

بسم الله الرحمن الرحيم

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

Answer to the Question:

What is Bid'a and what is its Punishment?

What is the Difference between that and "One Who Initiates a Good Practice"?

To Radwan Yusuf

Question:

Assalaamu Alaikum Wa Rahmatullah Wa Barakaatuhu,

I request from the Ameer to answer my question as it is very important. What is Bid'a and what is its punishment? And what is the difference between Bid'a and "one who initiates a good practice"? And is the inaction of the Prophet (saw) in a matter considered as a Shariah evidence that is valid and can be referred to? We regularly discuss with some groups and they describe some matters as Bid'ah which are not performed by the Prophet (saw). This question is very important, Barak Allah in you. Please clarify this and provide examples in the answer to help us in getting a better understanding.

Answer:

Wa Alaikum Assalaam Wa Rahmatullah Wa Barakaatuhu,

We previously issued an answer to the question regarding the subject of Bid'a on 18/9/2009, and we published an answer to a question of one of the brothers on Facebook regarding Bid'a on 6/6/2015 that you can refer to, but I will summarize for you that is sufficient to answer your question Inshallah:

1- Bid'a is the violation of an order of the Legislator which its performance has been specified, this meaning is the same as what came in the Hadith

«وَمَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ»

"Whoever does an action which is not according to what I instructed, it will be rejected."
[Bukhari and Muslim]

Thus if the Prophet (saw) does an action that explains how a matter should be performed according to the Book and Sunnah, and then you perform this matter in contradiction to the method explained by the Prophet (saw), then you would have committed a Bid'a and it is Dhala (an astray action) which carries a grave sin.

For example: Allah (swt) says: ﴿وَأَقِيمُوا الصَّلَاةَ﴾ **"And establish prayer"** [Al-Baqara: 43] Which is in the form of an order, but He (swt) did not leave it up to man to pray however he wants, but the Prophet (saw) explained the method of its performance through his actions of Ihram, qiyam, recitation, ruku', and sujood.

Abu Daoud extracted from Ali Bin Yahya Bin Khalad from his uncle:

«فَقَالَ النَّبِيُّ ﷺ إِنَّهُ لَا تَتِمُّ صَلَاةٌ لِأَحَدٍ مِنَ النَّاسِ حَتَّى يَتَوَضَّأَ، فَيُضَعَّ الْوُضُوءَ - يَغْنِي مَوَاضِعُهُ - ثُمَّ يُكَبِّرُ، وَيَحْمَدُ اللَّهَ جَلَّ وَعَزَّ، وَيُنْثِي عَلَيْهِ، وَيَقْرَأُ بِمَا تيسَّرَ مِنَ الْقُرْآنِ، ثُمَّ يَقُولُ: اللَّهُ أَكْبَرُ، ثُمَّ يَرْكَعُ حَتَّى تَطْمَئِنَّ مَفَاصِلُهُ، ثُمَّ يَقُولُ: سَمِعَ اللَّهُ لِمَنْ حَمِدَهُ حَتَّى يَسْتَوِيَ قَائِمًا، ثُمَّ يَقُولُ: اللَّهُ أَكْبَرُ، ثُمَّ يَسْجُدُ حَتَّى تَطْمَئِنَّ مَفَاصِلُهُ، ثُمَّ يَقُولُ: اللَّهُ أَكْبَرُ، وَيَرْفَعُ رَأْسَهُ حَتَّى يَسْتَوِيَ قَاعِدًا، ثُمَّ يَقُولُ: اللَّهُ أَكْبَرُ، ثُمَّ يَسْجُدُ حَتَّى تَطْمَئِنَّ مَفَاصِلُهُ، ثُمَّ يَرْفَعُ رَأْسَهُ فَيُكَبِّرُ»

"The Prophet (saw) said that the salah (prayer) of person is not complete until he performs wudu- fulfilling all its aspects- then he should do Takbeer, and praise Allah Azza Wa Jal, and commend Him, and then recites from what he knows of the Quran, then he must say: Allahu Akbar, then he must do ruku' until his joints are stable, then he must say: Sami'a Allahu Liman Hamida, and then go back to the upright position, then say: Allahu Akbar, then he go onto sujood until his joints are stable, then he says Allahu Akbar and raises his head

and sits up, then says: Allahu Akbar, then he does sujood until his joints are stable, then he raises his head and do Takbeer”.

The one who contradicts this method would have performed a Bid'a; if someone performs three Sajda instead of two, he would have performed a Bid'ah which is a Dhala.

