

PICTURES AND PHOTOGRAPHY



Moulana Muhammad Karolia

CONTENTS

CHAPTER ONE	3
CHAPTER TWO	6
A Few Ahâdîth	6
Hadith One	6
Hadith Two	6
Hadith Three	7
Hadith Four	7
Hadith Five.....	8
CHAPTER THREE	9
CHAPTER FOUR.....	18
Passport Photographs	18
Books that have pictures of animate objects	19
Mannequins	20
Dolls.....	20
Very small pictures	22
Picture - Viewing	22
Buying and Selling Pictures.....	23

بسم الله الرحمن الرحيم

CHAPTER ONE

Explaining the Shari status of picture making, Imâm Nawâwi (676 AH) writes:

"Our Ashâb (i.e. the Ulamâ of the Shâfi'î madhab) and others among the Ulamâ say that drawing pictures of animate objects is prohibited and this prohibition is severe. It is among the major sins because a stern warning has been mentioned regarding it in the Ahâdîth. The drawing of pictures is prohibited under all conditions, irrespective of whether it is drawn on something that is treated in a degrading manner (by sitting, sleeping or trampling on it) or on anything else, and irrespective of whether it is drawn on a garment, a carpet, a dirham, a dinâr, money, a utensil or a wall, because it is an imitation of Allâh's attribute of creation. However, drawing pictures of trees, saddles and all other inanimate objects is not prohibited.

This is the ruling of drawing pictures. Regarding the usage of items on which pictures of animate objects are drawn, if it (the picture) is hung on a wall, or it is drawn on a garment or turban or any other thing that is not treated in a degrading manner, it (its usage) is prohibited.

If it is a carpet on which people walk or a pillow or a cushion or anything else that is treated degradingly, it (its usage) is not prohibited.

In all of the above, there is no difference between that picture which has a shadow and that picture which does not have a shadow. This is the summary of our madhab regarding this issue. This is the opinion of the vast majority of Ulamâ among the Sahâbah, Tâbiîn and those Ulamâ who came after them; it is the opinion of Imâm Sufyân Thawri, Imâm Mâlik, Imâm Abu Hanifa and others." (*Sharh Muslim*)

It is apparent from the above that:

1. There is a difference between drawing pictures and using pictures or picture-bearing items. (It is rather unfortunate that many prominent writers fail to discern between the two.)
2. It is permissible to draw pictures of inanimate objects.
3. It is totally impermissible to draw pictures of animate objects irrespective of:
 - a. The item on which the picture is drawn.
 - b. Whether the picture has a shadow or not. Pictures with shadows are statues. This therefore means that just as it is impermissible to make statues, drawing pictures of animate objects is also impermissible.
4. It is permissible to use an item that has pictures of animate objects on it if it is used in a degrading manner, (by sitting, sleeping or walking on it) e.g. pillows, cushions, carpets.

5. Usage of things that have pictures of animate objects and are used in a dignified manner is impermissible. Hence all the under-mentioned are harâm (impermissible):
- a. Hanging frames of animate objects e.g. people, animals etc.
 - b. Hanging curtains with pictures of animate objects.
 - c. Wearing clothes with pictures of animate objects etc.

Allâmah Badrud-Dîn Aini writes in his commentary of "*Al Jâmi al-Saheeh lil Bukhâri*:"

"It is mentioned in "At-Tawdeeh" that our Ashâb (i.e. the Ulamâ of the Hanafi Madhab) and others say that drawing pictures of animate objects is strictly prohibited and it is among the major sins. It is prohibited in all circumstances, irrespective of whether it is drawn on something that is treated in a degrading manner or on anything else, and irrespective of whether it is drawn on a garment, carpet, dinar, dirham, money, a utensil or wall. Pictures with shadows (statues) and pictures without shadows (paintings, imprints etc.) are the same in all of the above. This is the opinion of the Ulamâ fraternity - Mâlik, Sufyân, Abu Hanifa and others."

CHAPTER TWO

A Few Ahâdîth

In this chapter we will mention a few Ahâdîth in substantiation of the claims made in the previous chapter.

Hadith One

Abdullah narrates that he heard Rasulullah saying: "The people who will receive the severest punishment on the day of Qiyâmah are the picture makers." (Bukhari)

Note: The *umûm* (generality) of the word 'picture makers' includes those who make statues of animate objects and those who draw pictures of animate objects.

