27261 - Permissibility of Ambiguity and Definition of Necessity

the question

When is deliberate ambiguity valid? If that is in cases of necessity only, then what is the definition of necessity in this case?

Detailed answer

The Arabic word tawriyah [translated here as deliberate ambiguity] means to conceal something.

Allah says (interpretation of the meaning):

“Then Allah sent a crow who scratched the ground to show him how to hide [yuwaari] the dead body of his brother. He (the murderer) said: “Woe to me! Am I not even able to be as this crow and to hide the dead body of my brother?” Then he became one of those who regretted” [5:31]

“O Children of Adam! We have bestowed raiment upon you to cover yourselves (screen your private parts – yuwaari saw’aatikum) and as an adornment; and the raiment of righteousness, that is better. Such are among the Ayaat (proofs, evidences, verses, lessons, signs, revelations, etc.) of Allaah, that they may remember (i.e. leave falsehood and follow truth)”

[al-A’raaf 7:26]

With regard to the meaning in sharee’ah (religious) terminology, it refers to someone who says something that may appear to have one meaning to the listener but the speaker intends something different that may be understood from these words. For example, he says, “I do not have a dirham in my pocket,” and that is understood to mean that he does not have any money at all, when what he means is that he does not have a dirham but he may have a dinar, for example. This is called ambiguity or dissembling.

Deliberate ambiguity is regarded as a legitimate solution for avoiding difficult situations that a person may find himself in when someone asks him about something, and he does not want to

tell the truth on the one hand, and does not want to lie, on the other.

Deliberate ambiguity is permissible if it is necessary or if it serves a shar'i (religious) interest, but it is not appropriate to do it a great deal so that it becomes a habit, or to use it to gain something wrongfully or to deprive someone of his rights.

Al-Nawawi said:

The scholars said: If that is needed to serve some legitimate shar'i interest that outweighs the concern about misleading the person to whom you are speaking, or it is needed for a reason that cannot be achieved without lying, then there is nothing wrong with using deliberate ambiguity as an acceptable alternative. But if there is no interest to be served and no pressing need, then it is makrooh (disliked), but is not haram (impermissible). If it is a means of taking something wrongfully or depriving someone of their rights, then it is haram in that case. This is the guideline in this matter. Al-Adhkaar.

Some scholars were of the view that it is haram to resort to deliberate ambiguity if there is no reason or need to do so. This was the view favoured by Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him). See al-Ikhtiyaaraat.

There are situations in which the Prophet (peace and blessings of Allah be upon him) taught that we may use deliberate ambiguity, for example:

If a man loses his wudoo (ablution) whilst praying in congregation, what should he do in this embarrassing situation?

The answer is that he should place his hand over his nose and leave.

The evidence for that is the report narrated from 'Aishah (may Allah be pleased with her) who said: The Messenger of Allah (peace and blessings of Allah be upon him) said: "If anyone of you breaks his wudoo whilst praying, let him hold his nose and leave." Sunan Abi Dawood.

Al-Teebi said: The command to hold his nose is so that it will look as if he has a nosebleed. This is not a lie, rather it is a kind of ambiguity. This concession is granted so that the Shaytan will not

trick him into staying put because of feeling embarrassed in front of people.

Mirqaah al-Mafaateeh Sharh Mishkaat al-Masaabeeh.

This is a kind of ambiguity that is permitted, so as to avoid any embarrassment and so that whoever sees him leaving will think that he has a nosebleed.

Similarly If a Muslim faces a difficult situation where he needs to say what is against the truth in order to protect himself or someone who is innocent, or to save himself from serious trouble, is there a way for him to escape the situation without lying or falling into sin?

Yes, there is a legal way and a permissible escape that one can make use of if necessary. It is equivocation or indirectness in speech. Imam al-Bukhaari (may Allah have mercy on him) entitled a chapter of his Saheeh: “Indirect speech is a safe way to avoid a lie”. (Saheeh al-Bukhari, Kitaab al-Adab (Book of Manners)).

Equivocation means saying something which has a closer meaning that the hearer will understand, but it also has a remote meaning which what is actually meant and is linguistically correct. The condition for this is that whatever is said should not present a truth as falsity and vice versa. The following are examples of such statements used by the salaf (pious predecessors) and early imams (religious leaders), and collected by Imam Ibn al-Qayyim in his book Ighaathat al-Lahfaan:

It was reported about Hammad (may Allah have mercy on him), if someone came that he did not want to sit with, he would say as if in pain: “My tooth, my tooth!” Then the boring person whom he did not like would leave him alone.

Imam Sufyan Al-Thawri was brought to the khaleefah al-Mahdi, who liked him, but when he wanted to leave, the khaleefah told him he had to stay. Al-Thawri swore that he would come back. He then went out, leaving his shoes at the door. After some time he came back, took his shoes and went away. The khaleefah asked about him, and was told that he had sworn to come back, so he had come back and taken his shoes.

Imam Ahmad was in his house, and some of his students, including al-Mirwadhi, were with him. Someone came along, asking for al-Mirwadhi from outside the house, but Imam Ahmad did not want him to go out, so he said: “Al-Mirwadhi is not here, what would he be doing here?” whilst putting his finger in the palm of his other hand, and the person outside could not see what he was doing.

Other examples of equivocation or indirectness in speech include the following:

If someone asks you whether you have seen so-and-so, and you are afraid that if you tell the questioner about him this would lead to harm, you can say “ma ra aytuhu”, meaning that you have not cut his lung, because this is a correct meaning in Arabic [“ma ra aytuhu” usually means “I have not seen him,” but can also mean “I have not cut his lung”]; or you could deny having seen him, referring in your heart to a specific time and place where you have not seen him. If someone asks you to swear an oath that you will never speak to so-and-so, you could say, “Wallaahi lan ukallumahu”, meaning that you will not wound him, because “kalam” can also mean “wound” in Arabic [as well as “speech”]. Similarly, if a person is forced to utter words of kufr (disbelief) and is told to deny Allah, it is permissible for him to say “Kafartu bi’l-laahi”, meaning “I denounce the playboy” [which sounds the same as the phrase meaning “I deny Allah.”]

(Ighaathat al-Lahfaan by Ibn al-Qayyim. See also the section on equivocation (ma’aareed) in Al-Adaab al-Shar’iyyah by Ibn Muflih).

However, one should be cautious that the use of such statements is restricted only to situations of great difficulty, otherwise:

Excessive use of it may lead to lying.

One may lose good friends, because they would always be in doubt as to what is meant.

If the person to whom such a statement is given comes to know that the reality was different from what he was told, and he was not aware that the person was engaging in deliberate

ambiguity or equivocation, he would consider that person to be a liar. This goes against the principle of protecting one's honour by not giving people cause to doubt one's integrity.

The person who uses such a technique frequently may become proud of his ability to take advantage of people.

End quote. From Madha taf'al fi'l-haalaat al-aatiyah (What to do in the following situations)?

And Allah knows best.