

## The Guidance of Truth

In a small village in the south of Tunisia, during a wedding ceremony, an old lady sat in the middle of a group of ladies listening to them talking about a married couple. The lady expressed her astonishment about what she heard, and when she was asked why, she said that she had breast-fed both when they were babies. The ladies spread the news quickly among their husbands who investigated the matter. The woman's father testified that the old lady had actually breast-fed his daughter, and the man's father also testified that his son was breast-fed by the same old lady.

Inevitably the two tribes were agitated by the news and started fighting each other, and each tribe accused the other of being the cause of this tragedy which would bring the wrath of Allah on them. What made it worse was the fact that that marriage had taken place ten years earlier and had produced three children. As soon as the woman heard the news she fled to her father's house and refused to eat or drink anything, and she attempted suicide for she could not bear the shock of being married to her brother and giving birth to three children without knowing the real situation.

As a result of the clashes between the two tribes, many people were injured until one particular Shaykh intervened and stopped the fighting and advised them to consult the learned scholars and ask them for their opinion in the matter and hopefully they could reach a solution.

The people concerned embarked on their journey around the big town asking the learned people for a solution to their problems. However every time they explained the case to a learned scholar and asked him for advice, he told them that the marriage was void and the couple should be separated for as long as they lived, in addition to freeing a slave or fasting for two months and various other legal opinions.

Eventually they arrived at Gafsa and asked the learned people there but the answer was the same, because all the Malikis prohibit the marriage between a couple if they were fed even one drop of milk from the same woman. They do so by following Imam Malik who treated milk and alcohol on the same level and said, "When a great quantity of whatever makes you drunk is prohibited, then a small amount of it must also be prohibited."

Thus, marriage between couples who were breast-fed with one drop of milk from the same woman must

be prohibited. One of the men who was present at the hearing told them privately to come and see me, and he said to them, "Ask al-Tijani on these matters for he knows all the Madhhabs, and on many occasions I had seen him arguing with these learned scholars and beating them with his logical reasoning."

That is what the husband of that woman told me when I took him to my library where he told me the whole case in detail, and said to me, "Sir, my wife wants to commit suicide and our boys are neglected and we do not know how we can solve this problem, and people led us to you hoping that you might have an answer to our problem, especially since I see all these books in your possession, which I have never seen before in my life."

I brought him some coffee and thought about the case for a little while then I asked him about the number of times that he was breast-fed from that old woman. He said, "I do not know, but my wife was breast-fed by her twice or three times and her father testified that he took his daughter two or three times to that old woman."

I said, "if that is right, then there is no problem and your marriage is legal and valid." The poor man fell on me kissing my hands and head, saying, "May Allah bring you good news for you opened the gates of peace to me." Before even finishing his coffee or asking me for any reference, he asked permission to leave my house and hurriedly went out to tell his wife and children and the rest of his family about the good news.

But the day after he came back with seven men and introduced them to me saying, "This is my father, this is my father-in-law, the third is the mayor of the village, the fourth is the Imam of the Friday prayers, the fifth is the religious adviser, the sixth is the chief of the tribe and the seventh is the headmaster of the school, and all of them came to investigate the case of the breast-feeding and how you considered the marriage to be valid."

I took the whole party to the library, and greeted them and offered them coffee for I expected a lengthy debate with them.

They said, "We came to discuss with you how you legalized a marriage in which the couple were breast-fed from the same woman. Such a marriage has been forbidden by Allah in the Qur'an and by His Messenger who said that it (marriage) is forbidden between a couple who have been breast-fed (by the same woman) in the same way as it is forbidden between a couple who are related (brother and sister). Imam Malik has forbidden it too."

I said, "Gentlemen, you are eight and I am one, and if I speak to all of you, I will not be able to convince you and the discussion might well lose its aim. I suggest you choose one man from among you to discuss the matter with me, and you will act as an arbitrator between us."

They liked the idea and chose the religious advisor as their representative because they thought he was

more knowledgeable and more able than anybody else. The man started his deliberation by asking me how I allowed something that had been forbidden by Allah, His Messenger and by all the Imams.