Hadith Two

A man came to Abdullah bin Abbas and requested a fatwa regarding picture making because that was how he earned his livelihood. Abdullah replied: " I will tell you what I heard Rasulullah saying: Every picture maker will be in the fire. For every picture that he makes, a living being will be created and it will punish him in Jahannum." He then said: " If it is necessary to do so (i.e. if you have no alternative but to make pictures) then make pictures of trees and (other) inanimate objects." (*Sahîh Muslim*)

Note: This hadith substantiates the claim that the prohibition of picture making is confined to pictures and statues of animate objects.

Hadith Three

Aisha narrates: Rasulullah returned from a journey. I therefore hung a picture-bearing curtain (on the wall). However, Rasulullah commanded me to remove it. Hence I removed it." (*Sahîh Bukhari*)

Note: We understand from this Hadith that it is not permissible to use picture-bearing items. In view of hadith number two, the Fuqahâ have concluded that the impermissibility to use a picture-bearing item (garment, curtain etc.) is confined to items that bear pictures of animate objects.

Hadith Four

A'isha narrates: "Rasulullah returned from a journey and I had covered a niche of mine with a picture-bearing curtain. When Rasulullah saw it, he tore it and said: "The people with the severest punishment on the day of Qiyâmah are those who imitate the creation of Allâh." A'isha says: "Thus we converted it into a pillow or two." (Bukhari)

Note:

We understand from this hadith that there is no harm in using a piece of material that has a picture of something animate as a

cushion. In view of this Hadith and few others, the Fuqahâ have concluded that it is permissible to use an item that has a picture of something animate provided it is not used in a manner by which the picture is dignified.

This Hadith is also a clear indication that picture making is harâm, irrespective of whether the picture has a shadow or not.

Hadith Five

Abu Hurairah narrates: "One day Jibra'îl sought permission from Nabi to enter. Nabi said, "Enter!" Jibra'îl then said, "How can I enter when there is a picture bearing curtain in your room? Either remove their heads or make it a carpet that will be trampled because we angels do not enter any house in which there are pictures." (*Nasâi*)

Note:

1. The words "either remove the heads" indicate that this Hadith is regarding pictures of animate objects only.
2. These words also prove that pictures of animate objects are permissible if their heads are erased or blotted out.
3. This Hadith also proves that the prohibition of picture making is not confined to statues - it is equally harâm to draw shadowless pictures of animate objects.
4. Most Ulamâ agree that the above Hadith (and all the other Ahâdith which say that the angels do not enter houses in which there are pictures) refer to the angels of mercy only.

Thus, keeping pictures of animate objects will not enable anybody to escape the angel of death.

5. Most Ulamâ also agree that the angels do not enter houses in which impermissible pictures are kept.

CHAPTER THREE

In this chapter we wish to answer a few questions regarding the topic of picture making.

Question One

Wasn't the prohibition of drawing pictures of animate objects abrogated? Is it not true that this prohibition was confined to the initial stages of Islâm and that it was later cancelled by Rasulullah?

Answer

1. In the first chapter we quoted the great Shafi'î scholar of Hadith and Fiqh, Imâm Nawâwi, and the great Hanafi scholar of Hadith and Fiqh, Shaikh Badrud-Dîn. It is quite apparent from the writings of both these illustrious sons of Islâm that they did not regard the prohibition of drawing pictures of animate objects as abrogated. In fact, it is clearly understood from their writings that there is virtual Ijmâ' (consensus) among the Ulamâ from the time of the Sahâbah _ that this prohibition was never abrogated.
2. Despite the large number of Ahâdith that prove the impermissibility of drawing pictures of animate objects, there

isn't a single Hadith proving that this prohibition was later abrogated.

3. We have already mentioned the Hadith of Hazrat A'isha wherein she says: "Rasulullah returned from a journey and I had covered a niche of mine with a picture bearing curtain" (Bukhari). It is mentioned in Fathul Bâri, Allâmah Ibn Hajr's commentary of "Al-Jâmi' al-Sahîh lil Bukhârî" that the journey referred to in this Hadith is either the expedition of Khaiber (7 A.H) or Tabuk (9 A.H). Actually, most scholars of Hadith preferred the second opinion (i.e. that this Hadith is referring to the expedition of Tabuk). Since Rasulullah passed away in 10 A.H, this is a strong evidence that the claim that drawing pictures was only prohibited in the beginning of Islâm is incorrect.
4. Umme Salmah and Umme Habibah were among the Azwâj-al-mutahharât (blessed wives) of Rasulullah. Both of them had visited Habshah (Ethiopia) before they were married to Rasulullah. During their stay in Habshah, they saw a church called "Mâriya". A'isha narrates that they (i.e. Umme Salmah and Umme Habibah) discussed the beauty of this church and its pictures during the last illness of Rasulullah (i.e. a few days before Rasulullah passed away). Hearing their discussion, Rasulullah lifted his head and said: "Those people build a masjid (place of worship) over the grave of a pious man when he dies and they draw pictures on it. They are the worst of Allah's creation." (*Bukhari / Muslim*)

Note:

It is quite evident from this Hadith that it is baseless to claim that the prohibition of drawing pictures of animate objects has been abrogated.

