

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

The Answer to the Question:

Pertaining to the Acceptance and Refusal of a Hadith

To Mohamed Mahmoud Sarhan

(Translated)

Question:

This is not the way to deeply research a Hadith of the Messenger (saw)...

It is not out of knowledge or favor or humility, that you delete the comments that object to or partly object to the fatwas; despite the comments not overstepping conduct or knowledge; sufficing to say (so and so: your comment was received). Did that guide anyone? Or is this just blind prejudice to the personality of the Sheikh and revering what he sees or says????????

Fear Allah and commit to the approach of the scholars; who answer knowledge with knowledge, instead of deleting it and ignoring it out of prejudice or arrogance.) End

Answer:

Even though you did not begin your question with Salaam, instead you began it with strife, we will still begin the answer assuming that you said **Salaam at least in your heart!** We begin our answer:

Wa Alaikum Assalam wa Rahmat Allahu wa Barakatu

1. Although the Admin answered you, and I mentioned in my letter to the visitors of the site for them to seek an excuse for us if we were late in answering, you still returned attacking and went from place to place asking and asking, in fact attacking and attacking, and reached to the Egypt site, and sent them with your same approach... and said and said, and despite that the site admin answered you and related to you the saying of the scholars that which should have sufficed you, but you returned roaming and wandering, as if there was some rivalry and more rivalry between us...! Even though the one who asks to know the truth and works toward it truthfully to be guided and arrive at the truth, such a person asks with goodness and about goodness... and asks the question as a student who respects who he is asking, even if he believes himself to be a scholar, so he follows the way of scholars in his question.

2. I was astonished by your matter, and your incessant attack on our answer to the Hadith «أصحابي كالنجوم» **“My companions are like stars...”** I was diverted from the page for a time... then your comment about the mentioned Hadith reached me, and I found you criticizing all of it, and thrashing about randomly, so you say “the Hadith is of rejected wording...” and you justify that by saying that emulation of the Companions is not acceptable if there is a disagreement among them in the matter! Do you not know that every Companion was a Mujtahid, and it is acceptable to follow any one of them in a ruling even if they disagreed?! Didn't the Muslims follow Abu Bakr in considering three proclamations of divorce in one phrase as one divorce? And then in the time of Umar they considered it three, a greater irrevocability, so the Muslims followed that? And this is not only with regards to the

Imam's adoption of a ruling, indeed it is acceptable to follow any Mujtahid and with his conditions in an issue in which the Imam has not adopted a ruling... and have you not studied in the books of Fiqh and found that in a single issue the Mujtahideen have different views, and nonetheless it is acceptable to follow them because all of them have derived the ruling from Allah's (swt) Book and the Sunnah of His Messenger (saw) and what they guided to according to what each one thought most likely?

Could a student of knowledge overlook this, or could a scholar, if you would like to consider yourself one, not know that?! Is it required that all the Mujtahideen be of the same opinion on an issue? Or is it important that their Ijtihad be based on Allah's (swt) Book and the Sunnah of His Messenger (saw) according the foundations of Ijtihad? Have you not looked at this issue in the books of Fiqh? Had you looked, then you would have seen how rulings are derived from the evidences that are correct according to one and incorrect according to another in accordance with the Mujtahid's method in the assessment of evidences? The ruling of sharecropping that you mentioned, with there being scholars of Fiqh who allow it and others who forbid it according to the preponderant Shar'i evidences with him, this ruling is sufficient to indicate that the opinions of the Mujtahideen can be different in an issue, and it is acceptable for you in this case to take the ruling; If you are an emulator [muqalid] or follower [mutba'] who follows a Mujtahid and trusts his knowledge after knowing his evidence, or if you see in yourself Ijtihad and the ability to undertake it according to its foundations then make Ijtihad...

