

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

Answer to a Question

The Hadiths that Speak of the Prophet (saw) Praying for Abdullah Bin Abi Salool are Rejected by Diraya (Meaning)

To: Nizar Steitieh

(Translated)

Question:

Assalam Alaikum Wa Rahmatullah Wa Barakatuh

In the book of the "Islamic Personality" Volume III (The Origins of Jurisprudence), under the section "**There is no ruling before the statement of the Shari**" on page 28 (Arabic), I quote the text: "There is no action from man, or anything related with man's action, except that it has a ruling in Shariah, and there is no ruling except by the presence of an evidence related to it specifically from the speech of the legislator, since there is no ruling before the statement of the Shariah'. There is no ruling before or after the mission of the Prophet except with an evidence, from the message he (saw) came with, which indicates that particular ruling."

The question is how to reconcile between this rule "**There is no ruling before the statement of the Shari**" and what was stated in the interpretation (tafseer) of al-Qurtubi regarding the following verse of Surah At-Tawba: ﴿وَلَا تُصَلِّ عَلَىٰ أَحَدٍ مِّنْهُمْ مَّتَّ أَبَدًا وَلَا تَقُمْ عَلَىٰ قَبْرِهِ إِنَّهُمْ كَفَرُوا بِاللَّهِ وَرَسُولِهِ وَمَاتُوا وَهُمْ فَاسِقُونَ﴾ **"And never (O Muhammad (saw)) pray (janazah) for any of them (hypocrites) who dies, nor stand at his grave. Certainly, they disbelieved in Allah and His Messenger, and died while they were fasiqun (transgressors)"** [TMQ Tawba: 84].

Al-Qurtubi stated the following:

"There are eleven matters on this:

First: it was narrated that this verse was revealed regarding the matter of Abdullah bin Abi bin Salool and the Prophet's prayer (janazah) for him. This is proven in the two Sahihs and others. The accounts showed that the Prophet (saw) prayed for him, and that the verse was revealed after that. It was narrated from Anas ibn Malik that when the Prophet (saw) came to pray for him, Jibreel came and pulled his clothing and recited for him the verse: ﴿وَلَا تُصَلِّ عَلَىٰ أَحَدٍ مِّنْهُمْ مَّتَّ أَبَدًا﴾ **"And never (O Muhammad (saw)) pray (janazah) for any of them (hypocrites) who dies"**. The Prophet (saw) left and did not pray for him. The proven narrations are different to this; in al-Bukhari from Ibn Abbas said: the Messenger of Allah (saw) prayed for him and then left, it was long after that the two verses were revealed from (Bara'a (At-Tawba)): ﴿وَلَا تُصَلِّ عَلَىٰ أَحَدٍ مِّنْهُمْ مَّتَّ أَبَدًا﴾ **"And never (O Muhammad (saw)) pray (janazah) for any of them (hypocrites) who dies"**.

The similar was narrated from Ibn Omar, and was extracted by Muslim. Ibn Omar said: When Abdullah bin Abi bin Salool died, his son Abdullah came to the Messenger of Allah (saw) and asked him to give him his shirt to shroud his father with it, the Prophet (saw) gave it, and then asked him to pray for him (janaza), and the Messenger of Allah (saw) rose to pray for him, and Omar rose and pulled the clothing of the Messenger of Allah (saw) and said: O Messenger of Allah, you pray for him when Allah (swt) forbade you to pray for him? The Messenger of Allah (saw) said: but Allah (swt) has given me the choice and said: ask forgiveness for them or do not ask forgiveness, if you ask forgiveness for them seventy times I will add to the seventy. He said: he is a hypocrite. The Messenger of Allah (saw) prayed for

him. Allah (swt) revealed: ﴿وَلَا تُصَلِّ عَلَىٰ أَحَدٍ مِّنْهُمْ مَاتَ أَبَدًا وَلَا تَقُمْ عَلَىٰ قَبْرِهِ﴾ **“And never (O Muhammad (saw)) pray (janazah) for any of them (hypocrites) who dies, nor stand at his grave.”** [TMQ Tawba: 84] So he did not pray for him. Some scholars said: The Prophet (saw) prayed for Abdullah ibn Abi based on the apparent expression of his Islam. He would not do that when he was forbidden." End of the quote from part of al-Qurtubi's interpretation of verse 84 of Surah At-Tawba.