5. The opinion of the Jumhûr (vast majority) of the Ulamâ is that drawing pictures of animate objects and making statues thereof was initially permitted and that this permission was later cancelled. This is in conflict with the opinion of many modern writers who claim that making such pictures was initially prohibited and that this prohibition was later cancelled. The opinion of the Jumhûr is, however, correct (and not the opinion of the modern scholars) because: many things were permissible in the initial stages of Islâm but, in view of their harms, they were later prohibited. Drinking and gambling are excellent examples in this regard. However, it never happened that, in view of its harms, something was initially prohibited and later made permissible.

More so, making pictures of animate objects and keeping them were prohibited due to two harms viz.;

- a. attempted imitation of Allâh's attribute of creation,
- b. it gradually lead to shirk.

Surely, both these harms are found in picture making (of animate objects) today also. Thus, logic bears testimony that the opinion of the Jumhûr is correct and not the opinion of the modern scholars.

Question Two

Is it not true that the prohibition of making pictures of animate objects is confined to pictures that have shadows (i.e. statues)? Is this claim not supported by the following Hadith?

Busr bin Sa'eed narrates from Zaid bin Khâlid who narrates from Abu Talha, a Sahâbi of Rasulullah, that Rasulullah said: "The angels do not enter a house in which there are pictures." Busr says that after learning this Hadith from Zaid bin Khâlid, he (i.e. Zaid) fell ill and they therefore visited him. Upon entering the door, they saw a picture-bearing curtain (hanging over the door way). Busr continues: "Thus I said to Ubaidullah al-Khawlânî, the step son of Maimoonah, the wife of Rasulullah, "Didn't Zaid inform us two days ago of (the prohibition of) pictures?" Ubaidullah replied: "Didn't you hear him saying, 'except a *raqm* or a garment?' (Bukhari, Muslim)

Answer

1. We once again refer to the beginning of this article where we quoted Imâm Nawâwi and Imâm Badrud-Dîn 'Aini. Both of them explicitly mentioned that there is no difference between pictures with shadows (statues) and shadowless pictures.

Furthermore, both of them indicated that there is virtual consensus among the Ulamâ in this regard.

2. Hadith three, four and five are a clear refutation of the claim that there is no harm in making shadowless pictures of animate objects. In Hadith three and four, A'isha had covered a niche with a picture-bearing curtain. Therefore these pictures were definitely shadowless. Similarly, in Hadith five, Jibraîl refused to enter the room of Rasulullah because there was a picture-bearing curtain in it.
3. As far as the Hadith of Abu Talha is concerned, the reader may have noted that we retained the Arabic word *raqm* in our translation of the last sentence "except a *raqm* or a garment". The reason is that by translating the word *raqm* as 'printed matter', some contemporary scholars have concluded that it is permissible to draw pictures of shadowless pictures. Their translation of the word *raqm* is, however, incorrect because:
 - a. Quoting Imâm Nawâwi, Allâmah Ibn Hajr explains in his "*Fathul Bârî*" that the word *raqm* refers to pictures of inanimate objects like trees etc.
 - b. Quoting Allâmah Khattâbi, Allâmah Badrud-Dîn Aini tenders the same explanation in his "*Umdatul Qâri*".
 - c. In *Lisân ul-Arab* and *Al-Qâmûs* (both of which are authoritative Arabic dictionaries) the word *raqm* has been explained as a striped garment (a garment that is decorated with stripes) or a striped design.

- d. In his commentary of the Mu'atta, Allâmah Zurqâni translates the word *raqm* as a decoration.

We therefore conclude that the curtain in Zaid bin Khalid's house did not have pictures of animate objects.

Question Three

Is it not true that Rasulullâh only prohibited pictures that are worshipped by others e.g. pictures of idols, pictures of 'Isa ﷺ?

Answer

This is the opinion of some modern scholars. However, their opinion is absolutely wrong.

