

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 Page (Fiqhi)

Answer to Question:

Questions on Qiyas

To: Zahid Talib Na'im
(Translated)

Question:

Assalam Alaikum Wa Rahmatullah Wa Barakatuh,

Our honourable Sheikh, may Allah grant you baraka, guide your steps, reward you abundantly, ease your endeavour, and grant us victory for His Deen, He is As-Samee' who answers the Duaa.

Topic: Questions on Qiyas

First of all, excuse me for the long questions, may Allah help you to obey him and make your patience in the balance of your good deeds

First: It was mentioned in the answer to the question on 7/2/2014 CE:

(As for your observation about what was stated in the book: "It has been proven that the Qiyas is a valid Shariah source (of law) based on definitive evidence, and indefinite evidences." So your saying has a correct view, even though the evidence is given in the Usul and in jurisprudence, but its meaning is different in terms of what is definite and indefinite, and because the topic here is about the evidence of the Usul, so it is better to limit it to definite evidence, not the indefinite ones, and therefore it is better to correct it, and we will correct it, Allah willing) End.

The correction was mentioned in the updated version on 16/7/2019 p. 322 in two places,

But when I completed the topic, I came across some of the sentences that confused me, and I could not reconcile them with what is in the new correction; they are as follows:

P. 323 (These Hadiths are all evidences that Qiyas is a valid source, and the reason why it is used is that the Messenger (saw) attached the debt of Allah to the human being's debt in the obligation of qada (making up of the obligatory actions) and its benefit, which is Qiyas itself.)

P. 325 (These incidents were not known to be denounced and they were well-known among the Companions even though they were from what should be denounced, so their silence over them was from the things that they would not be silent about. They unanimously agreed that Qiyas was a Shariah evidence.)

P. 326 (From this it becomes clear that the Hadith, the consensus of the Companions, and the Messenger's explanation of many rulings are evidence that the Qiyas is a Shariah source of evidences that the ruling inferred by it is a Shariah ruling... **and this is why these evidences are not an evidence of the authenticity on all Qiyas, but rather an evidence for Qiyas in which the l'la (divine reason) is indicated by evidence from the Shariah,** and this is the Qiyas that is regarded by the Shariah.)

So, it appeared to me as if these three points are inconsistent with what was previously mentioned in the two aforementioned places. I ask you to kindly explain what confused me.

Second: It is stated in Al-Zarkashi's book "Al-Bahr Al-Muheet"- the Book of Qiyas- the third chapter on the obligation to use Qiyas: (Second: Is the expressive evidence for it definite or indefinite? Many held the first opinion, and the second opinion is held by Abu Al Hussein and Al-Aamidi.) End. It also states elsewhere (the third: consensus of the companions: they agreed to use Qiyas (analogy), and this was narrated from them in word and deed. Ibn 'Aqeel Al-Hanbali said: it reached the level of Tawatur Ma'nawi (intangible frequency) that the companions use it, which is definite.) End

Is it possible that the indefinite expressive evidences have reached the level of Tawatur Ma'nawi (intangible frequency) and definite evidence on the authenticity of Qiyas?

Third: It is mentioned in the Book "The Islamic Personality", Volume Three, p. 323 (These Hadiths are all evidences that Qiyas is an evidence, and why they are evidence is that the Messenger (saw) linked the debt of Allah to the debt of the human being in the obligation of qada' (to make up an action) and its benefit, which is the essence of Qiyas (analogy)).

1- Does the analogy made by the Messenger (saw), mentioned in the paragraph, carry the linguistic meaning to bring closer the image and explain the understanding to the listener, or did he (saw) use it in the technical (istilah) sense, that matches the definition in "The Islamic Personality" Volume Three, p. 321 (Qiyas is defined as measuring a ruling on a known ruling because of a common l'la (divine reason) present in the original ruling)?

2- Is the l'la of qada (making up of an obligatory action), which is a debt, what is understood from the texts to be measured (Qiyas performed) against, such as when a man makes up prayer on behalf of his father who died while neglecting all the prescribed prayer that his father refused to perform during his life as analogous to making up the Hajj, for their common l'la (divine reason) (being a debt), noting that there is no l'la in worships?

3- Why is the son's pilgrimage on behalf of his father called qada and the Hajj is considered a debt to Allah, and it is known that ability is the condition for the Hajj obligation?

