

بسم الله الرحمن الرحيم

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page (Fiqhi)

Answer to Question

From Usul ul-Fiqh: What the Shari'ah Kept Silent About Them

To: Yahya Abu Zeinah

(Translated)

Question:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh,

May Allah protect you our sheikh, help you to carry the trust, and support you with His near victory, with His (swt) permission.

First of all, I apologize for the many questions you receive from me. But we learned from the Hizb to dig and search so that our idea remains strong and pure, by the power of Allah Almighty.

A question in the Usul ul-Fiqh (principles of jurisprudence) about “what the shari'ah kept silent about them”:

It came in the hadith, as in al-Tirmidhi, on the authority of Salman al-Farsi, that the Prophet (saw) said: «الْأَخْلَالُ مَا أَحَلَّ اللَّهُ فِي كِتَابِهِ وَالْحَرَامُ مَا حَرَّمَ اللَّهُ فِي كِتَابِهِ وَمَا سَكَتَ عَنْهُ فَهُوَ مِمَّا عَفَا عَنْهُ» **“The lawful things are the ones mentioned in Allah’s (swt) Book as lawful and the unlawful things are the ones which are mentioned in Allah’s (swt) Book as unlawful, and whatever He (swt) was silent about, then it is a pardon.”**

Can we understand the silence in the hadith as being silent about the legislation during the period of revelation, i.e., before the completion of the legislation and the revelation of the Almighty’s verse: «الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمُ الْإِسْلَامَ دِينًا» **“This day I have perfected for you your religion and completed My favor upon you and have approved for you Islam as religion.”** [al-Maida: 3]? It is well known that there is no Shari’ before the coming of the Shari’, and the origin is the quittance from the (Shari’) responsibility. At the time of revelation, Muslims were in front of rulings that had been legislated and the Shariah expounded their ruling as being permissible (Halal) or forbidden (Haram), where a Muslim would perform these actions based on the legislation and he will be held accountable for them. And there are actions and things for which legislation had not yet been expounded until it (the legislation) was completed, and this is what the Messenger (saw) intended by saying, «وَمَا سَكَتَ عَنْهُ فَهُوَ عَفْوٌ...» **“And what he was silent about is a pardon”**, meaning was silent about its legislation. It is a pardon, that is, a Muslim is not held accountable for it, whether he performs or abstains from the action. The Prophet (saw) forbade asking and researching things about which no legislation was revealed so that Allah would not make it tight on Muslims because of the question.

As after the completion of the legislation and the revelation of the Almighty’s saying: «الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمُ الْإِسْلَامَ دِينًا» **“This day I have perfected for you your religion and completed My favor upon you and have approved for you Islam as religion.”** [al-Maida: 3]. Because the Sharia contains all the verdicts pertaining to things and actions, so there is no action or thing that does not have a verdict or a place of verdict. A Muslim must ask and search for the ruling on every action he wants to do, contrary to what the Muslims were doing at the time of revelation.

Our beloved Sheikh, is this considered a correct understanding? Knowing that I adopt what is found in our book, The Islamic Personality, Volume 3, and I do not stray at all from it, Allah willing.

Answer:

Wa Alaikum Assalam wa Rahmatu Allahi wa Barakatuh,

It seems that there is a paragraph about which you got confused, which is your statement in the question: (And there are actions and things for which legislation had not yet been expounded until it (the legislation) was completed, and this is what the Messenger (saw) intended by saying, «وَمَا سَكَتَ عَنْهُ فَهُوَ عَفْوٌ...» **“And what he was silent about is a pardon,”** meaning was silent about its legislation. It is a pardon, that is, a Muslim is not held accountable for it, whether he performs or abstains from the action. The Prophet (saw) forbade asking and researching things about which no legislation was revealed so that Allah would not make it tight on Muslims because of the question).

