

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

Answer to Question

Consideration of the Hadith as An Evidence in the Shari'ah Rules

To: Agus Trisa

(Translated)

Question:

Assalamu Alaikum Wa Rahmatullahi Wa Barakatuhu

May Allah always protect you and give you a lot of goodness..

I would like to ask a question:

In the book, *The Islamic Personality*, it is stated that Hadith Al-Ahad is not considered as evidence. This is the opinion adopted by the Hizb.

In fact, scholars often have different opinions about the authenticity of a Hadith. Sometimes one scholar will classify a Hadith as Sahih, and other scholars will classify it as weak.

Based on this, what is our opinion as members regarding this?

Thank you very much for giving the answer and may Allah reward you with the good.

Wassalamu Alaikum Wa Rahmatullahi Wa Barakatuhu.

Answer:

Wassalamu Alaikum Wa Rahmatullahi Wa Barakatuhu.

We have clarified this issue in *The Islamic Personality* Vol. I, page 345 (Arabic version and page 262 English version) as follows:

[Consideration of the hadith as an evidence in the Shari'ah Rules

The evidence for the 'aqidah must be definite and of unquestionable authenticity. That is why the isolated report (khabar al-ahad) is not fit to be an evidence for 'aqidah even if it is a sound hadith (hadith Sahih) in its meaning and transmission. As for the Shari'ah rule, it suffices for its evidence to be speculative (thaanni). Therefore, just as the mutawatir hadith suffices as an evidence for the Shari'ah rule, likewise the isolated report (khabar al-ahad) suffices as an evidence for the Shari'ah rule. However, the khabar al-ahad which is suitable to be an evidence for the Shari'ah rule is the hadith Sahih and hadith hasan. As for the weak hadith (hadith da'eef), it cannot serve as a Shari'ah evidence at all. Anyone who educes it will not be considered to have educes a Shari'ah evidence. However, the consideration of a hadith as Sahih (sound) or hasan (good) is according to the one who educes it if he is qualified to understand the hadith, which may not be so for the rest of the muhadithin. That is because there are transmitters who are trustworthy (thiqa) for some muhadithin but not so for some other muhadithin, or are considered to be from the obscure (majhul) for some muhadithin and well known for others. There are ahadith which are not sound from one line of transmission but are from another and there are lines of transmission which are correct for some but not for others. And there are ahadith which are not recognised by some muhadithin and are impugned by them but they are recognised by other muhadithin who advance them as proof.

One should not be rash in discrediting or rejecting a hadith except if its transmitter is known by all to be disparaged or the hadith is rejected by everyone or no one advanced it as a proof except some of the fuqaha who lacked knowledge of the hadith. It is then that the hadith is discredited and rejected. One should be careful and give it thought before one calls a hadith into question or reject it.

Anyone who scrutinises the transmitters and ahadith will find many differences regarding them between the muhadithin. And the examples are many.