Fourth: It was mentioned in the book, *The Islamic Personality* Volume Three, p. 336, on the conditions of the branch: (Fourth: that the rule of the branch has no related text; otherwise, it includes the Qiyas of that which has a text. And neither of them has more precedence by analogy over the other than the opposite. It is not said that the similar evidence for the one meaning is permissible., because this is rather in other than Qiyas (analogy), such as if the ruling is proven by the Qur'an and the Sunnah and the consensus of the Companions. As for the Qiyas (analogy), what is proven in it is the l'la (divine reason) and its application to the rule of the branch is what makes the Qiyas (analogy) present. If there is a text on a ruling on the branch, then the ruling is proven by the text, not by the l'la (divine reason), then there is no place for Qiyas.) End. So how can there be Qiyas from the Messenger (saw), and it is known that everything issued by him (saw) is considered a Shariah text that negates the Qiyas? Imam Al-Shawkani also referred to this meaning in his book, "Irshad Al-Fuhool", responding to those who consider the Hadiths as evidence for the authenticity of Qiyas. (The reply to this: that these analogies are issued by the infallible legislator, whom Allah describes as: ﴿إِنَّ هُوَ إِلَّا وَحْيٌ يُوحَىٰ﴾ **"It is not but a revelation revealed"** [An-Najm: 4]

He says about the obligation of following him: ﴿وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا﴾ **"And whatever the Messenger has given you - take; and what he has forbidden you - refrain from. And fear Allah"** [Al-Hashr: 7] and that is outside the place of dispute, because the Qiyas (analogy) that we are discussing is the Qiyas (analogy) of someone who has not proven to be infallible, and it is not an obligation to follow him, and his words were not revelation, but from his weak soul and his mind which is prone to mistakes, and we have stated that it is agreed the Qiyas issued by him (saw) are established source (of law), may Allah bless him and his family and grant them peace.) End

Fifth: It was mentioned in the book, "The Islamic Personality Volume Three", p. 335: "The use of Qiyas needs to be carefully understood. It is not permissible to use Qiyas to derive a judgment except for the mujtahid, even if he is a mujtahid of Mas'ala (an issue)." So how can we ascribe Qiyas to the Prophet (saw) when it is not befitting that he is a Mujtahid?

Oh Allah, teach us what will benefit us and benefit us with what you have taught us. You are the Knower, the Wise, and we conclude our prayer with praise be to Allah, Lord of the Worlds.

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh,

First of all, may Allah bestow His baraka on you, for your kind supplication for us, and we also pray the best for you

My brother, you have more than one question at the same time, and it would have been better to send one question only and when we answer one question you can send another one instead of sending seven questions at once. However, we decided to answer them because they are connected to our books and culture, but in the future do not send several question on one go, relieve us, may Allah have mercy on you.

1- With regard to your first question about those three issues in the book “The Islamic Personality Volume Three::

It is true that we have made an amendment to the book “The Islamic Personality Volume Three, in the subject of Qiyas, based on what was stated in our answer dated 7 Rabi` Al-Akhir 1435 AH corresponding to 7/2/2014 CE. But we were keen on the amendment to make the subject divided into two parts:

- The first section related to evidence of proof of Qiyas (analogy), so we limited the matter to the definite (qat'i) evidence and did not include indefinite (thanni) evidence.

- And a second section is related to the reference to Qiyas (analogy) and its reality. In this section we have inferred with evidence from the Sunnah and Ijma' (consensus), and we did not limit the matter to definitive evidence because it is not the context of proving that the Qiyas is a Shariah source of evidences, as we proved that in the first part of the research.

There is no doubt that the evidence that we cited in the second part of the research from the Sunnah and Ijma' are indefinite evidence that shows the reality of the Qiyas, but they are not definite evidence for the authenticity of the Qiyas, and this is acceptable, because we did not refer to them in the context of proving the authenticity of the Qiyas as I mentioned above, but rather in another context, which is the reference to Qiyas and to clarify its reality. And to clarify the matter further, I will cite to you the necessary part from the previous text from the book of “The Islamic Personality Volume Three”, before the amendment, then the corresponding part of the new text after the amendment:

A- Text before modification:

(The Qiyas is a Shariah evidence of the Shariah rulings, as it is an evidence to prove that the ruling is a Shariah ruling. Qiyas has been proven as a Shariah evidence based on a definite evidence and indefinite evidences. The definite evidence to consider Qiyas a Shariah evidence is in the case when the Qiyas (analogy) is made on the same text.