The phrase «وَمَا سَكَتَ عَنْهُ فَهُوَ عَفْوٌ...» **“And what he was silent about is a pardon”**, does not mean that its Shari’ ruling was not revealed, rather it means that this matter about which the Messenger (saw) remained silent is permissible [Halal], i.e. permissible [Mubah] if the matter is a thing, or obligatory [Fardh], recommended [Mandub], permissible [Mubah], and reprehensible [Makruh], if it is an action... We explained this in our answer to a similar question on the 20th Jumada al-Thani 1434 AH corresponding to 05/05/2013 CE, and I will mention to you below from the answer what is related to this issue:

[1. The relevant hadiths are:

A. What al-Tirmidhi narrated from Salman al-Farisi who said: The Prophet (saw) was asked about ghee, cheese and fur. He replied: «الْحَلَالُ مَا أَحَلَّ اللَّهُ فِي كِتَابِهِ، وَالْحَرَامُ مَا حَرَّمَ اللَّهُ فِي كِتَابِهِ، وَمَا سَكَتَ عَنْهُ فَهُوَ مِمَّا عَفَا عَنْهُ» **“The lawful things are the ones mentioned in Allah’s (Swt) book as lawful and the unlawful things are the ones which are mentioned in Allah’s (swt) book as unlawful, and whatever He (swt) was silent about, then it is a pardon.”**

And in the narration of Abu Dawud through Ibn Abbas: «فَبَعَثَ اللَّهُ تَعَالَى نَبِيَّهُ، ﷺ وَأَنْزَلَ كِتَابَهُ، وَأَحَلَّ حَلَالَهُ، وَحَرَّمَ حَرَامَهُ، فَمَا أَحَلَّ فَهُوَ حَلَالٌ، وَمَا حَرَّمَ فَهُوَ حَرَامٌ، وَمَا سَكَتَ عَنْهُ فَهُوَ عَفْوٌ» **“Then Allah sent His Prophet (saw) and sent down His Book, so he made the lawful lawful, and the prohibited prohibited; so what He made lawful is lawful, and what he made unlawful is unlawful, and what he was silent about is a pardon.”**

B. And in al-Bayhaqi’s Al-Sunan al-Kubra through Tha’alaba (ra): «إِنَّ اللَّهَ فَرَضَ فَرَائِضَ، فَلَا تُضَيِّعُوهَا، وَحَدَّ حُدُودًا، فَلَا تَعْتَدُوهَا، وَنَهَى عَنْ أَشْيَاءَ، فَلَا تَنْتَهِكُوهَا، وَسَكَتَ عَنْ أَشْيَاءَ رُخْصَةً لَكُمْ، لَيْسَ بِنَسْيَانٍ، فَلَا تَبْخَثُوا عَنْهَا» **“Verily Allah the Almighty has prescribed the obligatory deeds, so do not neglect them; He has set certain limits, so do not go beyond them; He has forbidden certain things, so do not indulge in them; and He has said nothing about certain things, as a permit for you, not out of forgetfulness, so do not go enquiring into these.”**

C. Tirmidhi and Daraqutni’s hadith on the authority of Ali (ra): When this Ayah was revealed: «وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ حَيْثُ اسْتَطَاعَ إِلَيْهِ سَبِيلًا» **“And [due] to Allah from the people is a pilgrimage to the House - for whoever is able to find thereto a way.”** They said: “Every year, Oh Messenger of Allah (swt)?” He (saw) was silent, so they said: “Every year?” He said: «لَا وَلَوْ قُلْتُ نَعَمْ لَوَجِبَتْ» **“No, and if I said yes then it would become obligatory”** And Allah (swt) revealed: «يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنْ أَشْيَاءَ إِنْ تُبَدَّ لَكُمْ تَسْأَلُكُمْ» **“O you who have believed, do not ask about things which, if they are shown to you, will distress you.”** To the end of the verse.

