguments put forward by this group are based on several Quranic verses and Hadith of the Prophet Muhammad (s.a.w.), as follows:

a) Allah (s.w.t.) says:

خُ رِمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالْدَّمُ وَلَحْمُ الْخَنزِيرِ وَمَا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ وَمَا أَكَلَ السَّبُعُ إِلَّا مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ وَأَنْ تَسْأَلُوا عَنْ أَصْنَابِ قُلُوبِكُمْ فَلَا يَكْفُرُوا مِنْ دِينِكُمْ فَلَا تَحْشَوْهُمْ وَاخْشَوْنَ الْيَوْمَ أَلَمْ تَلْكَ مَلَكًا لَكُمْ دِينَكَ وَأَتَىٰكُمْ عَلَىٰ نَعْمَتٍ وَرَضِيتُ لَكُمُ الْإِسْلَامَ دِينًا فَمَنِ اضْطُرَّ فِي مَخْمَصَةٍ غَيْرَ مُتَجِدِّدٍ فَانْفِ لِي ذِمَّتِي مَغْفُورٌ رَّحِيمٌ

Meaning: “Forbidden to you are carrion (animals not properly slaughtered), blood, swine flesh, and that which is sacrificed to other than Allah, and that which is strangled, beaten to death, fallen from a height, or gored by animals, except what you are able to slaughter and that which is sacrificed on idols; and do not seek divination by arrows. All that is transgression....”. (al-Ma’dah: 3).

This verse indicates that a slaughter (*al-tazkiyah*) without mentioning *al-tasmiyah* is permissible. Linguistically, slaughter means to open, cut, or tear.

b) Allah (s.w.t.) says:

أَلْيَوْمَ أَحْلَلْتُ لَكُمُ الطَّيِّبَاتِ وَطَعَامَ الَّذِينَ أُوتُوا الْكِتَابَ حَلَالٌ لَكُمْ وَطَعَامُكُمْ حَلَالٌ لَهُمْ

Meaning: “O day [all] good and wholesome foods have been made lawful for you. And the food of those who were given the Scripture (*ahl al-kitab*) is lawful for you, and your food is lawful for them (there is no sin in feeding them)”. (al-Maidah: 5).

This verse permits the consumption of slaughtered food by the People of the Book (*ahl al-kitab*) without requiring *al-tasmiyah*.

Hadith of ‘Aishah (r.a.): (عن عائشة – رضي الله عنها – قالت: إن قوما: قالوا لرسول الله صلى الله عليه وسلم: إن قوما يأتوننا باللحم ندرى، أذكر اسم الله عليه أو لا؟ قال: سموا عليه أنتم وكلوه.)

Meaning: Aishah (r.a.) said: A group asked the Prophet (s.a.w.) about meat brought to them, not knowing whether Allah’s name had been mentioned over it. The Prophet (s.a.w.) said: “Mention it yourselves and eat it”.

d) Hadith of Ibn ‘Abbas (r.a.): (عن ابن عباس – رضي الله عنهما – قال: قال رسول الله صلى الله عليه وسلم: إذا ذبح المسلم ولم يذكر اسم الله فليأكل، فإن المسلم فيه معنى.) Meaning: Ibn ‘Abbas (r.a.) said: The Prophet (s.a.w.) said: “If a Muslim slaughters without mentioning Allah’s name, eat it, for a Muslim carries one of Allah’s names” (Al Dar Qutniy hadith 6788).

e) Ibn ‘Abbas, Abu Hurairah (r.a.), and the consensus (*ijma’*) of scholars hold that eating food without mentioning *al-tasmiyah* does not constitute *fasik*. Therefore, the verse or text must be interpreted according to the above explanation (Al-Nawawi, vol. 8, p. 308, 311, vol. 9, p. 75-76; Ibn Qudamah, vol. 8, p. 313, 565; Ibn Rushd vol. 6, p. 236-237).

