

Shaykh Aboo 'AbdulMu'iz Muhammad 'Ali Farkoos al-Jazaa'iree

(hafidhahullaah)

ON JARH WA'T-TA'DEEL BEING AN IJTIHAAD ISSUE

**WITH POINTS OF BENEFIT FROM AL-'ALLAAMAH,
SAALIH AL-FAWZAAN ON THE SCIENCE OF JARH WA'T-TA'DEEL
(hafidhahullaah)**

Question:

Do actual issues of *ikhtilaaf* among the 'Ulama in *jarh wa't-ta'deel* of personalities, or when they speak about other, have regulations of issues of *fiqh* or *ijtihad*? Is open-heartedness, avoidance of abuse of the one who erred and holding him in the best of possibilities to be applied, along with looking into what he said to correct it or hold it as incorrect not to abuse him and *tabdee'* of him?

Answer:

All praise is due to Allaah and may peace and blessings be upon the one who he sent as a mercy to the believers, upon his family, companions till the Last Day, to proceed:

I say: the 'Ulama in *jarh wa't-ta'deel*,¹ or in the speech of some of them about others, is an issue of *ijtihad* which can be either correct or incorrect. The *mujtahid* is rewarded for his *ijtihad* and if he errs

¹ Shaykh Saalih al-Fawzaan was asked in one of his lessons of *Sharh Sunnah* of Imaam al-Barbahaaree dated: 14/1/1427 AH (12 February 2006 CE) at *Masjid Mu'tab bin 'Abdul'Azeez* in Riyadh:

O respected Shaykh who are the scholars of jarh wa't-ta'deel in the current time?

Answer from Shaykh Saalih al-Fawzaan:

By Allaah we do not know of any scholars of jarh wa't-ta'deel, the 'Ulama of jarh wa't-ta'deel are in the graves now (i.e. dead). However, their words are found within their books of jarh wa't-ta'deel. Jarh wa't-ta'deel is in regards to the science of the chains of transmission and the narrators of hadeeth. Jarh wa't-ta'deel is neither abusing people nor putting them down by saying "so and so is like this, so and so is like that" and it is not abusing some and then praising some – this is from gheebah and nameemah and is not from jarh wa't-ta'deel.

Refer to the official website of Shaykh Saalih al-Fawzaan here wherein the audio can also be heard:

<http://www.alfawzan.ws/AlFawzan/FatawaSearch/tabid/70/Default.aspx?PageID=2016>

then he has one reward, so he is rewarded in any case and sin is raised from him based on what was stated by the Prophet (*sallallaahu 'alayhi wassallam*): "If a judge makes a ruling and strives and turns out to be correct then he has two rewards but if he errs then he has one reward."² This is based on what was mentioned in the question about being open-hearted and not cursing the opposer and considering him in the best of possibilities. Because the foundation with the 'Ulama is that they are people of justice and fairness yet abuse based on desires could emanate from them due to desires and this is not to be taken into consideration and infallibility is for Allaah. Imam adh-Dhahabee said:

We neither claim that the Imaams of Jarh wa't-Ta'deel are infallible and free from making occasional mistakes, nor that they are free from speaking with harshness with people they have enmity and antagonism with. For it is known that much speech of the contemporaries about each other within disputes is not to be taken into consideration. This is all the more the case when a man (who a scholar disputes with) has been deemed as credible by a group (of scholars) who are fair in their speech.³

Adh-Dhahabee (*rahimabullaah*) also said in another work:

When contemporaries speak (ill) about each other that is not to be taken into consideration especially when it is apparent to you that there is enmity between them or madhhab partisanship involved or envy of one over the other, and none is saved from this except the one

Translator's Note: The Shaykh's words are not to be viewed as any sort of rebuke of Shaykh Rabee' bin Haadee or Shaykh 'Abdul'Azeez bin Rayyis ar-Rayyis as some of the *ikhwanis* and *takfeerees* have oddly tried to insinuate, even though Shaykh Saalih al-Fawzaan has explicitly praised both and introduced some of their books! Rather Shaykh Saalih al-Fawzaan is expressing his view on this intricate science within hadeeth science and clarifying what it is and what it is not and who should enter into it and who should not. Furthermore, the aforementioned scholars do not themselves claim to be scholars of *jarh wa't-ta'deel* let alone Imaams in the science. As for bold gatherings which aim to "backbite for an hour for the sake of Allaah" then this is for the 'Ulama who are well-grounded not for ignorant buffoons who neither speak Arabic nor have studied to any proficient level whatsoever.