For example Allah (swt) said:

﴿وَلِلّٰهِ عَلَى النَّاسِ حِجُّ الْبَيْتِ﴾

“And [due] to Allah from the people is a pilgrimage to the House “[Al-i-Imran: 97]

This is the order to perform Hajj “informing of the meaning of the request”, and again the Prophet (saw) explained the method of performance of Hajj...

Extracted by Bukhari from Az-Zahri:

«أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ إِذَا رَمَى الْجَمْرَةَ الَّتِي تَلِي مَسْجِدَ مِنَى يَرْمِيهَا بِسَبْعِ حَصَيَاتٍ، يُكَبِّرُ كُلَّمَا رَمَى بِحَصَاةٍ، ثُمَّ تَقَدَّمَ أَمَامَهَا، فَوَقَفَ مُسْتَقْبِلَ الْقِبْلَةِ، رَافِعًا يَدَيْهِ يَدْعُو، وَكَانَ يُطِيلُ الْوُقُوفَ، ثُمَّ يَأْتِي الْجَمْرَةَ الثَّانِيَةَ، فَيَرْمِيهَا بِسَبْعِ حَصَيَاتٍ، يُكَبِّرُ كُلَّمَا رَمَى بِحَصَاةٍ، ثُمَّ يَنْحَدِرُ ذَاتَ الْيَسَارِ، مِمَّا يَلِي الْوَادِي، فَيَقِفُ مُسْتَقْبِلَ الْقِبْلَةِ رَافِعًا يَدَيْهِ يَدْعُو، وَكَانَ يُطِيلُ الْوُقُوفَ، ثُمَّ يَأْتِي الْجَمْرَةَ الَّتِي عِنْدَ الْعَقَبَةِ فَيَرْمِيهَا بِسَبْعِ حَصَيَاتٍ، يُكَبِّرُ عِنْدَ كُلِّ حَصَاةٍ، ثُمَّ يَنْصَرِفُ وَلَا يَقِفُ عِنْدَهَا»

“When the Prophet (saw) threw the stones (at the Jamra) which is next to Mina He did so with seven small stones, doing Takbeer whenever he threw a stone, then He moved in front of it and faced the Qibla standing, raising his hands high in supplication, and he used to stand for a very long time, then He approached the second Jamra and threw at it seven small stones, doing Takbeer whenever he threw a stone, then he moved to the left behind the valley and stood facing the Qibla and raised his hand in supplication, and he used to stand for a very long time, then he moved to the Jamra at Aqaba and there he threw seven small stones, doing Takbeer whenever he threw a stone, then he leaves without standing there.”

The one who contradicts this procedure by throwing eight stones instead of seven would have committed a Bid'a.

And so many of the acts of worships were explained by the actions of the Prophet (saw), so whoever contradicts the action of the Prophet in performance then he would have committed a Bid'a which is a Dhala and carries a grave sin.

This means that Bid'a lies in the violation of an action which was explained by the Prophet (saw), as for performing an action not carried out by the Prophet (saw) and has no text that explains the method of its performance, it lies under the Shariah laws from the speech of Takleef (responsible to carry duties) or speech of Wadh' (circumstance). Therefore if the Prophet (saw) performs two sajda while you do three, you would have committed a Bid'a because you have violated the action of the Prophet (saw). However if you undertake an action not carried out by the Prophet (saw) like riding on a car, and the Prophet did not ride a car, this is not called a Bid'a, this action would be assessed according to the Shariah rules, and then the action of riding the car is described as permissible (Mubah), and so on.

2- The violation of the order of the Legislator which did not come with a set method of performance, but is mentioned in general or Mutlaq, it is not considered as Bid'a, but under the Hukum Shar'i, it is described as forbidden (Haram) or disliked (Makrooh) if it was a speech of Takleef, or it is described as void/invalid (Batil) or corrupted (Fasid) if it was a speech of Wadh' (circumstance), this is decided by the indication (Qareenah) that accompanies the text:

For example the saying of the Prophet (saw):

«مَنْ أَسْلَفَ فِي شَيْءٍ فَفِي كَيْلٍ مَّعْلُومٍ وَوَزْنٍ مَّعْلُومٍ إِلَى أَجَلٍ مَّعْلُومٍ»

“The one who pays capital upfront, then it must be in a known measure and known weight and for a known time.” [Extracted by Bukhari]

Here it is ordered “salaf” (to hand the capital upfront to the seller) in the conditional sentence form, and ordered that “salaf” should be in a known measure and known weight and for a known time. However the Legislator did not specify the method of performing this, for example both contracting parties have to stand facing each other and recite some of the Qur'an, then they move a step forward and embrace each other and then discuss the issue of “salaf”, then the offer and acceptance takes place. But this is not the case, as the Legislator did not specify the method, but left it general

according to the agreement, therefore the one who pays upfront i.e. conduct the contract in violation to the order of the Legislator, i.e. without a specific measure, weight, and time, is not described as one who committed Bid'a, but as one who violated the order of the Legislator, which is Batil, or Fasid according to the type of violation.

