

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

### Answer to Question

## Disputed Classification of Weak Ahadith among the Scholars of Hadith

To: Mahmoud Ahmed

(Translated)

### Question:

**As-Salam Alaikum, I am an Egyptian, and this is the first time I visit your website.**

I am confused about some previous information, and when I read your answers to some of the questions, more confusions surfaced, so will you have patience and hear them out, thank you.

"Both Hadiths are not free of disputes, this is why some scholars of Hadith classified it as weak, but we regard it as Hassan Hadith, because it was mentioned in the Fiqh Books and they referred to it when extracting rules"

This statement was mentioned in the answer of Sheikh Abu Al-Rashtah regarding the Hadith of "**my companions are like stars**". To my knowledge it is the Muhadiths (scholars of Hadiths) who classify a Hadith. My question is: Is it possible that a Hadith can be classified as Sahih by the Fiqh but as Mawdoo' (subject) for example according to the Muhadith?

### Answer:

**Wa Alaikum As-Salam Wa Rahmatullah Wa Barakatuhu**

It seems that you were confused when you read our answer regarding the Hadith of "my companions are like stars" and you thought that the Muhadiths can classify a Hadith as weak but the Faqihs can classify it as Hassan, but this is not the case, if the Muhadiths agree that a Hadith is weak, then the Faqihs do not classify it as Hassan.

My brother, the issue is regarding a weak Hadith that the scholars of Hadith disputed in its classification as weak, some would consider it as weak and cannot be used as evidence, while others approve it as evidence. This is because some narrators are considered as trustworthy by some Muhadiths, but are considered as not trustworthy by others, or that the narrators are considered as unknown by some Muhadiths, but as well-known by others. Also some Hadiths are taken as Sahih from a chain but as not Sahih from a different chain, The Muhadith who finds an unknown narrator in the chain of a Hadiths will consider that Hadith as weak and not fit to refer to as an evidence. But on the other hand if this unknown narrator's identity is revealed and is seen to be a trustworthy narrator, the Hadith will be fit to use as evidence. If a Muhadith sees that it is was not possible for one of the narrators to hear the Hadith from the previous narrators, then the Hadith will be classified as weak because there is an interruption in the chain, but if a Muhadith can prove that there is no interruption in the chain, and that the narrations reached all the narrators then the Hadith is considered Hassan and is used as evidence.

I will mention to you some examples of the disputes of the Muhadiths as I explained above:

For example: Abu Dawood, Ahmad, Nasa'i, Ibn Majah, and Tirmithi narrated from Abu Huraira (ra) that he said:

«سأل رجل رسول الله ﷺ فقال يا رسول الله. إنا نركب البحر ونحمل معنا القليل من الماء فإن توضعنا به عطشنا أفنتوضأ بماء

**“A man asked the Prophet (saw) and said, ‘O Messenger of Allah, we ride the sea and carry little water, if we use it for Wudu we will become thirsty, can we use the sea water for Wudu?’ He (saw) said: ‘Its (sea) water is pure (Tahir) and its dead (animals) are permitted.’”**

Tirmithi related that this Hadith is correct (Sahih) by Bukhari. Hakam Ibn Abd Al-Bar spoke of its correctness due to the acceptance of this Hadith by the scholars. Ibn al-Munthir said it is Sahih Hadith, and Ibn Al-Aseer said in Sharh Al-Musnad: This Hadith is Sahih and Mashoor, extracted by the Imams in their books, and they used it as evidence, and its narrators are trustworthy. As-Shafi'i said that in the chain of the narrators of this Hadith, there is an unknown narrator to him. Ibn Daqiq Al-Eid mentioned the ways why this Hadith is not used as evidence; this includes the lack of information regarding Saeed Ibn Salama, and Al-Mugheera Ibn Abi Barda who are mentioned in the chain of this Hadith, while these two narrators are known according to some Muhadiths. Abu Dawood said: Al-Mugheera is known, this is confirmed by Nasa'i. Al-Hafith said: therefore from this it is incorrect someone claims that he is not identified and unknown. As for Saeed Ibn Salama, he followed Safwan Ibn Salim's narration regarding Al-Julah Ibn Katheer.