And in another narration by Daraqutni on the authority of Abu Hurayra, he said that Allah’s Messenger (saw) said: «يَا أَيُّهَا النَّاسُ كُتِبَ عَلَيْكُمُ الْحَجُّ» **“O people, Allah has made the hajj obligatory for you.”** A man got up and said, ‘Every year, Messenger of Allah?’ He turned away from him, then the man repeated and said “Every year Oh Messenger of Allah (swt)?” So he said: «وَمَنْ الْقَائِلُ؟» **“Who is that who asks?”** So they said: “This person,” and he said: «وَالَّذِي نَفْسِي بِيَدِهِ لَوْ قُلْتُ نَعَمْ لَوَجِبَتْ وَلَوْ وَجِبَتْ مَا أَطَقْتُمُوهَا وَلَوْ لَمْ تُطِيقُوهَا لَكُفَرْتُمْ» **“By He who my soul is in his hand, if I had said yes then it would be obligatory and if it was obligatory then you would not handle it and if you were not able to handle it then you would disbelieve.”** So Allah (swt) revealed the Ayah, «يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنْ أَشْيَاءَ إِنْ تُبَدَّ لَكُمْ تَسْأَلُكُمْ» **“O you who**

have believed, do not ask about things which, if they are shown to you, will distress you.”

2. Before delving into their meanings it would be good to refer to some necessary points:

A. The differentiation between “thing and action” is a question of Usul ul-fiqh [the foundations of Islamic Jurisprudence] and not a linguistic question. Otherwise, saying a thing would include the action, and as such classify the Hukm Shari’ as fard [obligatory], and wajib [obligatory], mandub [recommended], mubah [permissible], makruh [reprehensible], haram [prohibited], manthoor, and rukhsa [permit], ‘azeema, shart [condition], sabab [cause], mani’, sahih, fasid, batil... these are terms of Usul ul-fiqh, so if you opened a linguistic dictionary for their meanings you would not find the meaning according to the Usul ul-fiqh. And these terms of the foundations of Islamic jurisprudence originated after the time of the Messenger (saw) and the Righteous Caliphs (Khulafaa’ ar-Rashideen), like the grammatical terminology (subject and object)... so if we look in a linguistic dictionary we would find its meaning different from the conventional grammatical meaning.

B. Therefore, if you read a hadith of the Messenger (saw) or his companions (ra) and find the word “thing” or the word “subject”, that does not mean the same in conventional terminology, so one must study it to see its correct significance where it falls: Is it a linguistic reality, or a special custom “convention”, or a Shar’i reality.

C. If the question is about particular phrases, and the answer was general independent of the question, then the generality is in the topic of the question that the answer addresses, and not specific to the phrases that are found in the question, for example the Sahih hadith that Tirmidhi related through Abu Sayeed al-Khudri, he said: It was said: Oh the Messenger of Allah (saw), Can we perform ablution out of the well of Buda’ah...? So, the Messenger (saw) said: «إِنَّ الْمَاءَ طَهُورٌ لَا يُتَجَسَّسُهُ شَيْءٌ» **“Water is pure and is not defiled by anything.”**

So here the Messenger (saw) was asked about the well of Buda’ah, but the answer was independent of the well of Buda’ah, and the well of Buda’ah was not mentioned in it, only «إِنَّ الْمَاءَ طَهُورٌ لَا يُتَجَسَّسُهُ شَيْءٌ» **“Water is pure and is not defiled by anything.”**

So, the generality is applied to the purification with water whether it is from the well of Buda’ah or from any well, and it cannot be said that the topic of generalization is the well of Buda’ah, instead it can be said that the answer is general and about its topic that is taken from the answer and not from the question, in other words it is taken from «إِنَّ الْمَاءَ طَهُورٌ لَا يُتَجَسَّسُهُ شَيْءٌ» **“Water is pure and is not defiled by anything.”** and not from “the well of Buda’ah”, or the topic is purification with water, and the topic is not the well of Buda’ah...