As for the indefinite evidence, they are evidences of Qiyas and also evidence of the type of Qiyas that is considered a Shariah evidence. It has been proven that Qiyas is an evidence by the Sunnah and the Ijma' (consensus of the Companions). It has been proven that the Messenger (saw) guided to Qiyas and approved it, on the authority of Ibn Abbas...) End.

B- Text after Amendment:

(Qiyas is a Shariah evidences of the Shariah rulings, as it is a proof to prove that the ruling is a Shariah ruling. It has been proven that the Qiyas is a Shariah evidence by the definite evidence, which is that the point of considering the Qiyas as a Shariah evidence is in the case in which the Qiyas (analogy) is referred to the same text;

The Messenger of Allah (saw) has guided the Qiyas, and approved the Qiyas. On the authority of Ibn Abbas...) End.

As is clear from the amendment, in the first paragraph when proving that the Qiyas is a juristic evidence, we limited ourselves to the definitive evidence and did not address the indefinite evidence. As for the beginning of the second paragraph, which was before the amendment as a follow-up to the evidence for the proof of Qiyas, we made the amendment in a way that makes it a subject other than proving that the Qiyas is one of the Usul, rather we have made it around the guidance to the Qiyas and explaining its reality. The indefinite evidence that we cited from the Sunnah and Ijma' (consensus) are sufficient. Therefore, there is no need to amend those three points that you referred to because they are not in the context of proving the Qiyas as one of the Usul. Rather, they are in another context, as explained above (guidance to Qiyas and its reality).

Perhaps you are confused by the Hadiths that we have reported after that which are indicative of Qiyas, and we said: (These Hadiths are all evidence that Qiyas is an evidence, and why they are evidence is that the Messenger (saw) linked the debt of Allah to the debt of the human being in the obligation of qada' (to compensate action) and its benefit, which is the essence of Qiyas (analogy)). This is acceptable as long as we have provided conclusive evidence on Qiyas, and this does not prevent us from mentioning other indefinite evidence as evidence for Qiyas. When we introduced that amendment, it was a matter of focusing first on the definite evidence of Qiyas and not denying the existence of indefinite evidence.

2- Regarding the second question about the fact that the expressive (sam'i) evidence are ma'nawi mutawatir (intangible frequency):

, It is not unlikely that the abundance and diversity of the evidences for Qiyas from the Sunnah and from the consensus of the Companions have reached the level of (tawatur Ma'nawi) intangible frequency as mentioned by Imam Al-Zarkashi in "Al Bahr Al Muheet" according to your quote in your question. But we did not resort to this reasoning to prove the authenticity of Qiyas because the matter may be disputed, and because the conclusive evidence that we cited in proving Qiyas is definitive and conclusive evidence that alone is sufficient to prove the authenticity of Qiyas and it is difficult to dispute it.

3- As for your third question and your sixth and seventh questions, all of them are from the same chapter:

The Messenger (saw), referred to Qiyas and he did not perform it, because the Prophet (saw) knows the Shariah ruling from Revelation and not by his Ijtihad, so it is not fitting that the Prophet (saw) is a mujtahid, as shown in the parts of this discussion. The examples we have mentioned from the whole Sunnah have guidance from the Prophet (saw) to Qiyas and how to use it, and this is a matter of education for Muslims, but it does not mean that the Prophet (saw) performed Qiyas. Because the fruit of Qiyas is to access the Shariah ruling that the mujtahid does not know; the Messenger (saw) knows the Shariah ruling from Revelation, so he does not need to perform Qiyas nor ijihad to know the Shariah ruling. I made this clear in my book " Tayseer Al Wusul Ila Al Usul" fully when talking about the evidence of Qiyas as follows:

[The Messenger referred to the use of Qiyas, because when he (saw) was asked about qada (making up) the Hajj and about the kiss of the fasting person, he (saw) did not give the ruling directly to the questioner, but rather he (saw) answered him after he (saw) mentioned the common l'la (divine reason) regarding the debt of the human and in rinsing of the mouth, guiding Muslims to the use Qiyas.