Another example: Ahmad narrated from Saad Ibn Abi Waqas that he said:

«سمعت النبي ﷺ يسأل عن اشتراء التمر بالرطب فقال لمن حوله أينقص الرطب إذا يبس؟ قالوا نعم، فنهى عن ذلك»

**“I heard the Prophet (saw) enquiring about buying Tamr for Rutab (two forms of dates), He (saw) asked those around him: ‘Does the Rutab (fresh date) shrink when it dries up?’ They said yes. He (saw) prohibited that (action).”**

This Hadith is Sahih by Bukhari, but was not accepted by a group including At-Tahawi, At-Tabari, Ibn Hazm, and Abdul Haq, due to the presence of Zaid Ibn Ayash in its chain of narrators who is considered unknown. In the conclusion of the answer, he said that Ad-Darqitni said that he is a confirmed trustworthy (meaning Zaid Ibn Ayash), Al-Munthiri said: that two trustworthy narrators have narrated from him, and they were accepted by Malik who is known for his extreme criticism.

Such Hadiths that are disputed in their classification as weak, they are the ones referred to by the Mujtahids, or to their followings and witnesses that increase their strength, rendering them fit to be used as evidence. Note that not every weak Hadith is subject to search for its followings and witnesses to strengthen it, or that it is subject for search to find if it was used by Mujtahids, there are weak Hadith that cannot be strengthened by anything, this is because the weak Hadith is divided into two types:

- A type that is not used and is not strengthened by any followings and witnesses.
- A type that is strengthened by any followings and witnesses, and is used by renowned Mujtahids and Faqihs.

In our book, *The Islamic Shakhsiyya*, Volume I, it mentions the following:

*“...It is incorrect to say that the weak Hadith if it comes from different weak chains it becomes Hassan or Sahih. If the Hadith is weak because of the corruption of its narrator or for being accused of actual lying, and if it comes from other narration of such nature, this adds weakness to its weakness...”* It also states: *“Hassan Hadith is the Hadith whose extractor is known and its narrators are famous, and does not contradict most of the Hadiths, and it is what is accepted by most scholars and is used by most Faqihs, i.e. that its Sanad (chain of transmission) does not contain any one accused of lying, and it must not be an odd Hadith. It is of two types: the first: The Hadith that its narrators are not free of any unknown whose is not eligible, but he must not be unaware and full of mistakes, and must not be accused of fabrication. And the Matn (text) of the Hadith must have a similar narration from another chain, this will ensure that it is not odd or strange... End of quote.* This type in origin is weak but because it has witnesses and followings it is considered Hassan. This is what the

scholars of Hadith say, in the book, *Al Muqadimah* by Ibn As-Salah who is one of the most famous scholars in Hadith science, it states:

(- Not every weakness in a Hadith is removed when it comes from different chains, but this differs: the weakness that is not removed in such a way, due to the extent of the weakness and the end of the tyrant's oppression and his resistance. This is like the weakness that originates because the narrator is accused of lying, or that the Hadith is odd... and there is weakness removable by that, such as it being originating from a weakness in the memorization of the narrator, while he is of the people of truth and Deen. If we see that the narration that he brings from another chain, then we know it is due to his memorization, and that his accuracy is not compromised.

It is clear to me that Hassan Sahih is of two types:

First: The Hadith that its narrators are not free of any unknown whose is not eligible, but he must not be unaware and full of mistakes, and must not be accused of lying about the Hadith, i.e. that he did not show deliberate lying about the Hadith or any other corrupt reason, and the Matn (text) of the Hadith also is known, through another similar narration or the same from different chain or chains, until it is linked to the following of the one who is following a similar narration, or with that which have a witness to, which is the narration of another similar Hadith, which clears it from being odd and strange...) **End quote.** Here you see that this Hadith is weak in origin is considered as Hassan if a similar Hadith from another chain or is linked to the a following or has a witnesses...etc.