Another example, Muslim extracted from Ubada Ibn As-Samit that he said:

«إِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَنْهَى عَنْ بَيْعِ الذَّهَبِ بِالذَّهَبِ، وَالْفِضَّةِ بِالْفِضَّةِ، وَالْبُرِّ بِالْبُرِّ، وَالشَّعِيرِ بِالشَّعِيرِ، وَالتَّمْرِ بِالتَّمْرِ، وَالْمِلْحَ بِالْمِلْحِ، إِلَّا سَوَاءً بِسَوَاءٍ، عَيْنًا بَعَيْنٍ، فَمَنْ زَادَ، أَوْ أَزَادَا، فَقَدْ أَرَبَى»

I heard the Prophet (saw) forbid selling of gold for gold, and silver for silver, wheat for wheat and barley for barley, dates for dates, salt for salt, except for its exact amount, measure, the one who increases or it is increased, he has taken Riba” and

If a Muslim violates this Hadeeth and sells gold for gold with an increase and not the measure for measure, it is not said that he committed Bid'a but it is said that he committed a forbidden act (Haram), which is riba, because there was no specific method given for the action, as we mentioned, but it was left as a general matter according to their agreement.

For example the Prophet (saw) said:

«فَأَظْفَرِ بِذَاتِ الدِّينِ تَرَبَّتْ بِذَلِكَ»

“Choose the one of the Deen, you will be successful” [Bukhari]

The one who does not marry the one of the Deen is not described as have committed Bid'a, but the Shariah rule regarding marrying the one that is not of the Deen should be studied. Because the Shar'i did not specify the practical measures in making the choice, such as the one who is seeking to get married stands facing the bride to be and recites Ayat Al-Kursi, then moves one step forward and recites the Ma'oozaatn (Surah al-Falaq and An-Nas), then moves forward one step and says Bismillah, then extends his right hand and asks for marriage. The matter is left according to the conditions of the correctness of the contract, therefore the study of the violation would be under Hukum Shar'i and not Bid'a.

This confirms what is mentioned in the noble Hadeeths which describes such violations as Hukum Shar'i and not Bid'a.

From the mother of the believers, A'isha (ra) said that the Prophet (saw) said:

«أَيُّمَا امْرَأَةٍ لَمْ يُنْكَحْهَا الْوَلِيُّ فَنِكَاحُهَا بَاطِلٌ فَنِكَاحُهَا بَاطِلٌ فَنِكَاحُهَا بَاطِلٌ»

“Any woman who is not married through her Wali (guardian), then her marriage is Batil, her marriage is Batil, her marriage is Batil,” [Ibn Maja]

Here the description of the marriage without the Wali is Batil and not Bid'a.

From Abi Sa'eed Al-Khudri in the Hadeeth of Slaughtering:

«... وَكُلُّ مُسْكِرٍ حَرَامٌ...»

“...All intoxicants are Haram...” [Malik]

Here he described that the intoxicants are Haram and not Bid'a

And from Abi Tha'laba Al-Khushani that the Prophet (saw) said:

«أَكْلُ كُلِّ ذِي نَابٍ مِنَ السَّبَاعِ حَرَامٌ»

“Eating hunting animals with canines is Haram” [Malik]

He mentions here that it is Haram and not Bid'a

From Abdullah Ibn Zurair meaning Al-Ghafiqi that he heard Ali Ibn Abi Talib (ra) say that the Prophet (saw) said:

«أَخَذَ حَرِيرًا فَجَعَلَهُ فِي يَمِينِهِ وَأَخَذَ ذَهَبًا فَجَعَلَهُ فِي شِمَالِهِ ثُمَّ قَالَ إِنَّ هَذَيْنِ حَرَامٌ عَلَى ذُكُورِ أُمَّتِي»

“He took silk by his right hand and took gold by his left hand and said these two are made forbidden (Haram) on the males of my Ummah” [Abu Daoud]

This violation is described here as Haram.