Was the action of the Prophet (saw) of praying for Abdullah bin Abi bin Salool abrogated by the noble verse and was there a "rule before the statement of the Shari'" contrary to the general rule "No rule before the statement of the Shara"?

Please clarify this, Jazak I will be thankful. Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

You are asking if there is abrogation for the Prophet's (saw) prayer on Ibn Abi... and if that prayer is in contradiction with: "There is no ruling before the statement of the Shar'?"

My brother, we have discussed the question of the Prophet's prayer for Abdullah ibn Abi bin Salool in the book "The Islamic Personality" Volume I, section " **It is not allowed on the part of the Messenger (saw) that he be a Mujtahid**" and we explained there that the hadiths that speak of the Prophet praying (Janaza) for Abdullah ibn Abi bin Salool, are rejected Hadiths in terms of Diraya (meaning), because they contradict stronger texts from the noble Qur'an. In the aforementioned topic pages 150-152, it states the following:

(As for His (swt) saying: ﴿وَلَا تُصَلِّ عَلَىٰ أَحَدٍ مِّنْهُمْ مَاتَ أَبَدًا وَلَا تَقُمْ عَلَىٰ قَبْرِهِ إِنَّهُمْ كَفَرُوا بِاللَّهِ وَرَسُولِهِ وَمَاتُوا وَهُمْ فَاسِقُونَ﴾ **“And never (O Muhammad (saw)) pray (janazah) for any of them (hypocrites) who dies, nor stand at his grave. Certainly, they disbelieved in Allah and His Messenger, and died while they were fasiqun (transgressors)”** [TMQ Tawba: 84]. It came after His (swt) saying: ﴿فَإِنْ رَجَعَكَ اللَّهُ إِلَىٰ طَائِفَةٍ مِّنْهُمْ فَاسْتَأْذَنُوكَ لِلْخُرُوجِ فَقُلْ لَنْ تُخْرَجُوا مَعِيَ أَبَدًا وَلَنْ تُقَاتِلُوا﴾ **“If Allah brings you back to a party of them (the hypocrites), and they ask your permission to go out (to fight), say: “Never shall you go out with me, nor fight an enemy with me; you agreed to sit inactive on the first occasion, then you sit (now) with those who lag behind. And never (O Muhammad (saw)) pray (janazah) for any of them (hypocrites)...”** [TMQ Tawba: 83-84] Allah (swt) has clarified in the ayah; ﴿فَإِنْ رَجَعَكَ اللَّهُ إِلَىٰ طَائِفَةٍ مِّنْهُمْ﴾ **“If Allah brings you back to a party of them (the hypocrites)”** [TMQ Tawba: 83] that the Messenger (saw) should not allow them to accompany him in his expeditions. And this was in order to humiliate and disgrace them so that they do not get the hounour of making jihad and going out (to fight) with the Messenger (saw). And He (swt) in the ayah that comes immediately after ﴿وَلَا تُصَلِّ عَلَىٰ أَحَدٍ مِّنْهُمْ﴾ **“And never (O Muhammad (saw)) pray (janazah) for any of them (hypocrites)”** [TMQ Tawba: 84] announced (just) another thing to humiliate them. This took place during the campaign against them in order to destroy them. So this ayah, the ayah before it and the ayah after it clarify the rules regarding the hypocrites and the manner in which they should be treated by showing them contempt, humiliating them and lowering them from the status of the believers. There is nothing in the ayah which indicates that the Messenger (saw) made Ijtihad regarding a ruling. The ayah came showing the contrary. Rather it is the preliminary legislation with respect to the hypocrites. It is in line with the other verses regarding the hypocrites repeated in the same Sura. Nothing appears in it, whether explicitly, by way of indication, by wording or understanding, or giving cause for any semblance (shubha) (of such a meaning) that it corrects an Ijtihad or draws attention to a mistake. As for what has been narrated regarding the reason for revealing this ayah in terms of reports, they are solitary reports (akhbar ahad) and are not admissible as evidence for 'Aqeedah (creed) and nor can