3. And now we will answer your questions:

a. Tirmidhi’s hadith: The Messenger (saw) was asked about ghee, cheese, and fur, so he said: «الْحَلَالُ مَا أَحَلَّ اللَّهُ فِي كِتَابِهِ، وَالْحَرَامُ مَا حَرَّمَ اللَّهُ فِي كِتَابِهِ، وَمَا سَكَتَ عَنْهُ فَهُوَ مِمَّا عَفَا عَنْهُ» **“The lawful things are the ones mentioned in Allah’s (swt) Book as lawful and the unlawful things are the ones which are mentioned in Allah’s (swt) Book as unlawful, and whatever He (swt) was silent about, then it is a pardon.”** And in the narration of Abu Dawud: «...وَمَا سَكَتَ عَنْهُ فَهُوَ عَفْوٌ» **“And what he was silent about is a pardon.”**

So what is followed “وَمَا سَكَتَ عَنْهُ...” **“whatever He (swt) was silent about”** returns to the last part that is followed which is “وَالْحَرَامُ مَا حَرَّمَ اللَّهُ فِي كِتَابِهِ” **“and the unlawful things are the ones which are mentioned in Allah’s (swt) Book as unlawful”**, or that what he was silent about is a pardon from the haram, and is halal.

The generalization here is in its topic, but because the answer is more general than the question and independent of it then the topic is taken from the answer and not from the question, and therefore it includes everything that is halal or haram whether it is in regards to ghee and cheese and fur or a matter that falls under halal or under haram. This applies to everything that falls under “thing or action” according to the conventional meaning, because if it applies to a thing, then halal here means “permissible”, and if it applies to an action, then halal here is what is not haram, in other words what is “fard, mandub, mubah, makruh.”

b. Al-Bayhaqi's hadith through Abu Tha'alaba (ra): «...وَنَهَى عَنْ أَشْيَاءَ، فَلَا تَتَّبِعُوها، وَسَكَتَ عَنْ أَشْيَاءَ...» **“He has forbidden certain things, so do not indulge in them; and He has said nothing about certain things, as a permit for you, not out of forgetfulness, so do not go enquiring into these.”**

In this hadith are three matters:

The first: “سَكَتَ عَنْ أَشْيَاءَ” **“He has said nothing about certain things.”** And “things” here is not according to the conventional meaning, as in something other than an action, instead it includes actions, for example in the blessed Ayah:

﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنْ أَشْيَاءَ إِنْ تُبْدَ لَكُمْ تَسْأَلُكُمْ وَإِنْ تَسْأَلُوا عَنْهَا حِينَ يُنَزَّلَ الْقُرْآنُ تُبْدَ لَكُمْ عَفَا اللَّهُ عَنْهَا وَاللَّهُ غَفُورٌ حَلِيمٌ﴾ **“O you who have believed, do not ask about things which, if they are shown to you, will distress you. But if you ask about them while the Qur'an is being revealed, they will be shown to you. Allah has pardoned that which is past; and Allah is Forgiving and Forbearing.”** And what was asked about was “the action of Hajj”. It is mentioned in the Tafsir of Qurtubi (330/6):

(Tirmidhi and al-Daraqatni's hadith on the authority of Ali (ra) who said: When this Ayah:

﴿وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ إِلَيْهِ سَبِيلًا﴾ **“And [due] to Allah from the people is a pilgrimage to the House - for whoever is able to find thereto a way.”** Was revealed they said: Oh Messenger of Allah, every year? So he was silent, so they said: Every year? He said: **«لا وَلَوْ قُلْتُ نَعَمْ لَوَجِبَتْ»** **“No, and if I said yes then it would become obligatory.”** So Allah (swt) revealed the Ayah: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنْ أَشْيَاءَ إِنْ تُبْدَ لَكُمْ تَسْأَلُكُمْ﴾ **“O you who have believed, do not ask about things which, if they are shown to you, will distress you.”** To the end of the verse.