I said, "God forbid! I never did such thing. But Allah forbade the marriage (in case of common breast-feeding) by stating it briefly in a Qur'anic verse and did not specify the details; rather, He left it to His Messenger to explain how and how much."

He said, "Imam Malik forbids the marriage when one drop of milk has been taken through breast-feeding."

I said, "I know that. But Imam Malik is not an absolute authority over all Muslims, and what do you say about the opinions of other Imams?"

He said, "May Allah be pleased with them, they all followed the steps of the Messenger of Allah."

I said, "What is then your reasoning before Allah about following Imam Malik who contradicted a text by the Messenger of Allah (saw)?"

He looked bemused and said, "Praise be to Allah! I did not know that Imam Malik could contradict the Prophetic texts."

The rest of the men looked even more puzzled and were amazed at my daring criticism of Imam Malik, which they had never heard before. I continued by asking, "Was Imam Malik one of the Companions?"

He replied, "No." I asked, "Was he one of the Followers?" He replied, "No, but he followed the earlier Followers." I asked, "Who is nearer, him or Imam 'Ali ibn Abi Talib?" He replied, "Imam 'Ali ibn Abi Talib was one of the rightly guided caliphs." One of the men added, "Our master 'Ali (a.s.) is the gate to the city of knowledge." I said, "Why did you leave the gate to the city of knowledge and follow a man who was neither a Companion nor a Follower, and he was born after the civil war and after the city of the Messenger of Allah had been sacked by Yazid's forces who killed the best of the Companions and violated all aspects of human morality and changed the Messenger's tradition to some heretical doctrines of their own make. How could then for any man have confidence in these Imams who pleased the authorities because they preached in accordance to their policies?"

Another man started talking saying, "We heard that you are a Shi'i, and that you worship Imam 'Ali." His friend, who sat next to him, kicked him, and said, "Be quiet, are you not ashamed of yourself saying that to such a learned man? I have known many learned scholars in my life, but I have never known any of them to possess a library like this one. Furthermore, this man's argument is based on knowledge and he sounds sure about what he is saying." I answered, "Yes, that is right, I am a Shi'i, but the Shi'is do not worship 'Ali, but instead of following Imam Malik, they follow Imam 'Ali because he is the gate to the city of knowledge, as you yourselves said."

The religious adviser asked, "Did Imam 'Ali permit the marriage between couples who have been breast-

fed by the same woman?"

I answered, "No, he forbids it if the babies were breast-fed fifteen full and consecutive times by the same woman, or what could produce flesh and bone."

The woman's father was very pleased to hear what I had said, and his face lit then he said, "Praise be to Allah! My daughter was breast-fed on two or three occasions by that old woman. The saying of Imam 'Ali is a solution to our predicament and a mercy on us from Allah after we had lost hope."

The religious adviser said, "Give us the authentic reference to the saying (of Imam 'Ali) so that we may feel satisfied. I gave them "MinHajj al-Salihin" by al-Sayyid al-Khu'i, and he read aloud the chapter concerning breast-feeding and what it entails.

The men were very pleased, especially the husband, who was afraid that I might not have the reference. They asked me to lend them the book so they could take it to their village and use it as a reference for their reasoning. I lent them the book, and then they left me full of praises and apologies.

As soon as they left my house they met a sinister man who took them to some wicked religious leaders and they for their part frightened them and warned them that I was an "Israeli agent" and that the book "MinHajj al-Salihin" was all lies, that the people of Iraq were blasphemous and hypocrites, that the Shi'is were "Majus" who permitted the marriage between brothers and sisters and that was why I allowed that man to continue with his marriage to his "sister" - having been breast-fed by the same woman.

In the end they persuaded the men to change their minds and forced the husband to take legal action with regard to his divorce in Gafsa's Magistrate court. The judge asked them to go to the Capital Tunis and approach the Mufti of the Republic, for he might have a solution to the problem. The husband left for the Capital and waited there for a whole month until he was able to have an interview with him.

During the interview the husband explained the case in detail then the Mufti asked him about the religious scholars who accepted the marriage as being correct and legal. He told him that none of them thought so except one called al-Tijani al-Samawi. Al-Mufti took a note of my name and said to the husband, "Go back to your village and I shall write to the judge in Gafsa."