3. I liked to begin with the above because I was surprised at your keenness to correct the evidences without understanding well the science of evidences and inferences. Therefore you thought that if a Hadith was weak according to one person then it could not be Sahih or Hasan according to another, and you thought that if one person had a definition of Hasan, then there could be no other definition! Even though you yourself said in your response to us on the page: "The scholars defined Hasan with more than ten definitions", and you added, "the definition of al-Khutabi was criticized by the scholars", and, "al-Tirmidhi's definition is inquired about and quoted more than the attempts to explain it." Al-Khutabi being who he is, and al-Tirmidhi, who is the foremost in the science of Hadith, do not impress you. As for our definition, not only does it not impress you, you also attack it. Moreover, a Hadith that was adhered to by Hanafis, Malikis, Shafi'is and Hanbalis, and that our definition of Hasan applies to, is nevertheless nothing to Mohamed Mahmoud Sarhan! And your objection to this Hadith is intense because you see that even if the Hadith is true that it means that it is acceptable to follow a Companion, and this is a great matter to you because the Companions differ in an issue with other Companions! Subhan Allah, Allah has concern for His creations!

And thus, al-Khutabi's definition does not satisfy you, and our definition is useless to you, and you are not convinced even with following one of the Companions! Incidentally, it is as if you are a pupil of the one who attributes weakness to about thirty Hadiths in Sahih Muslim, and about fifteen Ahadith in Sahih al-Bukhari... and I have spoken to one of his disciples to ask how this is possible, with al-Bukhari being a great scholar in the science of Hadith, and Muslim as well? He answered me, "Is there anything in that, we are all human, and what is important is the chain of narration!" Are you satisfied with that!? Are you satisfied with the attribution of weakness to Hadiths and rejecting them in this way... Oh owner of the good name "Muhammad"?

4. The accepting or rejecting of a Hadith should not be commenced by one who does not understand it properly, and here I should remind you of an aspect of it, may Allah (swt) guide you, so I say:

A. There are narrators who are considered trustworthy to some relaters of Hadith, and who are considered untrustworthy to some, or are considered unknown to some relaters of Hadith, and who are known to others. And there are Hadiths that are unacceptable in an aspect and acceptable in another aspect. And there are methods that are unacceptable to some and acceptable to others. And there are Hadiths which are not recognized and challenged by some, while others recognize it and used it as evidence. And there are Hadiths that some of the people of Hadith challenged, while they are accepted by most of the scholars, who use it as evidence. So forcing people to consider a Hadith Sahih or Hasan based on a single opinion is incorrect, and contradicts the reality of the Hadith... And one who looks at the Ijtihad of the recognized scholars of Fiqh finds that one may use a Hadith as evidence while another does not recognize it, because it is acceptable to the first, and unacceptable to the second, and you see this with the Hanafis, Malikis, Shafi'is, Hanbalis and others... So it is necessary to deliberate and think about a Hadith before challenging it or rejecting it. And one who follows the narrators and the Hadiths finds that the difference among the Mujtahideen is great in this issue, and there are numerous examples of this:

B. For example: Abu Dawud related on the authority of Amru bin Shuaib from his grandfather that the Messenger (saw) said: **«الْمُسْلِمُونَ تَتَكَافَأُ دِمَاؤُهُمْ. يَسْعَى بِدِمَتِهِمْ أَدْنَاهُمْ، وَيُجِيرُ عَلَيْهِمْ أَفْصَاهُمْ، وَهُمْ يَدُّ عَلَى مَنْ سِوَاهُمْ يَرُدُّ مُشَدَّهُمْ عَلَى مُضْعِفِهِمْ، وَمُسَرِّيهِمْ عَلَى قَاعِدِهِمْ...»** **“The blood of every Muslim is equal; they are like one hand against others. The asylum offered by the lowest of them in status applies to them (all), and is granted to the farthest of them, their strong will respond to their weak, and their cavalry will respond to those staying put.”**

The narrator of this Hadith is Amru bin Shuaib, and Amru bin Shuaib on the authority of his father from his grandfather has a well known description, and nonetheless many used his Hadith as evidence and others rejected it...