1. Do you think that the picture-bearing curtain mentioned in Hadith five had pictures of false deities? Do you truly believe that despite being the greatest muwahhid (monotheist) ever, the best Rasul _ would tolerate pictures of idols or any other false deity in his house?
2. Do you think that the curtain mentioned in Hadith three and four had pictures of 'false deities'? Do you think that the Imân of A'isha _ would allow her to even look at, let alone hang up, a curtain with pictures of idols or any other false deity?
3. The statement of Abdullah bin Abbâs, "If it is necessary to do so (i.e. if you have no alternative but to make pictures) then make pictures of trees and (other) inanimate objects" (part of hadith two), is a clear refutation of the claim that only pictures of false deities (idols, Isa etc.) are harâm.

Question Four

What about the following Hadith:

A'isha narrates: "We had a curtain on which there was a picture of a bird. When one would enter (the room) he would be facing it. (In other words, it was opposite the door way. Thus, whoever entered the door way would see it). Then Rasulullah said to me: Move it away because whenever I enter and see it, I think of the world." (*Sahîh Muslim*)

Doesn't the fact that Rasulullah did not say anything in disapproval of the picture prove that drawing such pictures and using cloths or curtains with such pictures are permissible?

Answer

Imâm Nawâwi explains in his commentary of "*Al-Jâmi' as-Sahîh lil Muslim*" that this was before the prohibition of drawing and using such pictures.

Question Five

What is the opinion of the great Hanafi scholar of Hadith and Fiqh, Imâm Tahâwi (321 AH), regarding pictures?

Answer

His opinion is the same as that of the jamhur. This is quite apparent from his discussion of the topic in his "*Sharh Ma'âni al-Âthâr*".

Regarding the usage of picture-bearing items, he mentions two opinions among the Ulamâ viz.

- a. It is not permissible to use any picture-bearing item, irrespective of whether it is treated in a dignified manner or not.
- b. It is permissible to use only such picture-bearing items that are not treated in a dignified manner. Thus, it is not permissible to use any picture-bearing item that is used in a dignified manner.

In this issue, Imâm Tahâwi prefers the second opinion.

Regarding picture making, Imâm Tahâwi mentions two opinions viz.

- a. It is not permissible to draw any pictures with no differentiation between animate and inanimate.
- b. It is not permissible to draw pictures of animate objects. Drawing pictures of inanimate objects are, however, permissible.

Here too, Imâm Tahâwi chooses the second opinion.

Question Six

Some people say that by maintaining that picture making (photography) is Harâm, Muslims make themselves the laughing stock of the non-Muslims. Please comment.

Answer

Rasulullah said: "Dîn started as a stranger and it will return as a stranger." The irreligious atmosphere of the modern world and the influence of western culture continuously proves the truth of this Hadith. In the world of today, Muslim men are mocked at for sporting the sunnah beard, their women are ridiculed for observing the hijâb and their businessmen are called out-dated because they refuse to deal in ribâ (interest). Therefore, what further harm can there be if the Kuffâr laugh when we say that photography is not permissible in Islâm?

CHAPTER FOUR

In this chapter we will discuss the Shar'î rulings of:

1. Passport photos.
2. Books that have pictures of animate objects.
3. Mannequins.
4. Children's dolls.

Passport Photographs

It is mentioned in the commentary of *As-Siyâr al-Kabir* of Imâm Muhammad (*Rahimahullâh*) that "if there is a definite need to use a picture-bearing weapon, there will be no harm in using it because instances of *darûrah* (necessity) are excluded from the prohibition just as in eating carrion."

In this context carrion refers to the meat of:

- a. An animal that died a natural death,
- b. An animal that was not slaughtered in the Shar'î manner.

The meaning of the above-mentioned statement is that although eating carrion is harâm, there is no harm in eating it if there is a severe necessity (there is no other food and there is a definite fear that if one does not eat it, one will die). Similarly, it will be permissible for a Muslim to use a picture-bearing weapon if there is no other weapon available.

In consideration of the above mas'alah and the fact that passports are not issued without photographs, it may be concluded that there is no harm in passport photographs (the same will apply to I.D photographs).

Books that have pictures of animate objects

It is mentioned in "*Shâmi*" that if the Musallî is wearing a garment over a picture-bearing garment, the salâh will not be '*makrûh*'. It is also mentioned in "*Shâmi*" that if the musallî has a tatoo on his body of an animate object and the tatoo is covered with his clothes, there will be no harm if he is the Imâm.