For example: Abu Dawud narrated on the authority of 'Amr ibn Shu'ayb who narrated from his father, who narrated from his grandfather that the Messenger of Allah (saw) said: «الْمُسْلِمُونَ تَكَافَأُوا دِمَائِهِمْ، وَيَسْعَى بِدِمَتِهِمْ أَدْنَاهُمْ، وَيَجِيرُ عَلَيْهِمْ أَقْصَاهُمْ، وَهُمْ يَدُّ عَلَى مَنْ سِوَاهُمْ، يَرُدُّ مُشَدَّهُمْ عَلَى مُضْعِفِهِمْ، وَمَنْسَرِيهِمْ عَلَى مُنْكَافَأٍ دِمَائِهِمْ، وَيَسْعَى بِدِمَتِهِمْ أَدْنَاهُمْ، وَيَجِيرُ عَلَيْهِمْ أَقْصَاهُمْ، وَهُمْ يَدُّ عَلَى مَنْ سِوَاهُمْ، يَرُدُّ مُشَدَّهُمْ عَلَى مُضْعِفِهِمْ، وَمَنْسَرِيهِمْ عَلَى مُنْكَافَأٍ دِمَائِهِمْ» **“Muslims are equal in respect of blood. The lowest of them is entitled to give protection on behalf of them, and the one residing far away may give protection on behalf of them. They are like one hand over against all those who are outside the community. Those who have quick mounts should return to those who have slow mounts, and those who got out along with a detachment (should return) to those who are stationed”**. The transmitter of this hadith is 'Amr ibn Shu'ayb and 'Amr ibn Shu'ayb narrated from his father and from his grandfather line of transmission is famous despite that many have used his hadith as proof and others have rejected it. Tirmidhi said: Muhammad ibn Isma'il said: I saw Ahmad and Ishaq (and he mentioned others) who used the hadith of 'Amr ibn Shu'ayb as proof. He said: 'Amr ibn Shu'ayb heard ahadith from 'Abd Allah ibn 'Umar. Abu 'Isa said: whoever spoke about the hadith of 'Amr ibn Shu'ayb branded him as weak because he used to quote ahadith from his grandfathers books as if they considered him not to have heard these ahadith directly from his grandfather. 'Ali ibn Abi 'Abd Allah al-Madini said that Yahya ibn Sa'id said: The hadith of 'Amr ibn Shu'ayb for us is unfounded. Despite this, if someone establishes a Shari'ah rule with the hadith of 'Amr ibn Shu'ayb, his evidence will be considered a Shari'ah evidence because 'Amr ibn Shu'ayb is one of those people whose hadith the muhaddithin cite as an evidence.

For example, in al-Darqutni, al-Hasan narrated on the authority of 'Ubada and Anas ibn Malik that the Prophet (saw) said: «مَا وَزَنَ مِثْلُ مِثْلٍ إِذَا كَانَ نَوْعًا وَاحِدًا، وَمَا كَيْلَ فَمِثْلُ ذَلِكَ، فَإِذَا اخْتَلَفَ النَّوْعَانِ فَلَا بَأْسَ بِهِ» **‘Whatever is weighed is exchanged equally if it is of the same type, and whatever is measured is exchanged likewise (similarly) if it was of the same type. If the types differed then there is no harm (if not equal in exchange)’** In the isnad of this hadith there is al-Rabi' ibn Subayh, Abu Zur'a has verified him as trustworthy but another group has weakened him. Al-Bazzar has recorded this hadith also and it is considered as a sound (Sahih) hadith. When someone educes this hadith or a hadith whose isnad contains AlRabi' ibn Subayh, then he has educes a Shari'ah evidence because this hadith is sound according to one group (of rijal scholars), and because al-Rabi' is trustworthy (thiqa) for another group (of rijal critics). It should not be said here that when a person is declared trustworthy and also disparaged that the invalidation (jarh) takes precedence over the attestation of reliabilities since that can only be when they are reported about one person according to the view of one person. As for when they are reported by two persons and one considers it as an impugnation (ta'n) and the other does not, then it is allowed. It is from here that some scholars have recognised certain transmitters (as reliable) and others have not.

Thus, many of the differences in hadith, transmitters and the lines of transmission between muhaddithin become clear. Many disagreements between muhaddithin, the general fuqaha and certain mujtahidin do take place. When a hadith is rejected due to this disagreement then many ahadith considered to be Sahih or hasan have been rejected. And many Shari'ah evidences are eliminated and this is not allowed. This is why a hadith should not be rejected except for the correct reason, which might be recognised by the majority of the muhaddithin or it might not satisfy the necessary conditions for the Sahih and hasan hadith. It is permitted to educe a hadith when it is recognised by some of the muhaddithin and it fulfils the conditions of the hadith Sahih and hasan. It is considered as a Shari'ah evidence and the extracted hukm is a Shari'ah rule.] **End of quote.**

I hope that you find this sufficient, and Allah is Most Knowledgeable and Most Wise.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

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

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/659843432369696>