C. And for example in al-Daraqutni's book on the authority of Hasan from Ubada and Anas bin Malik that the Messenger (saw) said: **«مَا وَزَنَ مِثْلُ بَمِثْلٍ إِذَا كَانَ نَوْعًا وَاحِدًا وَمَا كَيْلَ فَمِثْلُ ذَلِكَ، فَإِذَا اخْتَلَفَ النَّوْعَانِ فَلَا بَأْسَ بِهِ»** **“Similar commodities cannot be weighed to be exchanged against each other, and they cannot be measured to be exchanged against each other, but if two commodities are different then there is no harm (they can be exchanged against each other.”**

This Hadith has in its chain of narration Al-Rabea bin Sbeeh, who Abu Zara'a verified and a faction attributed weakness to... and if someone used one of these Hadiths or another Hadith that had Al-Rabea bin Sabeeh in its chain of narration as evidence, he would be using Shari' evidence...

D. And for example: Ahmad related that Ibn Numayr told us, Malik bin Anas told us, Abdullah bin Yazid, the servant of Al-Aswad bin Sufyan, told me on the authority of Abi Ayyash, on the authority of Sa'd bin Abi Waqqas, who said: The Prophet (saw) was asked about the exchange of fresh dates with dried dates, and he said: **«أَلَيْسَ يَنْقُصُ الرُّطْبُ إِذَا بَيَسَ»** **«قَالُوا: «رُتَابٌ (فَرَسٌ طَرِبٌ) إِذَا جَفَأَ، أَلَيْسَ بِهِ؟»** **“Rutab (fresh dates) is Tamr (dried dates) when it has dried, is it not?”** They said yes. **“So he made it detestable.”**

Abu Dawud related it with the wording: Abdullah bin Maslama told us, on the authority of Malik, on the authority of Abdullah bin Yazid, that Zaid Aba Ayyash told him that Sa'ad bin Abi Waqqas said: I heard the Prophet (saw) was asked about the buying of dry dates in exchange with fresh dates, so he (saw) said: **«أَيَنْقُصُ الرُّطْبُ إِذَا بَيَسَ؟ قَالُوا نَعَمْ، فَتَهَا رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنْ ذَلِكَ»** **“Will the Rutab (fresh dates) shrink when they dry? They said yes, so he (saw) forbade that.”**

This Hadith was made Sahih by Al-Tirmidhi, and a faction attributed a defect to it, al-Tahawi, al-Tabari, Ibn Hazam and Abd al-Haq being of them, being that Zaid Abu Ayyash is in the chain of narration and he is unknown. It is said in the book, *Al-Talkhees wal Jawab*, that al-Daraqatni said that he (Zaid Abu Ayyash) was proven trustworthy and al-Tirmidhi said: Two trustworthy people narrated from him and Malik accredited him despite the severe criticism. So if someone made this Hadith Shari' evidence or used a Hadith that contains Zaid Abu Ayyash as evidence, then he would be using Shari' evidence.

And based on this, the acceptance or refusal of a Hadith should not be commenced except by one who is capable...

5. I would like to remind you of an issue, perhaps the cause of the disturbance that befell you about this topic, is your surmising that the emulation [Iqtida'] that is found in: «بأيهم اقتديتهم اهتديت» **“Whichever of them you use as a guide, you will be rightly guided.”** i.e. using as evidence a saying, action or approval, as is the case with the Messenger (saw), so you found it excessive to say that the Companions can be emulated, and perhaps this doubt pushed you to say “the Hadith is of rejected wording”!

And this is not the case, because emulation [Iqtida'] linguistically has different meanings and the context clarifies what is meant. As for emulation [Iqtida'] in its conventional meaning, it means using a saying, action or approval as evidence, and is specific to the Messenger (saw), because he is the only recipient of emulation in this meaning. As for the other meanings, they are far from this conventional meaning, so it is acceptable to be used, such as you emulate such and such so you are like him, or to be fond of his action, or imitate him, or follow him, or are satisfied with what satisfied him... this can be used to describe other than the Messenger (saw) according to context dealing with the knowledgeable and intellectuals, or those who have strength of justice and piety, and those with awareness and understanding, or the Imams of Salah... and such, and who are like the Companions of Allah's Messenger (saw)? They are the best of creation after the Messenger (saw), and their time was the best time after the Messenger (saw).

