

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

Answers to the Questions:

Principle of “Whatever leads to a Wajib is Itself a Wajib”

Definition of the “Mashhoor” (Well-Known) Hadith

To: Bakr Ash-Sharbati

(Translated)

Question:

As-Salaam Alaikum Wa Rahmatullah Wa Barakatuhu

I have questions I would like to pose to our honourable scholar, may Allah protect him, and they are both related to the book, *The Islamic Personality Volume 3*.

The first question is regarding the subject of “Whatever leads to a Wajib is itself a Wajib” as mentioned in the book:

“As for that which is obligatory is conditional on it, there is no dispute that meeting the condition requirement is not obligatory, but the obligation is what is the evidence proves that it is obligatory; like the obligation of a certain prayer, it is conditional on the existence of purity”
And this sentence is understandable but the example is the subject of confusion because purity is not a condition of the prayer's obligation, but a condition of its performance, and I saw them in some books of Usul representing this phrase with capability in the case for the pilgrimage, and Hawl (one year) for the Nisab of Zakat, and I found these examples closer to what is mentioned, What is your response? May Allah reward you with the good?

The second question on the subject of the “Mashhoor” (well-known) Hadith: where the definition stated in the second edition is: *“It is what is narrated by a number of Companions does not reach the requirement of tawatur but did reach tawatur in the era of the Tabi'een (followers) and their Tabi'een (followers)”*, and then this was amended in the third edition to: *“It is what is narrated by three or more in all classes and did not reach the Tawatur limit.”*

What confused me here is the rest of the explanation after the definition as well as the example given of the “Mashhoor” Hadeeth, remained in line with the definition of the second edition, it is an explanation, and the representation of the former definition not of the new one. May Allah reward you and bless you.

Answer:

Wa Alaikum us Salaam Wa Rahmatullah Wa Barakaatuhu

First: the subject of “Whatever leads to a Wajib is itself a Wajib”

As you can see, dear brother, the beginning of the discussion is "whatever leads to a Wajib", the discussion is about the implementation of a Wajib and not to prove the Shariah rule of obligation, or recommendation or permissibility etc. Therefore the subject is regarding the implementation of the Wajib, if the Wajib cannot be executed except by a specific matter, therefore this matter becomes a duty if it meets the requirements of principle.

I repeat that the subject is regarding the implementation of the Wajib and not to prove that it is obligatory, and on this basis what was in the book should be understood. I will mention what is stated in the book on this point, so as to show how to understand it in this context: **“Whatever leads to a Wajib” has two sections: one of which its obligation is conditional on that thing, and the second one’s obligation is unconditional by it. As for that which is obligatory is conditional on it, there is no dispute that meeting the condition requirement is not obligatory, but the obligation is what is the evidence proves that it is obligatory; like the obligation of a certain**

*prayer, it is conditional on the existence of Purity... Purity is not obligatory in terms of the obligation of prayer, **it is a condition for the performance of duty.**"*

And now look at what you have inquired about: "It is like certain prayers, it is conditional on the existence of Purity", and you say in the question: that the example is the subject of confusion because Purity is not a condition of the obligation of prayer, but a condition of its performance." This statement is true, but it does not contradict what is mentioned in the book if realized in the context in which it is stated, it was stated in the context of "whatever leads to a Wajib" and the meaning of the sentence that confused you is as follows:

"Like the completion of certain prayers, it is conditional on the existence of Purity", i.e. the prayer is not executed except by the existence of Purity, and you may say, then why was this addition not mentioned, i.e. why it did not mention "*the need to complete certain prayers*", and the answer is because the discussion is regarding the completion of an obligation and not to prove its obligatory law. This is customary in the books of Usul, to hint a particular thing if the context indicates it, and here, the context shows it, and as you can see at the end of the paragraph that we have mentioned from the book, *The Islamic Personality Volume 3*, it reads the following: "... *Purity is not Wajib in terms of the order to pray, but rather is a condition for the performance of the Wajib.*" which is what you said in the question by saying: "Because Purity is not a requirement in that prayer, **but a condition for its performance**". Isn't this exactly what is mentioned in the book, may Allah bless you?