² Reported by al-Bukhaaree, *al-'Tisaam bi'l-Kitaabi wa's-Sunnah* [Holding Firm to the Book and Sunnah], *Baab Ajr ul-Haakim idha Ijtahada fa Asaab aw Akhtaa* [Chapter: The Reward for a Judge when he Strives (to make a correct decision) and is Correct or Incorrect], hadeeth no. 6916; Muslim, *al-Aqdiyyah, Baab Bayaan Baab Ajr ul-Haakim idha Ijtahada fa Asaab aw Akhtaa* [Chapter: Explanation of the Reward for a Judge when he Strives (to make a correct decision) and is Correct or Incorrect], hadeeth no. 4487; Aboo Daawood, *al-Aqdiyyah, Baab fi'l-Qaadee yukhtiu'* [Chapter: Concerning the Judge who Errs], hadeeth no.3574; Ibn Maajah, *al-Ahkaam, Yajtahid fa Yuseeb al-Haqq* [He Strives and is Correct on the Truth], 2314; Ahmad, hadeeth no.17360 from the hadeeth of 'Amru bin al-'Aas (*radi Allaahu 'anh*).

³ Adh-Dhahabee, *Siyaar A'laam un-Nubalaa'*, vol.7, pp.40-41

who Allaah protects. I do not know of any era where people have been free from this except the era of the Prophets and the truthful, and if I wanted to I could mention books on this.⁴

Ibn 'AbdulBarr (*rahimabullaah*) said:

Whoever is trusted as being credible, is confirmed as being safe in regards to knowledge and his credibility and concern with knowledge is apparent – then the statement of anyone regarding him is not to be given any attention unless he comes with clear evidence and fairness in his jarh which authenticates his jarh via testimonies which have observations and conclusive evidence.⁵

With this then it is not befitting to understand the principle of:

الجرح مقدم على التعديل

“The jarh takes precedence over the commendation”

In the absolute sense so that it rejects the other principle of:

كلام الأقران يطوى ولا يروى

“The speech of contemporaries about each other is put aside and not to be mentioned”

Because what is correct is that if his *jarh* is not based on clear and credible evidence his (the scholar being spoken about) credibility remains established especially if there are many others praising him while those criticising him are a few. At-Taaj as-Subkee said:

There has to be utmost caution against understanding the principle ‘the jarh takes precedence over the commendation’ in the absolute sense. Rather it is correct that whoever’s (religious) leadership and credibility is affirmed along with many people praising him while there are a few people censuring him, and along with other factors which indicate that the reason for the jarh on him is madhhab partisanship and something else – then the jarh on him is not to be given any attention.⁶

Then he went on and said:

We have shown you that the jarh is not always accepted from the one making it and even if he gives an explanation about one who’s obedience is more than his disobedience and those who praise him outweigh those who censure him and those who commend him are more than those who criticise him. If there is any worldly competition, as is found between contemporaries, in this case we do not give any consideration to this speech. Like the speech

⁴ Adh-Dhahabee, *Meezaan ul-I'tidaal*, vol.1, p.111

⁵ Ibn 'AbdulBarr, *Jaami' ul-Bayaan ul-Ilm wa Fadlihi*, vol.2, p.152.

⁶ As-Subkee, *Tabaqaat ush-Shaafi'iyyah*, vol.1, p.188

of ath-Thawree about Abu Haneefah, Ibn Abee Dhi'b about Maalik, Yahyaa Ibn Ma'een about ash-Shaafi'ee and an-Nasaa'ee about Ahmad bin Saalih. If we were to hold this principle of the jarh taking precedence over the ta'deel in the absolute sense then none of the Imaams would be free of this as there is not an Imaam who has not been attacked, and those who are destroyed in this have been.⁷

As for when clear evidence and credible proofs are established in regards to his mistake, or his mistaken speech has been shown in light of the Book and the Sunnah and opposes them then his (incorrect) speech is to be rejected. It does not necessitate, based on the principles of the people of knowledge, that he be deemed as an innovator or be judged as having been expelled from Ahl us-Sunnah due to making a mere error in an issue of knowledge. If the one who erred was to persist on his error, or his disobedience is apparent, then in this case the *jarh* takes precedence over the *ta'deel* as it comprises additional knowledge.

As for when the intent of the one who erred is unknown then his biography is to be looked at and if it is good then his speech has to be taken in a good way (i.e. that he erred and that he did not intend to err) based on when Allaah said,

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“And the good land - its vegetation emerges by permission of its Lord...”

{*al-A'raaf* (7): 58}

Yet if his biography is evil then his words have to be taken upon having an evil intent (i.e. that he did not err rather that is his way of saying such statements) based on when Allaah said,

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“...but that which is bad - nothing emerges except a little (and with) difficulty...”

{*al-A'raaf* (7): 58}

As for when the intent of the one who erred is known but he was ignorant then the Divine Legislation is judged on him and it is obligatory to take hold of the person (to inform him) and he shouldn't speak without knowledge. Knowledge is that which has proofs for and is testified to with evidence and strengthened with proofs.