On the basis of the above, the Ulamâ say that:

1. Items bearing pictures of animate objects may be kept in one's home, but they should not be left uncovered. They should be kept in cupboards or boxes etc.
2. Books, newspapers etc. that have pictures of animate objects may also be kept in the house provided such pictures are not left open. Thus there will be no harm if such pictures appear on the inside. However, if such pictures appear on the cover, the book should be covered or kept in a box or cupboard etc.

Mannequins

Many Muslim businessmen use mannequins in their shops. The rule in this regard is that:

- a. It is not permissible to use a mannequin if the head is attached.
- b. It is permissible to use a mannequin if its head is detached.
- c. A mannequin of the lower half of the human body is permissible.
- d. A mannequin of the upper half of the body is not permissible (unless its head is detached).

Dolls

A'isha narrates: Rasulullah returned from Tabuk or Khaiber and (at the time of his arrival) there was a curtain over her niche. (When Rasulullah entered), the wind blew due to which the edge of the curtain (moved and) revealed A'isha's dolls. (Seeing the dolls), Rasulullah said: "What is this, O A'isha?" she replied: "My daughters." Rasulullah saw among the dolls a horse with two paper wings. He asked, "What is this which I see between them?" She replied: "A horse." He asked, "And what is on it?" she replied; "Two wings". "A horse with wings?" asked Rasulullah. She replied, "Didn't you hear that Sulaymân had winged horses?" A'isha says that: "(hearing my answer) Rasulullah laughed so much that I saw his teeth." (Abû Dâ'wûd)

Most Muhaddithîn (scholars of hadith) are of the opinion that the ruling of children's dolls is the same as all pictures of animate objects and statues - they are harâm. It is neither permissible to sell (let alone manufacture) such dolls nor is it permissible to buy such dolls for one's children or to let them play with it.

Some of the Ulamâ who adopted this opinion are: Baihaqi, Ibn Jawzi, Mundhir, Halimi, Ibn Battâl and Daudi. Qâdi Abu Zaid has narrated that Imâm Mâlik did not regard it permissible to buy dolls for one's daughters.

After quoting the Hadith of A'isha, Baihaqi writes: "The prohibition of picture and statue making is well established. Thus it would be interpreted that the permission given to A'isha in this regard was before the prohibition (of picture and statue making). Ibn Jawzi accepted this opinion." (Fathul Bâri vol. 10 p. 433)

This opinion is substantiated by the following narration recorded in the Musnad of Imâm Ahmed: A man from the Quraish narrates from his father that he was with Abu Hurairah when he (Abu Hurairah) saw a paper horse in a small girl's hand. Thus he said: "Do you not see this? Rasulullah said: Only such a person does this who has no share (in the hereafter)."

Moulânâ Rashîd Ahmed Gangohî amongst other Ulamâ is of the opinion that the reason why Rasulullah permitted A'isha to keep her 'dolls' is that they were incomplete figures – in reality they were not 'dolls'. The proof of this is that if they were real dolls,

Rasulullah would not have asked, "What is this, O A'isha?" In Fathul Bâri, Hâfiz Ibn Hajr has attributed this explanation to Hâfiz Mundhiri. (Mukhtasar Abî Dâwûd vol. 7 p. 242, Fathul Bâri vol. 10 p. 433)

Very small pictures

If the picture of an animate object is so small that, when placed on the floor, a standing person who has an average height and eyesight is unable to see its limbs, keeping and using it will be permissible. However, drawing such small pictures is harâm (impermissible).

Picture - Viewing

1. It is permissible to look at a picture if it is permissible to draw and keep it (display it) in one's house.
2. It is not permissible to intentionally look at a picture if it is not permissible to draw and display it in one's house.
3. However, there is no harm in unintentionally looking at such pictures. For example, if one is reading a book and he unintentionally sees a picture of an animate object, he will not be sinful.
4. Motion picture (cinema) is not permissible because it is, nevertheless, a picture. (Besides the picture aspect, we must not forget that hardly a single movie/program is void of:
 - a. music
 - b. Bare headed *ghair mahram* women.

Buying and Selling Pictures

1. It is not permissible to buy and sell harâm pictures.
2. It is not permissible to buy and sell any item that has a harâm picture on it if the picture itself is the objective. For example, it is not permissible to buy and sell T-shirts that have pictures of sportsmen or pop stars.
3. It is permissible to sell an item that has a picture of something animate on it if the picture is not the objective.

Abu Hudhaifah Muhammad Karolia

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