And so most if not all transactions and contracts are general or Mutlaq according to the correctness of the conditions of the contracts mentioned in the Shariah, and they have no methods of performance specified as in many of the worship acts, therefore the violations in them come under the Hukm Shar'i area and not Bid'a.

3- In conclusion:

The violation of the method of performance of the Prophet (saw) in a matter in the Qur'an and Sunnah is Bid'a, and carries a grave sin, **the action must be performed in the manner the explained by the Prophet (saw) by his action.**

But if you do an action that is not performed by the Prophet (saw) then its ruling should be searched in the area of Hukm Shar'i in terms of Speech of Takleef, or speech of Wadh', and then its hukm will be known if it is an obligation (fard), recommended (Mandoob). Permissible (Mubah). Disliked (Makrooh) or forbidden (Haram)...or if it is Batil (invalid) or Corrupted (Fasid)

The violation of the general or Mutlaq in matter in the Shariah which the Legislator did not stipulate the method of its performance, this violation come under the area of Shariah rules, "the Takleef - Haram, Makrooh,... " or " Wadh ' - Batil, and fasid".

4- As for your question regarding "the one who initiates a good practice" This is a separate subject, it means that the one who is former in practicing that which is ordered by the Shariah and encouraged the others and they followed him; He gets reward for all that follow without taking away a thing from their reward. And the one who is former in performing what the Shariah forbade and encouraged others and they follow him, he will bear the sin of all who follow him and it does not take away a thing from their sins, the evidence for this is:

Muslim extracted in his Sahih from Jarir Ibn Abdullah that he said:

جَاءَ نَاسٌ مِنَ الْأَعْرَابِ إِلَى رَسُولِ اللَّهِ ﷺ عَلَيْهِمُ الصُّوفُ فَرَأَى سُوءَ حَالِهِمْ قَدْ أَصَابَتْهُمْ حَاجَةٌ، فَحَثَّ النَّاسَ عَلَى الصَّدَقَةِ، فَأَبْطَأُوا عَنْهُ حَتَّى رُبِّيَ ذَلِكَ فِي وَجْهِهِ. قَالَ: ثُمَّ إِنَّ رَجُلًا مِنَ الْأَنْصَارِ جَاءَ بِصُرَّةٍ مِنْ وَرَقٍ، ثُمَّ جَاءَ آخَرٌ، ثُمَّ تَتَابَعُوا حَتَّى غُرِفَ السُّرُورُ فِي وَجْهِهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ سَنَّ فِي الْإِسْلَامِ سُنَّةً حَسَنَةً، فَعَمِلَ بِهَا بَعْدَهُ، كُتِبَ لَهُ مِثْلُ أَجْرِ مَنْ عَمِلَ بِهَا، وَلَا يَنْقُصُ مِنْ أَجُورِهِمْ شَيْءٌ، وَمَنْ سَنَّ فِي الْإِسْلَامِ سُنَّةً سَيِّئَةً، فَعَمِلَ بِهَا بَعْدَهُ، كُتِبَ عَلَيْهِ مِثْلُ وَزْرِ مَنْ عَمِلَ بِهَا، وَلَا يَنْقُصُ مِنْ أَوْزَارِهِمْ شَيْءٌ»

A clan of desert Arabs arrived to the Prophet (saw) looked at them. They were in rags. He (saw) saw them in a sad plight as they had been in dire need. The Prophet (saw) encouraged people to give sadaqa but they were delaying, this was reflected on the face of the Prophet (saw), then a man from the Ansar came with a bag of silver, then another man followed and more followed, The Prophet's face brightened with happiness. Thereupon the Prophet (saw) said: **"Whoever initiates a good practice in Islam and is emulated by others in doing so will get the reward of it and the reward of all those who act upon it without their rewards being diminished in any respect. And whosoever initiates an evil practice in Islam and is emulated by others will bear the sin of it and the sin of all those who act on it without their burden being diminished in the least."**

What is clear from the Hadeeth is that they delayed in giving the sadaqa then a man from the Ansar hurried with the Sadaqa and the rest followed him until the happiness was seen on the Prophet's (saw) face.

I pray that this answer is sufficient, by the permission of Allah (swt).

Wa Assalaam Wa Rahmatullah Wa Barakatuhu

Your brother,

Ata Bin Khalil Abu Al-Rashtah

8 Dhul Hijjah 1436 AH

22/9/2015 CE

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

<https://www.facebook.com/Ata.abualrashtah/photos/a.154439224724163.1073741827.154433208058098/499534716881277/?type=3&theater>