Second Opinion:

Some groups, including the Zahiri school, al-Sa’biy, and Ibn Sirin, hold that mentioning the name of Allah (s.w.t.) or performing *al-tasmiyah* is obligatory, and it is not permissible to eat meat from an animal if Allah’s name is not pronounced over it, whether intentionally or by forgetfulness. They support their view based on the following evidence:

a) Allah (s.w.t.) says:

وَلَا تَأْكُلُوا مِمَّا لَمْ يَذْكُرْ أَسْمَ اللَّهِ عَلَيْهِ وَإِنْ هُوَ لَفِي سِقْظٍ وَإِنَّ الشَّيَاطِينَ لَيُوحُونَ إِلَيْكَ أَوْ لِيَأْنِيَهُمْ لِيُجْلِبُوا إِلَيْكُمْ وَإِنْ أَطَعْتُمُوهُمْ إِنَّكُمْ لَمُشْرِكُونَ

Meaning: “And do not eat from [the slaughtered animals] over which Allah’s name has not been pronounced, for indeed that is a transgression; and indeed the devils inspire their followers to dispute with you, and if you obey them, you would indeed be associators”. (al-An’am: 121).

b) Allah (s.w.t.) says:

...فَكُلُوا مِمَّا أَمْسَكْنَ عَلَيْكُمْ وَادْكُرُوا أَسْمَ اللَّهِ عَلَيْهِ وَأَتَّقُوا اللَّهَ إِنَّ اللَّهَ سَرِيعُ الْحِسَابِ

Meaning: “...Therefore, eat from what they have caught for you and pronounce the name of Allah over it (when you release it for hunting); and fear Allah (by avoiding what He has forbidden). Indeed, Allah is swift in account” (al-Ma’idah: 4).

They argue that the *wau* here conveys the meaning of equivalence (*‘ataf*) or indicates a new clause (*isti’naf*) if the *‘ataf* (the declarative verse) is blocked by the preceding imperative verse (*talab*), rather than indicating a situation (*al-hal*). In both cases— *‘ataf* and *isti’naf*—the prohibition or injunction applies to anything over which the name of Allah has not been pronounced, whether another name is mentioned during slaughter or no name at all.

c) Hadith: عن عدي بن حاتم – رضي الله عنه – قال: سألت رسول الله صلى الله عليه وسلم فقلت: إنا قوم نتصيد بهذه الكلب؟ فقال: إذا أرسلت كلبك المعلم، وذكر اسم الله فكل مما أمسكن عليك. إذا أرسلت Messenger of Allah (s.a.w.), “Indeed, we are hunting using these dogs.” The Prophet (s.a.w.) replied: “If you send forth your trained dogs and you pronounce the name of Allah over them, then eat whatever they catch for you” (Ibn al-Athir, vol. 4, p. 492).

This hadith demonstrates that pronouncing the name of Allah is obligatorily required (*wajib mutlak*).

Third Opinion:

Most scholars (*jumhur*) from the Hanafi school, the well-known opinion in the Maliki school, one narration in the school of Imam Ahmad (second narration), Imam al-Thawri, Ishaq, Ja’far bin Muhammad, Rabi’ah, and Sa’id bin Jubair hold that al-tasmiyah (pronouncing the name of Allah) is a condition for permissibility (*halal*), but is excused if forgotten. If the slaughter is performed and the name of Allah (s.w.t.) is omitted by mistake, it does not invalidate the permissibility; however, if the omission is deliberate, the meat is not *halal* to eat. They base their ruling on the same evidence used by the second opinion group, but specifically allow leniency in cases of forgetfulness. The following are the arguments they provide for the situation of forgetfulness: a) Hadith:

عن ابن عباس – رضي الله عنهما – إن الله وضع عن أمتي الخطأ والنسيان وما استكرهوا عليه Meaning: From Ibn ‘Abbas (r.a.): “Indeed, Allah does not hold my Ummah accountable for mistakes, forgetfulness, or actions done under compulsion” (Al-Gumari, vol. 1, p. 167-169). b) Hadith: عن رائد بن ربيعة – رضي الله عنه – أن رسول الله قال: ذبيحة المسلم حلل وإن لم يسم ما لم يتعمد