(It was narrated from the Prophet (saw) that a man from Khath'am asked him (saw): he said: "My father embraced Islam, the command of Hajj has come while my father is an old man and cannot sit firmly in his saddle; Can I perform Hajj on his behalf?" He (saw): «أَنْتَ أَكْبَرُ» "Are" «وَلِدِهِ؟» قَالَ: نَعَمْ، قَالَ: «أَرَأَيْتَ لَوْ كَانَ عَلَى أَبِيكَ دَيْنٌ فَفَضَيْتَهُ عَنْهُ، أَكَانَ ذَلِكَ يُجْزئُ عَنْهُ؟» قَالَ: نَعَمْ، قَالَ: «فَأَحْبَبُ عَنْهُ»

you his eldest son?" He said: yes, He (saw) said: **"don't you think that if your father owed a debt and you paid it off, that would be good enough?"** He said: "Yes." He said: **"Then perform Hajj on behalf of your father."**

"It was narrated from Umar (ra) that he said, I was in good spirits one day and kissed (my wife) when I was fasting. I came to the Prophet (saw) and said: I have done something serious. I kissed (my wife) when I was fasting. The Messenger of Allah (saw)_ said: «أَرَأَيْتَ لَوْ «**What do you think if you rinse your mouth with water when you are fasting?**» I said: There is nothing wrong with it. The Messenger of Allah (saw) said: **"Then why (are you worried)?"**

However, this ruling does not mean that the Messenger (saw) made Qiyas, but rather that he "gave the ruling as a revelation from Allah to him, in a form that guides the use of Qiyas, because everything that was reported from the Messenger (saw) of his saying, action or approval is a revelation from Allah, as we showed in the previous discussion of the Sunnah] End quote from the book "Al-Tayseer.."

4- With regard to your fourth question about the Qiyas of prayer with the debt:

The Qiyas that the Hadiths referred to on the subject of Hajj includes two matters:

a- The Qiyas of Allah's debt with the human being's debt in the necessity of making up an act of worship and its benefit, meaning that the worship that a person did not perform is a debt owed by him that must be fulfilled, and that its fulfillment abolishes the debt that he owes just as the debt of the human being must be fulfilled, and by its fulfillment the debt owed is waived.

b- That a person's fulfillment of the debt that he owes for Allah (swt) waives this debt, as well as the fulfillment by others (the son) of the debt that a person owes to Allah waives the debt from the person, even though he is not the one who has fulfilled it. This is by the Qiyas (analogy) with the debt of the human being which is waived by someone else's fulfilling his debt.

By applying this to the subject of prayer, the following shows:

- A person must make up the prayers that he owes which he did not perform without a legitimate Shariah excuse, and if a person makes them up on his own behalf, then it is forfeited by this fulfillment. This is by the Qiyas with the human debt that must be fulfilled. If he makes them up, they are waived. This is a correct Qiyas and it has nothing to invalidate it. Obviously, the waiving of Allah's debt by making up the prayers does not mean the removal of sin on the person, because of delaying the prayer and not performing it on time, but it only means the fall of the debt that he owes, that is, he is no longer required to perform that prayer that he owes because he has fulfilled it. The issue of sin due to delaying prayer beyond its time is another issue.

- As for Qiyas of Allah's debt and the debt of the human being in the waiving of the debt of others (the son), in relation to the son's making up of prayer on behalf of his father, this Qiyas is disputed (evidence) and is not correct, because one of the conditions of the branch that the Qiyas is applied on: (is that it is free from anything that clearly invalidates it, that requires the opposite of what the l'la (divine reason) required, in order to be a useful Qiyas) And the branch here, which is prayer, has evidences that a person must perform it on his own behalf, and it is not waived by the performance of others on his behalf, and it is not accepted to delegate someone to perform it on his behalf, like all other duties of the individuals, Allah (swt) says: ﴿وَأَنْ لَيْسَ لِلْإِنْسَانِ إِلَّا مَا سَعَى﴾ **"And that there is not for man except that [good] for which he strives"** [An-Najm: 39]

Shariah enjoins on the Muslim to pray sitting if he is not able to stand, to nod if this is the only movement he can do, and it is not allowed for anyone to take his place in this. The concept of performing prayer in these severe health situations means that it is not permissible that it is performed by others on his behalf. Therefore the Qiyas of prayer on the debt of the human in terms of it being waived from a person by the fulfillment of others, this Qiyas is not correct and does not hold true, because of the existence of opposing evidence that limits the performance of this duty to the person himself and not others, so these opposing evidence that are more correct are taken, and the requirement of Qiyas is not taken, as established in the science of Usul.