As I mentioned above, it is apparent in the books of Usul the abbreviation of speech by hinting a certain thing if the context shows it, and this is clear when they talk about "whatever leads to a Wajib":

For example, in the book *Almustasfa* by Abu Hamid al-Ghazali At-Tusi, he says in the Chapter of: "The question of whatever leads to a wajib ...," he says: "*Purity in prayer must be described as obligatory when the prayer is obligatory,*" and it is clear that it in this sense: "*Purity in prayer must be described as obligatory as an obligation of the completion of prayer*", ie, to perform the prayer, because prayer should be as a Shariah law that depends on the evidence and not on the necessity of purity.

And, **for example, Al-Aamidi author of *Al-Ihkam Fi Usul Al-Ahkam*** on this question: "Whatever leads to a Wajib," explaining it clearly, he says: "If the Legislator said I have made prayer an obligation on you if you are purified" is clear from this is that the meaning is: "As *prayer is made obligatory on you if you were in state of Purity*" clearly it implies that the Purity is a requirement in the performance of prayer and not for its hukm of obligation, but the context of the discussion is, "Whatever leads to a Wajib" so there is no need to mention the completion of the obligation or its performance because it is clear from the context.

And, **for example, it is stated in "Sharh Mukhtasar Ar-Rawdah" authored by Suleiman Bin Abdul Qawi At-Tawfi As-Sarsari**, who says regarding the question of "whatever leads to a Wajib," he says, "... *like the establishment of prayers based on the Purity*". Perhaps this is clearer than his two contemporaries a little, so he mentioned "*the establishment*" rather than "*obligation*", but all of them imply the performance of prayer because the context shows it, the principle is "whatever leads to a Wajib," so the discussion is about the performance..

And, **for example, it is reported in *Al-Madkhal Illa Mazhab Al-Imam Ahmad* by Ibn Badran**, and this man had explained the meaning more than his brothers, he said regarding the question of "whatever leads to a Wajib":

"I know that this issue has two observations, first, what depends on the necessity of the Wajib and this should not be a consensus whether it is a cause or a condition or absence of a reason like Nisab which the obligation of Zakat depends on ..." And you see that this sentence "*like Nisab which the obligation of Zakat depends on*" which means the obligation of performing Zakat.

He also states, "*The condition such as becoming a resident in the country is a condition to the obligation of performing fasting ...*" here he has explained the topic completely, he did not say "a condition to the obligation of fasting."

He also states, "Either it be a condition for the occurrence of the action or not, if it was a condition like purity and other conditions of prayer ..." Here he explained that the purity is a requirement for the occurrence of the action, for the occurrence of prayer, i.e. for its performance.

Therefore, what we have mentioned in the beginning of the discussion in *Islamic Personality (Shakhsiyah)* on "Whatever leads to a Wajib is Itself a Wajib ", it is now clear, isn't it? And I will repeat:

"Whatever leads to a wajib" has two sections: One which its obligation is conditional on that thing, and the second one's obligation is unconditional by it. As for that which is obligatory is conditional on it, there is no dispute that meeting the condition requirement is not obligatory, whereas the obligation is what the evidence came in proving its obligation the obligation of a certain prayer, that it is conditional on the existence of Purity... Purity is not obligatory in terms of the order of the obligation of prayer; it is a condition for the performance of duty." (End quote).

As for what you mentioned in the next part of the question, that you have read in some books of Usul "representing this phrase with ability in the case for the pilgrimage, and Hawl (one year) for the Nisab of Zakat", although it is somewhat clear, but it is not much different from what we have mentioned because the ability to perform the pilgrimage, not because Hajj is Wajib in Islam or not. The ability is for the performance. As for Hawl for the Nisab of Zakat, what is prominent in this example is "Nisab in the performance of Zakat". As we mentioned in the book of "Al-Madkhal Ila Mazhab Al-Imam Ahmad", and if you have read the example of the principle "whatever leads to a Wajib is itself a Wajib", If you have read this example " Al-Hawl in the Nisab ", it will not so accurate, but what is more accurate that the Nisab is an obligation in the performance of Zakat. And Al-Hawl is a condition of Nisab because what it is Zakat that is obligatory, not the Nisab, and whatever leads to a wajib, i.e. whatever leads to the performance of Zakat, which is the ownership of the Nisab. There is a condition for this Nisab which is the passing of one year (the Hawl) on it. Over all, there may be confusion unless you have read as so: (Nisab and the Hawl condition on it are obligatory to perform obligation of Zakat) or similar to this ... and I hope that the matter has been made clear, Allah willing.