And so, if a Hadith is said to be weak among some of the Muhadiths, it is not sufficient to discard it and not to use it as evidence, but the reasons for its classification as weak will be researched, and whether the Mujtahids and renowned Faqihs and whether there are witnesses and followings that strengthen it or not. And whether it is classified by all Muhadiths? Or that they have disputed in the reason for classifying it as weak...and after studying all of that a decision will be taken whether to use the Hadith as evidence or not and so on. This is the basis we followed with regards to the Hadith

«أَصْحَابِي كَالنُّجُومِ بِأَيِّهِمْ أَقْتَدَيْتُمْ أَهْتَدَيْتُمْ»

**“My companions are like the stars, by each whom you follow you will be guided.”**

**Because of the following:**

1- This Hadith is narrated in more than one chain, each has been commented on, and the strongest is the narration by Jabir (ra) which is:

Abu Umar Yusuf an-Nimry Al-Qurtubi (died in 463 AH) has extracted in his book, *Jami' Bayan Al-Ilm Wa Fadhluh*, he said:

Ahmad Bin Ummar told us and said: he praised Ali Bin Umar, and praised Al-Qadi Ahmad Bin Kamil, and praised Abdullah Bin Rawah, and praised Salam Bin Sulaim, and praised Al-Harith Bin Ghusain, from Al-Amash, from Abi Sufyan, from Jabir that he said: the Prophet (saw) said:

«أَصْحَابِي كَالنُّجُومِ بِأَيِّهِمْ أَقْتَدَيْتُمْ أَهْتَدَيْتُمْ»

**“My companions are like the stars; by each whom you follow you will be guided.”**

Abu Umar said: “This is a chain that is not accepted as evidence, because Al-Harith Bin Ghusain is unknown”.

But Ibn Hazm knew him and said that he is Abu Wahab Athaqafi, and Bukhari also knew him and mentioned him in At-Tarikh Al-Kabeer, Al-Hafith Ibn Hajar Al-Asqalani followed him in Al-Amali Al-Mutlaqa, he said: Ibn Haban mentioned him as one of the trustworthy, so it cannot be that he is unknown.

So it is a weak Hadith according to those who considered Al Harith Bin Ghusain as an unknown, as mentioned by Ibn Abdul Bir. But the Hadith is considered as fit to be used as evidence by those who knew Al Harith Bin Ghusain and considered him as trustworthy.

Therefore the Muhadiths did not agree on the classification of this Hadith as weak, so if this Hadith is found among renowned Mujtahids and Faqihs, it will be fit to be used as evidence. Because there is no consensus that it is weak by the Scholars of Hadith, this is followed by the renowned Mujtahids and Faqihs, so it is used as evidence with reassurance.

I will mention to you some of the renowned Mujtahids and Faqihs who used this Hadith as evidence:

Muhammad Bin Ahmad Shams Al-A'ima As-Surkhasi (died 483 AH) who used it as an evidence in his book *Al-Mabsoot* regarding the subject of Judiciary.

Abu Al-Abbas Shihab Ad-Deen known as Al-Qarafi (died 684 AH) in his book *Az-Zakhira* in his study of the *Usul of Malik*, also referred to by Abu Al Hassan Ali Bin Muhammad known as Al-Mawardi (died 450 AH) in his book *Al-Hawi Al-Kabeer* in his study of the Sahabah, Abu Muhammad Muwafaq ad-Deen known as Ibn Qudama Al-Maqdasi (died 620 AH) in his book *Al-Mughni* in the chapter: "The Sixth Chapter: The Reward of what was a Hunting Animal and the Similar Blessing".

As you can see the Hadith is used by renowned Mujtahids and Faqihs, this is why it is considered as Hassan.

This is only for the issue related to Hadith that is disputed as weak by the Muhadiths not the Hadith that is agreed by all as weak. This latter one would not be considered if it was mentioned as weak in the books of the renowned Mujtahids or Faqihs, even if we assume that it is mentioned there for the sake of argument, it will still be weak, and I say "for the sake of argument" because the renowned Mujtahids or Faqihs do not use the weak Hadith that is agreed upon that it is weak.

I hope that this subject is completely clear to you my dear brother.

**Your brother,**

**Ata Bin Khalil Abu Al-Rashtah**

6 Safar 1438 AH

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

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192.1073741828.122848424578904/545678548962554/?type=3&theater>

**The link to the answer from the Ameer's page on Google Plus:**

<https://plus.google.com/u/0/b/100431756357007517653/100431756357007517653/posts/D25BW6hy5G8>

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

<https://twitter.com/ataabualrashtah/status/796807865826742272?lang=ar>