It is not said that debt of Allah (swt) is waived in the subjects of Hajj, fasting, zakat and the like, by their fulfillment by others by Qiyas with the debt of the human being, therefore the same is applied for prayer. This is not said because the waiving of Hajj, fasting, zakat... etc. by the fulfillment of others is not proven by Qiyas, rather, it is proven by the text of the noble prophetic Hadiths that guided to Qiyas, so we must only take what the texts have stated; the making up of acts of worship by others in prayer has not been mentioned in the Sunnah from the Messenger of Allah (saw). Hence it remains in its origin as an obligation to be performed and to make it up by the person himself and the impermissibility of delegating it. The texts mentioned in making up the prayers relate to the one who missed the prayer and not others, and they include:

Muslim extracted in his Sahih from Abu Huraira that the Prophet (saw) said: **«مَنْ نَسِيَ الصَّلَاةَ»** **«He who forgets the prayer should say it when he remembers it, there is no expiation for it, except this: (Allah says) “And observe prayer for remembrance of Me”»**.

Ibn Abi Sheeba extracted in his Musanaf from Anas that he said: the Prophet (saw) said: **«مَنْ نَسِيَ صَلَاةً أَوْ نَامَ عَنْهَا فَكَفَّارَتُهُ أَنْ يُصَلِّيَهَا إِذَا ذَكَرَهَا»** **“He who forgets the prayer, or he slept (and it was omitted), its expiation is (only) that he should observe it when he remembers it.”**

Ad-Darqatni extracted in his Sunnan from Bilal that he said: we were travelling with the Prophet (saw): **«فَنَامَ حَتَّى طَلَعَتِ الشَّمْسُ فَأَمَرَ بِلَالًا فَأَذَّنَ ثُمَّ تَوَضَّأَ فَصَلَّى رَكَعَتَيْنِ ثُمَّ صَلَّوْا الْغَدَاةَ»** **“He slept till sunrise. He (saw) ordered Bilal to perform the Athan, then he performed wudu and prayed two Rak’at then they prayed fajr (prayer)”**

And it is clear from the texts that they relate to the one who missed the prayer, and there is no text that says it is permissible for someone else to perform the prayers on his behalf, such as the son on behalf of his father, and therefore to make it up remains an obligation on the one who missed the prayer on its time.

5- Regarding your question: (Why is the son’s pilgrimage on behalf of his father who is not able to perform it called qada (making it up) and considering the Hajj a debt of Allah, and it is known that the obligation of Hajj depends on the ability?) The answer to that is explained in *The Islamic Personality Volume Three*, in the chapter (U’mum Al-Lafth fi Khusus As-Sabab (General wording relating to the specific reason)) that generality lies in the subject of the incident and the question at hand and it is not in everything. We also said in the book that (generality in a speech related to an incident and to an answer of a question lies in the subject of the question and is not general in every matter; it is general for that subject in that incident and other in incidents... Therefore, the subject is what is general, i.e. the subject of the incident or question. So, it would be specific to the incident or question and does not include others. And so the subject does not fall under the principle: (Al-‘ibra Bi-u’mum Al-Lafth La bi- Khusoos As-Sabab (Consideration is granted to the Generality of the Language, not to the Specificity of the Reason for Revelation), because it is different to the Reason; that is, it is different to the incident or the question. And because the speech (the answer of the question) is regarding it and not anything else, so it becomes specific to it. Because the

expression of the Messenger (saw) is related to the subject of the question and the subject of the incident, so the ruling will be related to that subject. The text regarding a certain incident, and the text that is the answer to the question, must be specific to the subject of the incident or question. It is incorrect that it is general in everything, because the question is repeated in the answer and the discussion is on a specific subject. So the ruling must be restricted to that subject, because the expression of the Messenger (saw) in which he explained the ruling on the question or the incident is related to the question alone and to the incident alone, and is not dependent on anything else at all. So, the ruling is dependent on the subject of the question and on the subject of the incident; that is, by the matter responsible for them or the one being discussed, and it is not related to anything other than the subject, rather it is specific to it. The general term regarding the specific reason is not general to everything, rather it is general in the subject that was discussed, or the question asked.) And so the subject of inquiry in the Hadith is (the pilgrimage of the able son on behalf of his incapable father), only, so the general is the son's pilgrimage on behalf of his father if the son is able and the father is not able, so the son performs Hajj on behalf of his father, even if the Hajj is not obligatory on the father who is not able, and other than this issue, another evidence is required.