Second: With regards to the definition of the Mashhoor Hadith:

Before answering your question, I remind you of the following for knowledge and a prelude to the answer:

1. We have been asked earlier regarding the definition of the Mashhoor Hadeeth in our books, and that there are some differences ... we have answered this issue as follows:

We said in *The Islamic Personality “Shakhsiyah” Volume 3:*

a. Page 80 of the Arabic version on the subject of Hadeeth: "and if it was narrated by a group of Tabi' At-Tabi'een (followers of followers), from a group of Tabi'een (followers), from one or more of the companions, their number does not reach the Tawatur, this is the Mashhoor Hadeeth".

b. On page 83 of the Arabic version of the same book regarding the Mashhoor Hadith: "Mashhoor Hadeeth is one which is narrated by more than three in all three classes and it does not reach the extent of Tawatur".

We have mentioned these two definitions in *The Islamic Personality “Shakhsiyah” Volume 1 as well.*

Both definitions are correct:

The first belongs to the Hanifiya, since they do not specify the number of narrators of Hadeeth in the era of the companions, rather one is enough or more; however they specify the era of the Tabi'een and Tabi' At-Tabi'een (the followers and the followers of followers, respectively) i.e. there is Tawatur from a group and becomes known.

And the second is the opinion of the majority, especially the scholars of Hadeeth and they stipulate the number at the three levels "companions, followers and followers of followers", with difference in the number; whereas some of them require at each level more than two, and some of them require more than three ...

We have mentioned the two definitions in our books, both definitions are correct, therefore there is no need to delete one of them. All there is to it is that we may attribute each definition to their respective holders [of opinion] if we see it necessary...

2. Now I will answer what you mentioned in the last part of the question which confused you, about the changes that were not made in the explanation... **Your observation is on point, we have not changed the explanation.** However I would like to draw your attention to an issue regarding the Mashhoor Hadeeth; which is that there are those who do not describe Mashhoor Hadeeth as Ahad, they say it is shows doubt that is near certainty, **so we focused on that all the situations that it is Ahad**, because the matter is either doubt (*dhan*) or certainty (*yaqeen*), and not a third. There is nothing between conjecture and certainty, and nothing comes close to this or further away from the other; therefore this statement does not make sense, for this to say, Mashhoor Hadeeth shows conjecture ... even if it was Mutawatir during the era of followers and followers of followers as is defined by them, it is not Mutawatir, because Tawatur is from the Prophet (saw) and not just its Tawatur in the era of followers and followers of followers. **This issue was clear in the explanation. However we will see if there will be changes to the explanation or whether it will remain the same if it does not affect the matter in question.**

Furthermore that the problem is in the indefinite definition stemming from the meaning of the word Mashhoor and how famous is the Hadeeth depends on who deals with this fame. One may be reassured by the fame of the Hadeeth, by a certain number that varies with the number, which is taken by another in the issue of how famous is the Hadeeth. It is the term used by Mujtahids and the scholars of Hadeeth. It contains slight differences as we said above in terms of reassurance to the meaning of the fame of the Hadeeth, but in all cases it depends on the number of Ahad Hadeeth albeit it provides more reassurance because of its fame and the increasing number of narrators.

It is worth mentioning that the fame (being well-known) in the Hadeeth is its fame in the era of Tabi'een and Tabi' At-Tabi'een. If it becomes famous after these two eras, then it is pointless and it is not called Mashhoor Hadeeth if it becomes famous among people after the two eras. And from the famous Hadeeth is his (saw) saying: «إِنَّمَا الْأَعْمَالَ بِالنِّيَّاتِ» “Actions are but by intentions” (Extracted by Bukhari and Muslim).

3. In conclusion, although there is truth to your questions, you said in the first question: "What is your say, may Allah reward you," and in the second question you said: "What confused me here is the rest of the explanation..." I admire your graciousness in asking the questions and precision in thinking and worthy reflection of what was written in our books, may Allah bless you and bless by you for what Allah has bestowed on you of a sound mind and honourable morals, and may Allah be with you.

Wa Salaamu Alaikum Wa Rahmatullah Wa Barakatuhu

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/Ata.abualrashtah/photos/a.154439224724163.1073741827.154433208058098/494854700682612/?type=1&theater>