Shortly after that a letter from the Mufti of the Republic arrived, and the husband's lawyer read it and found that the Mufti ruled that the marriage was void.

The husband, who looked very tired and exhausted, was informed by his lawyer about the content of the letter. He later came to see me and apologized for all the inconveniences that he had caused me.

I thanked him for his feelings towards me, but expressed my surprise regarding the Mufti's rule to consider the marriage in this case as void. I also asked him to bring the Mufti's letter to the Magistrate court in Gafsa so that I could publish it in the Tunisian press and show that the Republic's Mufti did not really know much about the four Islamic Madhhabs and did not understand the juridical difference

between them regarding the issue of brotherhood by breast-feeding.

However, the husband told me that he could not see the file on his case, and therefore was unable to bring me the letter, and then he departed.

A few days later I received an invitation from the judge asking me to bring the book and other proofs that allow the marriage between two people who have been breast-fed by the same woman. I chose a number of references and prepared the chapters regarding brotherhood by breast-feeding, so that I could produce the evidence quickly. )

I went to the court at the agreed time and I was received by the clerk who took me to the judge's office, and I was surprised to see the District Magistrate and the Republic's Attorney as well as three other judges. I noticed that the judges were wearing their official regalia, as if they were sitting to pass judgment; I also noticed that the husband was sitting at the end of the court room, facing the judges. )

I greeted everyone, but they looked at me with disdain, and when I sat the chief judge asked me "Are you al-Tijani al-Samawi?" I answered, Yes He asked, "Are you the one who passed a judgment in which you legalized the marriage in this case?"

I answered, "No I did not pass a judgment, rather, the Imams and the religious scholars of Islam passed that judgment by accepting the marriage as being correct and legal."

He said, "That is why we summoned you, and you are now in the dock. If you cannot support your claim with the appropriate proof, then we will have to send you to prison, and you will never come out of here a free man."

I knew then that I was actually in the dock, not because I had passed a judgment on that particular case, but because some of those sinister religious leaders had told the judges that I was a troublemaker and that I cursed the Companions and campaigned for the support of Ahl al-Bayt. The chief judge asked them to bring two witnesses against me then he would have the authority to throw me in prison.

In addition to that, the Muslim Brotherhood took advantage of my judgment in this case and spread rumors that I had legalized the marriages between brothers and sisters and that is, as they claimed, what the Shi'is believe!

I became absolutely sure about that when the chief judge threatened to throw me in prison, so I was left with nothing but to challenge him and to defend myself with all my courage and I said to the chief judge, "Can I speak frankly and without any fear?"

He replied, "Yes you can do that, for you have no lawyer."

I said, "First of all, I would like to say that I have not appointed myself to pass judgment (Fatwa) but this is the woman's husband before you, so ask him. He came to my house and asked me, and it was my duty to provide him with whatever information I had. I asked him how many times his wife had been

breast-fed by that old lady, and when he said that it was only on two occasions, I gave him the answer according to Islamic law. I was not trying to interpret Islam, nor indeed was I trying to legislate."

The chief judge said, "What a surprise! Now you claim that you know Islam and that we do not know it!"

I replied, "God forbid! I did not mean that. But everyone here knows the Maliki Madhhab stops here. What I did was to search in the other Islamic Madhahibs and find a solution to this case."

The chief judge asked, "Where did you find the solution?"

I said, "Sir, may I ask you a question before I answer?"

He replied. "Ask what you like."

I asked, "What do you say about the Islamic Madhahib?"

He replied, "They are all correct for they all follow the teachings of the Messenger of Allah, and there is mercy in their differing."

I said, "Well, have mercy on this poor man (pointing to the woman's husband) who has been away from his wife and children for the past two months, when one of the Islamic Madhahib has a solution for his problem."

The chief judge reacted angrily, "Give us your proof and stop all this nonsense. We allowed you to defend yourself now you have become a lawyer defending others."

I took from my briefcase a book entitled "MinHajj al-Salihin" by al-Sayyid al-Khu'i, and said, "This is the Madhhab of Ahl al-Bayt, and in it there is the absolute proof."