It is mentioned in *Lisan al-Arab* that Al-Jowhari said: “The Imam is the one who is emulated and the plural is A'imah (Imam)...”

“And the Quran is the Imam of the Muslims, and our master Muhammad (saw) is the Imam of all the Imams, and the Khaleefah is the Imam of the citizens, and the Imam of the soldiers is their commander...”

“And I Amamtu (lead) the people in Salah Imamatan (leadingly). And they were A'tamma (lead by him) means they Iqtada (were emulated) by him.”

“And al-Uswatu and al-Iswatu (the example): al-Qudwa (the leader). And it is said: I'tasa bihi (use him as an example) means Iqtada bihi (emulate him) and be like him. Al-Laith said: So and so Ya'tasi (took as an example) so and so means that he is satisfied for himself with what the other person is satisfied with and Yaqtadi (emulates) him and were in the same case.”

“And al-Harawi said: Ta'assa bihi (he used him as an example) and follows his actions and Iqtada bihi (emulated him).”

“And in *al-Tahtheeb*: It is said that so and so Yahtathi (imitate) someone's example if he Iqtada bihi (emulates him) in an issue.”

“And Qudwa and Qidwa (the leader): Al-Iswa (the example). It is said: So and so is a Qudwa (leader) Yuqtada bihi (people are lead by him). Ibn al-A'rabi said: The Qudwa (leader) is the first and foremost. It is said so and so is not Yuqadihi (lead by) anyone and he

is not overtaken by anyone and no one is his opponent and no one races, and it is as such in all cases."

So you see here that the term 'Iqtida' (emulation) in its unconventional meaning can be used when talking about the pure and pious to imitate them or to be fond of their opinions or follow their Ijtihad, or take him as an Imam in Salah or organizing the lines in Jihad or Rabat.

6. "So we mentioned that our definition of Hasan, which is what we consider true, applied to the noble Hadith mentioned...As for your question about who is Razin, the reporter of it? It is Razin bin Muawiya bin Ammar, who reported this in his book 'Tajreed As-Sihaah' as it comes in the book 'Seer A'laam An-Nubalaa' (20/204). The author of the book 'Seer A'laam An-nubalaa', Al Hafiz Shamsudeen Muhammed bin Ahmed bin Uthman Ad-Dahabi died at 748H, he mentioned as follows: as follows:"129-Razin bin Muawiya bin Ammar, the famous muhadith Imam, Abul Hasan Al-Abdari Al-Andalusi Al-Surkasti, the author of the Book "Tajreed As-Sihaah تجريد الصحاح". He lived near makkah for decades. He was heard of "authentic" by Bukhari through Isa bin Abi Dharr and as "authentic" by Muslim bin Abi Abdillah At-Tabari...It was reported about him by : Judge of Haram (Mecca) Abu Al-Madfar Muhammed bin Ali At-Tabari, Al-Hafiz Abu Moosa Al-Madani, Al-Hafiz Ibn Al-Asaakir and he says : He was one of the Maliki Imam in Haram (Mecca)...He died in Mecca in Muharram in the year 535... and even part of what we mentioned is enough to make the Hadith Hasan, so what about all of what we mentioned?"

And therefore the Hadith is Hasan to us even if others attribute weakness to it, in accordance with what we clarified previously, and it is not unprecedented that a Hadith be authenticate to some and weak to others, and one who correctly deals in this science and contemplates its meanings and understands its implications, Allah guides his heart and he knows truth loud and clear, and Allah (swt) is the Guider to the straight path.