We have previously answered such a question on 4 Rajab 1434 AH / May 14, 2013 CE, and the answer says:

(... As for the Hadith that you mentioned: about Yusuf bin Az-Zubair, from Abdullah ibn al-Zubayr, he said: (It was narrated from the Prophet (saw) that a man from Khath'am asked him (saw): and he said: "My father embraced Islam, the command of Hajj has come while my father is an old man and cannot sit firmly in his saddle; Can I perform Hajj on his behalf?" He (saw): «أَنْتَ أَكْبَرُ وَلِدِهِ؟» قَالَ: نَعَمْ، قَالَ: «أَرَأَيْتَ لَوْ كَانَ عَلَى أَبِيكَ دَيْنٌ فَقَضَيْتَهُ عَنْهُ، أَكَانَ ذَلِكَ يُجْزِي عَنْهُ؟» قَالَ: نَعَمْ، قَالَ: «فَأَحْبَبُ عَنْهُ» **“Are you his eldest son?”** He said: yes, He (saw) said: **“don't you think that if your father owed a debt and you paid it off, that would be good enough?”** He said: "Yes." He said: **“Then perform Hajj on behalf of your father.”**)

It was extracted by An-Nasa'i, and Yusuf bin Al-Zubayr was singled out by quoting the word "are you his eldest son." Therefore, some investigators discussed it because of this matter. As for the rest of the Hadith, it is correct according to the majority of investigators. Nevertheless, the Hadith was narrated without mentioning the "oldest son" on the authority of Ibn Abbas:

Ibn Hibban extracted in his Sahih from Sulaiman ibn Yasar, he said, Abdullah bin Abbas told me, that a man asked the Messenger of Allah (saw), and said: O Messenger of Allah, my father came to Islam, and he is an old man and cannot sit firmly in his saddle; if I tie him (to the saddle) I fear that he will die. Can I perform Hajj on his behalf?" He (saw) said: «أَرَأَيْتَ لَوْ كَانَ عَلَى أَبِيكَ دَيْنٌ فَقَضَيْتَهُ عَنْهُ أَكَانَ يُجْزِي عَنْهُ؟» قَالَ: نَعَمْ، قَالَ: «فَأَحْبَبُ عَنْ أَبِيكَ.» **“don't you think that if your father owed a debt and you paid it off, that would be good enough?”** He said: "Yes." He said: **“Then perform Hajj on behalf of your father.”**

The jurists have spoken about the Hadith taking into account that Allah (swt) made the ability a condition for the obligation of Hajj. **«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”** [Al-e Imran: 97]

Some jurists considered the Hadith of the old man specific to that questioner and not general to others so that the Hadith does not conflict with the ability mentioned in the verse. In any other case than that, the son is not obliged to perform the Hajj on behalf of his father who is not able except through the door of Bir (being good) to the parents; given that this ruling is specific to that questioner, such as the ruling specific to Abu Barda regarding the sacrifice with the six month old goats, which Al-Bukhari extracted on the authority of Al-Bara

Ibn Azib, may Allah be pleased with them. He said... Abu Burda Ibn Nayyar, Al-Bara's uncle said: "O Allah's Messenger (saw)! I have a young she-goat which is dearer to me than two sheep. Will that be sufficient as a Nusuk on my behalf?" The Prophet (saw) said, «نَعَمْ وَلَنْ تَجْزِيَ عَنْ أَحَدٍ بَعْدَكَ» "Yes, it will be sufficient for you but it will not be sufficient (as a Nusuk) for anyone else after you."

The young goat is not sufficient as a sacrifice but it was specific only to Abu Burda.

What I see as more likely is the combination of the Hadith and the verse before going to the specifics, because in origin rulings address the people, and none of them are directed to the specific ruling unless there is a text about that, like the case of Abu Barda, and the Messenger's saying (saw) to him, «نَعَمْ وَلَنْ تَجْزِيَ عَنْ أَحَدٍ بَعْدَكَ» "Yes, it will be sufficient for you but it will not be sufficient (as a Nusuk) for anyone else after you."

And unless It is not possible to combine (the evidences), and here there is no specific text, and likewise it is not possible to combine them, **so it is possible to combine the verse and the Hadith that Hajj is not obligatory except for the ability in money and body, except for the case of the son with his father; if the son is able and the father is not able, then the son must perform the Hajj on behalf of his father because the Messenger (saw) considered the Hajj on behalf of the father in this case as the debt that the son must perform on behalf of his father...** end of quote from the answer to the previous question, meaning that the Hadith is not specific to the person of the questioner alone, rather it is general, but it is regarding the subject of the question only, i.e. in the case of (the able son performing Hajj on behalf of the incapable father). This is what I see as more likely in this matter, and Allah Knows Best and He is the Wisest.

I hope that the answers above have removed any confusion, Allah willing.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

14 Safar Al-Khair 1442 AH

1/10/2020 CE

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

<https://web.facebook.com/HT.AtaabuAlrashtah/photos/a.1705088409737176/2758059177773422/>