He interjected by saying, "Forget about the Madhhab of Ahl al-Bayt, we do not know it, and we do not believe in it." I was expecting such an answer, so I had brought with me, after having done some research, a number of references from the Sunni Traditionists and al-Jamaah, and I arranged them according to my knowledge. I put Sahih al-Bukhari in the first line, then Sahih Muslim, then "al-Fatawa" by Mahmoud Shaloot, then "Bidayat al-Mujtahid wa Nihayat al-Muqtasid" by Ibn Rushd, then "Zad al-Maseer fi Ilm al-Tafseer" by Ibn al-Jawzi and many other Sunni references.

When the chief judge refused to look at al-Sayyid al-Khu'i's book, I asked him which books he trusted.

He said, "Al-Bukhari and Muslim."

I took Sahih al-Bukhari and opened it at the specific page, then said, "Here you are Sir, read it."

He said, "You read it."

I read, "So and so told us that Aishah, the mother of the believers, said that the Messenger of Allah (saw) in his lifetime only prohibited the marriage, if the couple were breast-fed on five occasions or more by the same woman."

The chief judge took the book from me and read it himself then gave it to the Attorney General, and he too read the Hadith then he passed the book to the other judges. In the meantime I showed the chief

judge Sahih al-Bukhari, pointing out to him the same Hadith, then I opened "al-Fatawa" by al-Azhar's Shaykh Shaloot who mentioned the differences between the Imams about "breast-feeding" issue, some of them prohibited the marriage if the breast-feeding was on fifteen occasions, others said seven or even five except Malik who contradicted the text and prohibited the marriage if there had been one drop of milk taken by the couple from the same woman. Shaloot added, "I tend to favor the middle solution and say seven or more."

After having looked at the references, the chief judge turned to the woman's husband and said to him, "Go now and bring your father-in-law to testify that your wife was breast-fed twice or three times by the old woman, then you can take your wife with you today."

The poor man was delighted. The Attorney General and the other judges excused themselves and left the court, and when I was alone with the chief judge he apologized to me and said, "Forgive me for the wrong information I have been given about you, now I know that they are biased and envious people who wish to harm you."

I was very glad to hear about that quick change of heart and said, "O, Sir, Praise be to Allah Who made me victorious through you."

He said, "I heard that you have a great library, and have you got "Hayat al-Haywan al-Kubra" by al-Damiri?"

I said, "Yes."

He asked, "Could you lend me the book, for I have been looking for it for the past two years?" I said, "It is yours Sir, whenever you want it."

He said, "Have you got time to come to my library sometimes, so we could discuss various issues, and hopefully I may benefit from you."

I said, "God forbid! I will benefit from you. You are more senior to me, both in age and in position. However, I have four days off-duty during the week, and I am at your service then."

We agreed to meet every Saturday, for he did not have court hearings on that day. After he asked me to leave with him the Sahih of al-Bukhari and Muslim and "al-Fatawa" by Mahmud Shaloot to copy the relevant texts from them, he stood up and saw me out of his office.

I came out full of joy and thanking Allah, praise be to Him for that moral victory. I entered the court full of fear and threatened with imprisonment, but came out with the chief judge becoming a good friend of mine and asking me to meet him for discussion so that he could benefit from me. It is the grace of Ahl al-Bayt's way. It does not let down those people who keep to it, and it is a safe refuge for whoever comes to it.

The woman's husband talked about what happened to the people of his village, and the news spread to the neighboring villages when the wife returned to her husband's house, and the case ended with the marriage being legal. The people started saying that I was more knowledgeable than anybody even the

Republic's Mufti.

The husband came to my house with a big car and invited me and my family to his village and told me that the people there were waiting for me and they would slaughter three calves to celebrate the occasion. I apologized to him for not being able to accept his invitation because I was busy in Gafsah and told him that I would visit them some other time if Allah wished.

The chief judge also talked to his friends and the case became famous. Thus, Allah prevailed on the cunning of those wicked people, some of them came to apologize, others were enlightened by Allah and became one of the faithful this is truly the grace of Allah. He gives it to whoever He likes. Allah is the Most Gracious.

Our last word is to say: Thanks be to Allah, Lord of Creation, and may Allah bless our master Muhammad and his purified Household.

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