⁷ Ibid., vol.1, p.190.

And full knowledge is with Allaah and our final supplication is that all praise is due to Allaah, the Lord of the Worlds and may peace and blessings be upon the Messenger of Allaah (sallallaahu 'alayhi wassallam)

AL-'ALLAAMAH, SAALIH AL-FAWZAAN ON THE SCIENCE OF JARH WA'T-TA'DEEL

Al-'Allaamah Saalih al-Fawzaan was asked in one of his lessons of *Sharh Sunnah* of Imaam al-Barbahaaree dated: 14/1/1427 AH (12 February 2006 CE) at *Masjid Mu'tab bin 'Abdul'Azeez* in Riyadh:

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Al-'Allaamah Saalih al-Fawzaan (*hafidhabullaab*) was asked:

Is it possible to apply Jarh wa't-Ta'deel of personalities today in regards to issues of da'wah?

Answer:

Jarh wa't-Ta'deel is in regards to knowledge of the narrations and it has its men and 'Ulama and from what we know today there is no one who has speciality in this affair. This was for the 'Ulama before whom Allaah blessed to have knowledge of the narrations and understand hadeeth, as for today then there is no one who is specialised in this field. As for an innovator, if there is a person who is an innovator

⁸ <http://www.alfawzan.ws/AlFawzan/sounds.aspx?url=/AlFawzan/sounds/00019-26.ra>

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then he is refuted so that he be warned against not due to Jarh wa't-Ta'deel but out of giving advice, out of giving advice to the people,⁹ na'm.¹⁰

Al-'Allaamah Saalih al-Fawzaan was asked:

Is it gheebah to speak about the Mashaa'ikh and 'Ulama yet consider this to be Jarh wa't-Ta'deel?

Answer:

This is worse than gheebah! Speaking about the 'Ulama and the rulers is worse! Because the harms of this are worse and makes the people question their reputations and causes corruption, this is worse than gheebah, la hawla wa la quwwata ila billaah. And this is not from Jarh wa't-Ta'deel this is from gheebah and nameemah while Jarh wa't-Ta'deel is in regards to knowledge of hadeeth and isnaad and as for speaking within gatherings (about people) this is from gheebah and nameemah and not Jarh wa't-Ta'deel. Jarh wa't-Ta'deel is in regards to 'ilm ul-isnaad, hadeeth from so and so from so and so from so and so, and in regards to the narrators and mentioning their conditions if they are from the people of knowledge, this is the purpose of Jarh wa't-Ta'deel to safeguard the Sunnah from distortions, lies, fabrications and weakness. So Jarh wa't-Ta'deel is allowed in regards to the asaaneed (chains of transmission) in order to safeguard the Sunnah of the Messenger (sallallaahu 'alayhi wassallam). So are beginners (in seeking knowledge) and students from the 'Ulama of Jarh wa't-Ta'deel? They are not 'Ulama of Jarh wa't-Ta'deel for they do not know Jarh wa't-Ta'deel and its factors, so this is a lie and false claim in regards to the matter!¹¹

Al-'Allaamah Saalih al-Fawzaan (*hafidhabullaah*) was asked:

Many people today speak about the Mashaa'ikh, du'aat and 'Ulama on the basis of Jarh wa't-Ta'deel, so does Jarh wa't-Ta'deel have conditions?

⁹ **Translator's note:** so the Shaykh (*hafidhahullaah*) affirms that innovators have to be warned against, and pay attention "innovators" who are clear what they are upon, this is not to be applied to people who are well-known to call to the Sunnah and *Salafiyah* but have erred, or made to look as if they have seriously erred, or have personal gripes with others.

¹⁰ <http://www.alfawzan.ws/AlFawzan/sounds.aspx?url=/AlFawzan/sounds/01064-32.ra>

¹¹ <http://www.alfawzan.ws/AlFawzan/sounds.aspx?url=/AlFawzan/sounds/00336-42.ra>

Answer:

Al-Jarh wa't-Ta'deel is in regards to 'Uloom ul-Hadeeth (hadeeth science) and it is not gheebah and nameemah, gheebah and nameemah is haraam is not from Jarh wa't-Ta'deel. It is not permissible to speak about people, the 'Ulama, students of knowledge and the people of good and even if there maybe some observation about them it is not permissible to speak about them behind their backs, this is haraam, this is gheebah and nameemah! If anything has arisen from them then inform them of it if not then hold your tongue and all praise is due to Allaah. So this is not from Jarh wa't-Ta'deel this is from gheebah, na'm.¹²

¹² <http://www.alfawzan.ws/AlFawzan/sounds.aspx?url=/AlFawzan/sounds/00349-17.ra>