Meaning: From Ra’id bin Rabi’ah (r.a.), the Messenger of Allah (s.a.w.) said: “The slaughter of a Muslim is permissible (*halal*), even if the name of Allah is not pronounced, as long as it was not done intentionally” (Al-Dar Qutniy, Hadith no. 8967).

c) Forgetfulness is something attributed to Allah (s.w.t.), and no servant can entirely escape it, just as in the case of fasting. Therefore, the ruling for someone who forgets is the same as for one who performs the act while observing it, as a way of removing hardship (*daf’ al-haraj*).

d) The above verse implies that deliberately omitting the *tasmiyah* (mentioning Allah’s name) during slaughter is addressed by Allah’s statement that follows: “*wa innahu la fisq*”. Eating a slaughtered animal where the *tasmiyah* was forgotten does not fall under the category of *fasik* (sinful). In conclusion, someone who forgets is not considered a *fasik*.

Fourth Opinion:

This view states that mentioning the name of Allah (s.w.t.) is a condition for the permissibility of the animal. If it is deliberately omitted or forgotten during hunting, the game becomes carrion (*al-maitah*), whereas if it is forgotten during slaughter, it is permissible. This opinion is supported by an authentic and widely cited report in the Hanbali school, which distinguishes between hunting and slaughter. Mentioning Allah’s name during hunting is a condition; thus, the game is impermissible to eat whether the omission is deliberate or due to

forgetfulness. In the case of slaughter, if the *tasmiyah* is deliberately omitted, the slaughtered animal is not lawful to eat, but if it is forgotten, the meat is permissible.

This opinion argues similarly to the second opinion and explains that the hadith of Ibn ‘Abbas regarding “*Allah does not hold my people accountable for mistakes or forgetfulness...*” indicates that Allah (s.w.t.) absolves the fault rather than creating a condition that does not exist (*al-syart al-ma’dum*) compared to an existing condition (*al-maujud*). They compare this to a situation where one forgets a condition in the ritual prayer (*solat*). The argument emphasizes a clear distinction between game (*al-said*) and slaughtered animals (*al-zabihah*), as slaughtering occurs at a specific place (the neck), allowing some leniency (*al-tasaamuh*) if forgotten, unlike hunting (Al-Nawawi, vol. 8, p. 311-312; Ibn Qudamah, vol. 8, p. 540-541 and 565; Ibn Rushd, vol. 6, p. 236237).

CONCLUSION

The Arabic language is a discipline that should be given serious attention by all, especially those educated in religious studies, when interpreting *nass* and its content. It serves as a foundation and guide in understanding and interpreting the *nass* of the Qur’an and Sunnah in deriving legal rulings (*hukm*) and formulating thought and *ijtihad*. From the analysis above, it can be concluded that the difference in meaning of a single letter—namely the *waw*—yields numerous implications in *istinbat* of fiqh rulings. Therefore, mastery of Arabic is essential and should be continuously improved, particularly within Islamic education.

From the discussion in this paper, scholars who hold that the *waw* conveys an absolute meaning

(mutlaq al-jam‘i) base their view on other indications (al-dalalat al-ukhra) presented by scholars, which involve external contexts (qarinah kharijiyyah) such as the Prophet’s (s.a.w.) sayings, his actions, or the principles of usul al-fiqh. These include:

1. The beginning of a mention in a verse indicates particular attention to the matter.
2. A close connection (‘ataf ‘ala al-qarib) is given precedence over a distant connection (‘ataf ‘ala al-ba‘id).
3. A verse that imposes a ruling at its beginning does not alter the ruling of a verse at its end.

When linked with *waw* ‘ataf, the verse conveys the meaning of equivalence or general aggregation.

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