And in another narration by Daraqutni on the authority of Abu Hurayra, he said that Allah's Messenger (saw) said: «يَا أَيُّهَا النَّاسُ كُتِبَ عَلَيْكُمُ الْحَجُّ» **“O people, Allah has made the hajj obligatory for you.”** A man stood up and said, ‘Every year, Messenger of Allah?’ He turned away from him, then the man repeated and said, “Every year Oh Messenger of Allah (swt)?” So he said: «وَمَنْ الْقَائِلُ» **“Who is that who asks”** So they said: This person, he said: «وَالَّذِي نَفْسِي بِيَدِهِ» **“By He who my soul is in his hand, if I had said yes then it would be obligatory and if it was obligatory then you would not handle it and if you were not able to handle it then you would disbelieve”** So Allah revealed the Ayah: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنْ أَشْيَاءَ إِنْ تُبْدَ لَكُمْ تَسْأَلُكُمْ﴾ **“O you who have believed, do not ask about things which, if they are shown to you, will distress you.”** End.

And it is clear that what was asked about was Hajj, and it is an “action”, and the Aya about “things” was applied to it.

And the second: “وَسَكَتَ عَنْ أَشْيَاءَ رَخْصَةً لَكُمْ” **“He has said nothing about certain things, as a permit for you”.** And this followed “...وسكت” **“He has said nothing...”** Is returned to the nearest, followed on “وَنَهَى عَنْ أَشْيَاءَ، فَلَا تَتَّبِعُوها” **“He has forbidden certain things, so do not indulge in them”.** In other words the permit is from the definitive forbidding “haram” rather than “indulge in them”, or what he was silent about was a permit for what is haram, so it is halal. If what was asked about it was a thing by conventional meaning, then it applies and then halal here is permissibility, and if what was asked about was an action by conventional meaning, then this applies and the halal here would be what is not haram, or what is “fard, mandub, mubah, and makruh..”

Third: “فَلَا تَبْتَخُوا عَنْهَا” **“So do not go enquiring into these”** It is connected to the followed “وَنَهَى عَنْ أَشْيَاءَ” **“He has said nothing about certain things”** On the followed by “فَلَا تَتَّبِعُوها” **“He has forbidden certain things, so do not indulge in them”.** Meaning it is halal, so do not look for its prohibition, and it does not mean to not look for its judgment in terms of fard or mandub... because the meaning of the hadith is that what was silent about is halal, so do not look for its prohibition out of fear that it will be made haram because of your asking about it, as was mentioned in Bukhari's hadith: On the authority of Sa'ad bin Abu Waqqas, that the

Messenger (saw) said: «إِنَّ أَكْثَرَ الْمُسْلِمِينَ جُرْمًا، مَنْ سَأَلَ عَنْ شَيْءٍ لَمْ يُحَرِّمْ، فَحَرَّمَ مِنْ أَجْلِ مَسْأَلَتِهِ» **“The most sinful person among the Muslims is the one who asked about something which had not been prohibited, but was prohibited because of his asking.”**

.... 25th Jumada II 1434 AH corresponding to 05.05.2013].

It is clear from the foregoing that the silence of the Messenger (saw) does not mean the absence of legislation, but rather it means permissibility (ibaha), if the matter is related to a thing, and it means that it is Fardh, Mandub, Mubah, or Makruh, if the matter is related to an action, meaning that the silence of the Messenger (saw) is legislation as shown above. As for the prohibition on questioning, it is the case when the Messenger (saw) is asked about something and he answers or remains silent. If he answers then it means he expounded the hukm expressly, and if he does not answer or remains silent then it means that he has expounded that that thing or action its hukm is that it is halal. What is forbidden is to repeat and reiterate the question while the Prophet (saw) had answered it or remained silent about it.