they contradict the definite text which restricts the Messenger's (saw) conveyance of rulings to that what he (saw) brought through revelation and nothing else. He (saw) did not follow anything but the revelation. **Let alone that these ahadīth should make 'Umar bin al-Khattab (ra) try to prevent the Messenger (saw) from praying the janazah. So either he wanted to prevent him from doing an action legislated as a ruling or he wanted to prevent the Messenger (saw) from undertaking a worship according to a legislated Shari'ah rule and the Messenger (saw) was silent about it. Then he (saw) reverted to 'Umar's opinion after the revelation of this ayah. This is not allowed in respect to the Messenger (saw). Acting upon this hadīth contradicts the fact the Messenger (saw) is a Prophet, so the hadīth is rejected in terms of meaning (dirayatan).** The hadīth indicates that it is not allowed on the part of the Messenger (saw) that he be a Mujtahid the Messenger (saw) gave his shirt to 'Abd Allah ibn Ubayy and that he tried to pray (janaza) for him though he was the head of the munafiqin. 'Abd Allah ibn Ubayy was exposed by Allah (swt) after the Battle of Bani al-Mustaliq, his son came to the Messenger (saw) to find out if the Messenger (saw) had taken the decision to kill him so that he may himself kill his father. Allah (swt) revealed Surah al-Munafiqun after the Battle of Bani al-Mustaliq and He (swt) said to the Messenger (saw) regarding it: ﴿هُمُ الْعَدُوُّ فَاحْذَرُهُمْ قَاتَلَهُمُ اللَّهُ أَنَّى يُؤْفَكُونَ﴾ **“They are the enemies, so beware of them. May Allah curse them! How are they denying the Right Path”** [TMQ al-Munafiqoon: 4]. And He (swt) told him with respect to it: ﴿فَطَبَعَ عَلَى قُلُوبِهِمْ﴾ **“Therefore their hearts are sealed”** [TMQ al-Munafiqoon: 3]. And He (swt) told him: ﴿وَاللَّهُ﴾ **“Allah bears witness that the hypocrites are indeed liars”** [TMQ al-Munafiqoon: 1]. And then the Messenger (saw) came after this and gave his shirt to the head of the hypocrites and tries to pray (janaza) for the head of the hypocrites and then 'Umar (ra) prevents him. This contradicts the ayāt. The ayah of Surah al-Tawba was revealed in the ninth year (AH) after Surah al-Munafiqun by a number of years. So the ahadīth about 'Umar (ra) and the shirt and other such ahadīth contradict the reality of how the hypocrites were treated after the battle of Bani alMustaliq and they contradict the verses which were revealed before it regarding the hypocrites. **Therefore, they are rejected also from this angle in terms of their meaning (dirayatan)**” **End quote.**

As long as these Hadiths are rejected in terms of Diraya (meaning) there is no meaning to talk about Naskh (abrogation) of these Hadiths by the noble verse: ﴿وَلَا تُصَلِّ﴾ **“And never (O Muhammad (saw)) pray (janazah) for any of them (hypocrites) who dies, nor stand at his grave. Certainly, they disbelieved in Allah and His Messenger, and died while they were fasiqun (transgressors).”** [TMQ Tawba: 84] **Because by rejecting these Hadiths in terms of Diraya (meaning) there will be nothing that proves that the Prophet (saw) prayed for the hypocrites (Abdullah bin Abi bin Salool, head of the hypocrites). Then came the noble verse that forbids him (saw) from praying for the hypocrites, that abrogates the ruling of the permissibility of prayer for the hypocrites, which are indicated by the aforementioned Hadiths.**

In the light of the above, there was no prayer for Ibn Abi, and accordingly there is no ruling before the statement of the Shar', and also there is no abrogation.

This is the answer to your question and Allah Knows and is 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://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192/1164239873773082/?type=3&theater>