

Shaykh, Dr 'Ādil bin Muhammad as-Subay'ī
(*hafidhahullāh*)

ON REQUESTING OTHERS TO GET INVOLVED IN SCHOLARLY DISPUTES; JARH WA'T- TA'DEEL AND THE IMPORTANCE OF THE SCHOLARS VERIFYING REPORTS¹

“IF THE ONE BEING SPOKEN ABOUT WAS SOMEONE FROM AHL US-SUNNAH BUT ERRED THEY SPEAK ABOUT HIM WITH RIFQ AND CLARIFY HIS ERROR. BUT IF THE ONE BEING SPOKEN ABOUT IS AN INNOVATOR, FROM THE HEADS OF INNOVATION OR A PREACHER OF INNOVATION THEN AT THAT POINT THEY CLARIFY HIS ERROR, CAUTION AGAINST HIM – IF HE IS CALLING TO A CLEAR AND APPARENT MISGUIDANCE INNOVATION. AS FOR IJTIHĀD ISSUES AND MODES OF COMPREHENSION THEN AHL UL-'ILM DO NOT AT ALL DO THIS [CAUTION AGAINST THESE MATTERS] AND FOR THIS REASON IJTIHĀD ISSUES IN THE DIVINE LEGISLATION ARE BROAD AND VAST INCLUDING THAT WHICH IS CONNECTED TO MANHAJ WHICH ARE ALSO BASED ON IJTIHĀD. ALSO THE SCHOLARS OF HADEETH DID NOT REGARD...THE WORD OF AN IMĀM WHO WAS HARSH AND ZEALOUS [MUTA'ANNIT] WHO MAKES JARH...THIS DOES NOT MEAN THAT THEY WERE TOTALLY DISREGARDED BUT THAT THERE HAS TO BE LONG AND PROPER CONSIDERATION AND CERTIFICATION. THERE ARE SOME PEOPLE KNOWN FOR SHIDDAH [HARSHNESS] SO ONE HAS TO BE HESITANT AND WAIT...”

¹ Summarised translation from the questions presented to Shaykh 'Ādil by some Albanian brothers, the audio can be heard here and the translation is based on the question after 29 minutes up to 39 minutes into the session:

<http://vimeo.com/36462430>

Shaykh, Dr 'Ādil bin Muhammad bin 'Abdul'Azeez as-Subay'ī is of the students Imām Bin Bāz, Imām 'Uthaymeen and the Muhaddith of Madeenah, 'AbdulMuhsin al-'Abbād al-Badr, also benefitting from Imām al-Albānī. He is a Professor at the Department of the Prophetic Sunnah and its Sciences, College of Usūl ud-Deen, Imām Muhammad bin Saud Islamic University. His major works include *Takhreej Ahādeeth Majmū Fatāwā Ibn Taymiyyah*, which is a verification of all of the ahadeeth relayed by Shaykh ul-Islām Ibn Taymiyyah within his magnum opus *Majmū al-Fatāwā*. In 2013 Shaykh 'Ādil gave some beneficial lectures at Masjid Ibn Taymiyyah Brixton, soon to be online insha'Allāh.

Translation: 'AbdulHaq ibn Kofi ibn Kwesi al-Ashanti

Question:

“Is it an error to not get involved in fitan, which at times occurs among some Shuyūkh, because some [brothers] request others to take a position?”

Answer from Shaykh 'Ādil as-Subay'i:

This is of the strange things which we hear about during these times, and truly this is due to the lack of knowledge and possibly with some it is due to the lack of deen and with some it is due to the lack of intellect. So there is the lack of deen, intellectual, knowledge and a fourth can be added which is a lack of adab. The student of knowledge should respect the people of knowledge, seek forgiveness for them, and if he is a small student of knowledge he should respect those who have more knowledge than he does and seek forgiveness for all.

He should disregard negative things and mistakes which occur among the people of knowledge and the students of knowledge and not spread them. If there is a benefit in spreading any of that then he should relay the matter to whoever is senior to him from the Senior scholars who are well-known for understanding rectification among the people, the Masālih and Mafāsīd, who speak when there is a benefit and are silent when speech will bring about harm.

The people of knowledge have not ceased taking this from the Salaf, may Allāh be pleased with them, who spoke and made Jarh whenever there was a benefit in that and not in to cause a fitna and this withhold whenever that is going to bring about good and speak whenever that is going to be beneficial. This is their way may Allāh be pleased with them and this is what we took from our Mashāyikh based on our learning from them and sitting with them for many long years they almost never mentioned anyone by name. To the extent that I researched for some words which some of our Mashāyikh said about so and so and I did not find some slight words which came to about one word within a million, about so and so.