7. In conclusion, we have answered you regarding what had confused you, and what you inaccurately assumed, and I hope that this answer and the previous one will be sufficient and comprehensive... so if Allah (swt) expands your heart to it and you are guided by it and the ambiguity disappeared... then this is what we would like and what we aim for. But if the matter is of pointless give and take, and of insincere argument only to be seen... then we are not content by that, and our time is counted against us, and we will be held accountable for it, and we cannot lose time with useless insincere argument, and the believer is the one who reads the Almighty's (swt) saying: ﴿مَا يَنْفَعُ مِنْ قَوْلٍ إِلَّا لَدَيْهِ رَقِيبٌ عَتِيدٌ﴾ **"Man does not utter any word except that with an observer prepared [to record]."**

And the one who makes an effort to stay far from insincerity, and *Lisan al-Arab* says about Mira' (insincere argument only to be seen): It is said: its origin in the language is argument and that the man derives from his opponent words and meanings of enmity ...", and it is also mentioned: "Maraytu and Marartu means I disagree with him and tricked him...", so the aim of Mira'a (insincere argument only to be seen) is not to be acquainted and guided to the truth, but only to give and take with the purpose of annoyance and bickering and we do not need that! Al-Tabarani related in the book *Al-Kabeer* on the authority of Abdullah bin Yazid bin Adama al-Damashqi, who said, **"Abu al-Darda'** told me, and **Abu Umama**, and **Uathlh bin Asqa**, and **Anas bin Malik** who said: the Messenger came out to us one day, and we were insincerely arguing regarding a matter of the Deen, so he was greatly angered as never before, then he scolded us, and said: **مَهْلًا يَا أُمَّةَ مُحَمَّدٍ، إِنَّمَا هَلَكَ مَنْ كَانَ قَبْلَكُمْ بِهَذَا، أَخَذُوا الْمِرَاءَ لِقَلَّةِ خَيْرِهِ"** **"Behold O Ummah of Muhammad, the nations before you perished because of this (action) they practiced Mira' (insincere arguments) because of the little good that is in it."**

Also, riyaa' (performing acts to impress people) by an individual is an indication that he is not immersed in good deeds nor is he undertaking good deeds or busied with good deeds... and if he was serious and diligent in his work, he would benefit from what was good day and night, and not find time for riyaa'. And it was mentioned in **Kitab Hadith al-Zuhari** authored by Ubaid Allah bin Abdul Rahman bin Muhammad bin Ubaid Allah bin Sa'ad Ibraheem bin Abdul Rahman bin Awf al-Awfi, al-Zuhari, al-Qurashi, Abu al-Fadl al-Baghdadi (deceased in 381 AH) said: Abu al-Fadl al-Zuhari told you, on the authority of Abdul Rahman, on the authority of Ibraheem bin Hani, on the authority of Uthman bin Saleh, Ibn al-Wahb told us, on the authority of Hafs who is Ibn Umar, on the authority of who told him, on the authority of Malik who is Ibn Dinar, who said: I was sitting with al-Hasan, and he heard the people's insincere argument in the Masjid, so he said: Oh Malik, those are people who grew tired of worship, and detest piety, and found talk easier for them than action." Indeed, if they were acting with honesty and sincerity they would not find room for insincere argument...

8. And as a final conclusion I ask Allah (swt) for guidance for you and us and the visitors of this site and all Muslims guidance to the correct path, and protection from insincere argument that leads to evil, and to strip from their hearts what it contains of resentment, so they will be brothers on thrones facing one another ﴿وَنَزَعْنَا مَا فِي صُدُورِهِمْ مِنْ غَلٍّ إِخْوَانًا عَلَى سُرُرٍ مُتَقَابِلِينَ﴾ **"And We will remove whatever is in their breasts of resentment, [so they will be] brothers, on thrones facing each other."**

And that Allah (swt) shades us in this world with the shade of the banner of Uqab, the banner of La illaha illa Allah, Muhammad Rasool Allah, and that He shades us in the Hereafter with His shade on the day that there is no shade except His shade, and that is the great success.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

04 Dhul Qi'ddah 1434 AH

10 September 2013 CE

The link to the answer from the Ameer's page on facebook:

<https://www.facebook.com/photo.php?fbid=216906455144106>