This does not mean that a Muslim does not inquire about a thing or action that he does not know... It came in the book of *The Islamic Personality (Shakhsiyah Islamiya) Volume Three: (There is No Hukm Prior to the Coming of the Revelation)* the following: because the established (rule) in the Qur'an and Hadith for the lack of knowledge is inquiring about the hukm and not the cessation and absence of the hukm. The Exalted says, ﴿فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ﴾

“Ask those of Knowledge if you know not” [Al-Anbiya': 7]; and the saying of the Messenger (saw) in the hadith of tayammum, narrated by Abu Dawud from Jabir, «أَلَا سَأَلُوا إِذْ لَمْ يَعْلَمُوا فَإِنَّمَا شِفَاءُ الْعِيِّ السُّؤَالُ» **“Don't they ask when they do not know, for the only cure of ignorance is to ask.”** This indicates that the 'asl is not cessation and the absence of the hukm. Therefore, it is after the advent of a Messenger that it that the hukm becomes for the shari' and there is no hukm prior to the coming of the shar', so the hukm depends on the coming of the shar', that is, on the presence of a shar'i evidence for a single issue. Thus no hukm can be given except on the basis of an evidence, just as no hukm can be given except after the coming of the shari'. The 'asl, then, is to search for the hukm in the shar', that is, the 'asl is to search for the shar'i evidence for a shar'i hukm from the shar'.)

Therefore, it is forbidden for a Muslim to ask about an issue in which the Messenger (saw) has expounded its ruling and not to be satisfied by that, but to go too far in the question. So, if he (saw) says Haj is obligatory, one should not ask how many times? And if he is asked about a matter and the Messenger (saw) attached it to something else whose ruling is known, i.e. that it is permissible, then he must adhere to that and not ask again (Could it be an obligation?) or other such details, especially at the time of revelation, so he makes it hard on himself, and then Allah (swt) may make it hard him, as in the noble verse: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنْ أَشْيَاءٍ إِنْ تُبْدَ لَكُمْ تَسْأَلُوا عَنْهَا حِينَ يُنَزَّلُ الْقُرْآنُ تُبْدَ لَكُمْ عَفَا اللَّهُ عَنْهَا وَاللَّهُ غَفُورٌ حَلِيمٌ﴾ **“O you who have believed, do not ask about things which, if they are shown to you, will distress you. But if you ask about them while the Qur'an is being revealed, they will be shown to you. Allah has pardoned that which is past; and Allah is Forgiving and Forbearing.”**

- It came in Sunan al-Tirmidhi, when this Ayah was revealed: ﴿وَلِلَّهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ مَنِ اسْتَطَاعَ﴾ **“And [due] to Allah from the people is a pilgrimage to the House - for whoever is able to find thereto a way.”** Was revealed they said: Oh Messenger of Allah, every year? So he was silent, so they said: Every year? He said: «لَا وَلَوْ قُلْتُ نَعَمْ لَوَجِبَتْ» **“No, and if I said yes then it would become obligatory.”** So Allah (swt) revealed the Ayah: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنْ أَشْيَاءٍ إِنْ تُبْدَ لَكُمْ تَسْأَلُوا عَنْهَا حِينَ يُنَزَّلُ الْقُرْآنُ تُبْدَ لَكُمْ عَفَا اللَّهُ عَنْهَا وَاللَّهُ غَفُورٌ حَلِيمٌ﴾ **“O you who have believed, do not ask about things which, if they are shown to you, will distress you.”** He said: in the chapter, from Ibn Abbas and Abu Huraira, Abu Issa said the narration of Ali is Hasan and Gharib in this way.

- And it came in Sahih Ibn Hibban that Abu Hurairah mentioned that the Messenger of God, peace and blessings be upon him, delivered a sermon and said: The Messenger of Allah addressed the people and said: «يَا أَيُّهَا النَّاسُ إِنَّ اللَّهَ قَدْ افْتَرَضَ عَلَيْكُمُ الْحَجَّ» **“Allah, the Mighty and Sublime, has enjoined upon you Hajj.”** A man said: 'Every year?' He remained silent until he