If the one being spoken about was someone from Ahl us-Sunnah but erred they speak about him with rifq and clarify his error. But if the one being spoken about is an innovator, from the heads of innovation or a preacher of innovation then at that point they clarify his error, caution against him – if he is calling to a clear and apparent misguidance innovation. As for ijtihād issues and modes of comprehension then Ahl ul-'Ilm do not at all do this [caution against these matters] and for this reason ijtihād issues in the Divine Legislation are broad and vast including that which is connected to Manhaj which are also based on ijtihād. For example, one views that so and so is of this situation, and another views that so and so is of that situation as what occurred with ash-Shāfi'i when Yahyā bin Ma'een spoke about him and Ahmad forbade him from that and said “Silence O Yahyā, what will make you comprehend the words of ash-Shāfi'i?”

Ahmad forbade Yahyā ibn Ma'een from that severely even though Yahyā ibn Ma'een was upon what was Saheeh he did not adequately understand ash-Shāfi'i's words and for this reason Imām Ahmad forbade him from speaking negatively about Imām ash-Shāfi'i even if Imām ash-Shāfi'i made ijtihād and erred his honour and status however remains respected.

It is therefore inappropriate for a person to do this with the 'Ulama and he should seek forgiveness and repent and make much supplication for the 'Ulama for guidance, success and firmness to what is right as they are the ones who guide the people after the Prophets and Messengers.

Question:

“When is the Jarh to take precedence over the Ta'deel and vis-a-versa?”

Answer:

First of all the people of knowledge say that a Jarh is not accepted unless it is Mufassir, this is the first rule. It is only to be taken from a scholar who knows its reasons, this is the second rule. A Jarh is not to be regarded if it emerges from one who has enmity towards another or if there is some competition between contemporaries and the like. Due to this, the words of Imām Mālik in regards to Layth ibn Sa'd and others [from the Imāms] were not regarded.

If the Jarh is Mufassir in contrast to the Ta'deel and the reasons for the Jarh are clear and cannot be answered then the Jarh is to be given precedence with the conditions which I have mentioned. Yet when the Jarh is not Mufassir and the Ta'deel is also not Mufassir with the people of knowledge then the ta'deel is given precedence over the general Jarh. No regard is to be given, and this is of the most important principles, to the Jarh when the one being criticised is an Imām whose leadership is verified or if his knowledge and uprightness is well-known while the critic is a lesser level than him. Also a Jarh is not regarded if it emerges from one who himself criticised, and for this reasons the scholars of hadeeth did not pay any regard to Abu'l-Fath al-Azdī as he himself was Majrūh.

Also the scholars of hadeeth did not regard, and this is again also from the important principles which the students of knowledge have to know, the word of an Imām who was harsh and zealous [Muta'annit] who makes Jarh and for this reason some of the scholars did not pay any regard to the Jarh of some senior scholars of hadeeth such as Yahyā ibn Ma'een for example, Ibn Nu'aym or al-Juzajānī and what they said about some people as they were very harsh. This does not mean that they were totally disregarded but that

there has to be long and proper consideration and certification. There are some people known for shiddah [harshness] so one has to be hesitant and wait and for this reasons the 'Ulama of Jarh wa't-Ta'deel outline three levels [of scholars in Jarh wa't-Ta'deel]:

- ❖ The Muta'annit [the harsh and zealous ones]
- ❖ The Muta'addil [the balanced, just and moderate ones]
- ❖ The Mutasāhil [the lenient ones]

There are further details in regards to this yet due to the short time we are unable to discuss further.

Question:

“If a person takes a ruling from a Shaykh against one of his brothers, yet this ruling is based on incorrect aspersions, is such a ruling acceptable? Does the accused brother have to go to that Shaykh and clarify the accusations made against him? Or is it for the Shaykh to clarify the proofs and reasons before reaching this ruling?”

Answer:

The principle which all people known, and every intelligent person knows, is that

«ما بني على باطل فهو باطل»

‘Whatever is based on falsehood is itself falsehood’.

It is not hidden from many of the people of knowledge who possess insight into the da'wah, the state of the youth and of the people in many lands, that among the preachers and righteous there is competition, ijtiḥād like what occurs between brothers who live in a home. Due to this they have to ensure that rulings are not giving merely based on what has been transmitted to them and the Prophet (sallāllāhu 'alayhi wassallam) stated to Ali that he should not rush to make a ruling on anybody without hearing the other side. Thus, it is inappropriate to be hasty and issue rulings [on others], rather there has to be lengthy reflection and hesitation especially when many Mafāsīd will come about [due to a ruling]. It is not obligated for the brother to defend himself rather the Shaykh himself has to be cautious and take time and know that Allāh says:

“O you who have believed, if there comes to you a disobedient one with information, investigate, lest you harm a people out of ignorance and become, over what you have done, regretful.”

{*al-Hujurat (49): 6*}

If the Shaykh says “a trustworthy individual informed me of this” then it should be said to the Shaykh: “verify this, as if you really deem him as trustworthy or if not then it is upon you to test the one who transmitted these words as this is justice.”