had repeated it three times. Then he said: **لَوْ قُلْتُ: نَعَمْ، لَوَجِبَتْ، وَلَوْ وَجِبَتْ مَا قُمْتُمْ بِهَا، دَرُونِي مَا تَرَكَتُكُمْ، فَإِنَّمَا هَٰلِكَ الَّذِينَ قَبْلَكُمْ بِكَثْرَةِ سُؤَالِهِمْ، وَاخْتِلَافِهِمْ عَلَى أَنْبِيَائِهِمْ، فَإِذَا نَهَيْتُكُمْ عَنْ شَيْءٍ فَاجْتَنِبُوهُ، وَإِذَا أَمَرْتُكُمْ بِشَيْءٍ، فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ** “If I said yes, it would be obligatory, and if it were obligatory you would not be able to do it. Leave me alone so long as I have left you alone. Those who came before you were destroyed because they asked too many questions and differed with their prophets. If I command you to do something then follow it as much as you can, and if I forbid you to do something then avoid it.”

It was narrated by Ahmad in his Musnad and Al-Hakim in Al-Mustadrak, Al-Daraqutni and others...

Thus, Muslims should not be like Jews, who when they were told to slaughter a cow, they inquired about the characteristics and conditions of the cow. So, its characteristics were made hard for them, and had they in the beginning slaughtered any cow, that would have sufficed.

According to Al-Tabari: [The say in the interpretation of Allah (swt) saying: **وَإِذْ قَالَ مُوسَىٰ لِقَوْمِهِ** **﴿وَإِذْ قَالَ مُوسَىٰ لِقَوْمِهِ﴾** **“And [recall] when Moses said to his people, "Indeed, Allah commands you to slaughter a cow." They said, "Do you take us in ridicule?" He said, "I seek refuge in Allah from being among the ignorant."”** [Al-Baqara: 67] The cause of Moses’ saying to them: **﴿إِنَّ اللَّهَ يَأْمُرُكُمْ أَنْ تَذْبَحُوا بَقْرَةً﴾** **“Allah commands you to slaughter a cow”**, what Muhammad bin Abdul-A’laa told us, he said, Al-Mu`tamar bin Suleiman told us, he said, I heard Ayoub, on the authority of Muhammad bin Sirin, on the authority of Ubaidah, he said: There was among the children of Israel a childless man (...) and one of his relatives killed him, and then carried him away and dumped him with a tribe which was not his own. He said: malice set in between the two tribes to the point where they took up arms. He said: Then those who were reasonable said: Do you kill each other while the Messenger of Allah is among you? He said: So, they came to Allah’s Prophet, and he said: sacrifice a cow! They said: do you take us in ridicule? He said: **﴿أَعُوذُ بِاللَّهِ أَنْ أَكُونَ مِنَ الْجَاهِلِينَ﴾** **“I seek refuge in Allah from being among the ignorant. They said, "Call upon your Lord to make clear to us what it is." [Moses] said, "[Allah] says, 'It is a cow”** [Al-Baqara: 67-68], up to His (swt) saying: **﴿فَذَبَحُوهَا وَمَا كَادُوا يَفْعَلُونَ﴾** **“So they slaughtered her, but they could hardly do it.”** [Al-Baqara: 71] He said: So, the (corpse) was smitten, and he told them who his killer was. He said: The cow was only acquired for its weight in gold, and if they had acquired an inferior cow, it would be sufficient for them. After that no murderer was ever appointed as an heir...

He said: If when the people were commanded to sacrifice a cow, they had taken one of the cows without giving it any thought and slaughtered it, it would have been that one. And if the people had not made an exception and said: **﴿وَإِنَّا إِنْ شَاءَ اللَّهُ لَمُهْتَدُونَ﴾** **“And indeed we, if Allah wills, will be guided.”** [Al-Baqara: 70] they would never have been guided to it...]

Thus, misplaced excessive questioning is forbidden.

I hope that this is sufficient, and Allah Knows Best and is Most Wise.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

11th Rabii’ I 1443 AH

18/10/2021 CE

The link to the answer from the Ameer’s Facebook page:

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/3047040072208663>