

- 39In al-Sakhāwī, al-Jawāhīr wa al-Durar (p. 18).
 40Al-Sakhāwī, al-Jawāhīr wa al-Durar (p. 20-23).
 41Narrated from Ibn Abi Khaythama by Abū Nu'aym in the H.ilya (4:225) and Ibn Rajab in Sharh. 'Hal al-Tirmidhī (1:413).
 42In Ibn Rajab, Sharh. 'Hal al-Tirmidhī (1:413).
 43In Ibn 'Abd al-Barr, Jāmi' Bayān al-'Ilm (2:130).
 44Narrated by Abū Nu'aym in the H.ilya (9:3).
 45Narrated by al-Khatīb in al-Jāmi' li Akhlāq al-Rāwī (2:109).
 46Abū Ghudda, al-Isnād min al-Dīn (p. 68). He means by his remarks al-Albānī and others of his ilk. Abū Ghudda's student, Shaykh Muḥammad 'Awwāma, listed several examples of this rule of the Salaf in his Athar al-Hadīth al-Sharīf li Ikhtilāf al-'Immat al-Fuqahā' ("The Mark of the Noble Hadīth in the Differences of the Imāms of Jurisprudence").
 Hajj Gibril
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فقہی تحائف میں اس بار سب سے نمایاں اور وقیع تحفہ فتاویٰ نوریہ

کا ہے جو فقیہ اعظم حضرت علامہ نور اللہ بصیر پوری رحمۃ اللہ علیہ کے فتاویٰ کا مجموعہ ہے اور ان کے جانشین و وارث مسند صاحبزادہ علامہ محمد محبت اللہ نوری مدظلہم نے ہمیں ارسال کیا ہے۔ چھ جلدوں پر مشتمل فتاویٰ کے اس مجموعہ کا یہ پانچواں ایڈیشن ہے۔ اب کی بار اس کی جلدیں زیادہ متوازن و خوبصورت، کاغذ مناسب، طباعت خاصی بہتر اور انعطاف سے کافی حد تک مبرا ہے۔ روز طباعت اول سے ہی اس کتاب کو انقلاب آفرین کتاب ہونے کا شرف حاصل ہے۔ قدیم کے ساتھ ساتھ جدید مسائل پر علمی جوابات اور مشکل مسائل کا آسان حل اس فتاویٰ کی خوبی ہے تیسیر کا پہلو حضرت قبلہ فقیہ اعظم رحمۃ اللہ علیہ کے ہمیشہ پیش نظر رہا ہے۔ عصری تقاضوں کو معاصر شہری علماء سے دور دیہات میں بیٹھ کر بھی انہوں نے خوب سمجھا اور ملحوظ خاطر رکھا ہے۔ فتاویٰ کے مطالعہ سے حضرت فقیہ اعظم کے علمی تبحر کا اندازہ ہوتا ہے۔ وقت کے جید علماء نے فتاویٰ و صاحب فتاویٰ کے علمی مقام کا برملا اعتراف کیا ہے، حضرت ضیاء الامت پیر محمد کرم شاہ صاحب الازہری (رحمۃ اللہ علیہ و صلوات) حضرت علامہ عطا محمد گولاری (رحمۃ اللہ علیہ و برکات) حضرت علامہ مفتی محمد حسین نعیمی (رحمۃ اللہ علیہ و نعمات) جیسے اصحاب علم و فضل نے انہیں ان کی علمی شان کے باعث زبردست خراج تحسین پیش کیا ہے۔ بلاشبہ وہ مرجع العلماء تھے۔ ایک متبع شریعت عالم دین کے فتاویٰ کی جوشان ہو سکتی ہے وہ اس فتاویٰ کو نصیب ہے۔

فتاویٰ نوریہ دارالعلوم حنفیہ فریدیہ بصیر پور کے شعبہ تصنیف و تالیف سے شائع ہوا ہے اور اس کی طباعت و اشاعت نو میں مجملہ دیگر کے مولانا عطاء المصطفیٰ نوری صاحب کا بھی بڑا حصہ ہے۔ طبع نو کی آخری جلد میں کچھ مفید فہارس کا اضافہ مفیدہ بھی کیا گیا ہے۔ اہل علم کے لئے اس فتاویٰ کا حاصل کرنا اور اسے شامل مطالعہ رکھنا نہایت نافع ہوگا۔

25Cited from Zayd ibn Abi al-Zarqa' by al-Dhahabī. Siyar (al-Arna'ūt. ed. 7:275).

26Al-Sakhāwī. al-Jawāhir wa al-Durar (p. 20-23).

27Narrated by al-Harawī al-Ansārī in Dhamm al-Kalām (4:139 #907).

28In Ibn 'Abd al-Barr. Jāmi' Bayān al-'Ilm (2:175).

29In al-Dhahabī. Tadhkirat al-Huffāz. (2:776).

30Narrated by Ibn Abi H.ātīm in the introduction to his al-Jarh. wa al-Ta'dīl (p. 293). Ibn al-Jawzī in Manāqib al-Imām Ah.mad (p. 63). and al-Dhahabī in Tārīkh al-Islām (chapter on Ah.mad).

31In Muslim and the Four Sunan.

32In al-Bukhārī and Muslim.

33Ibn al-Subkī in T.abaqāt al-Shāfi'iyya. al-Sakhāwī in his introduction to al-Jawāhir wa al-Durar. and al-Haytamī in his Fatāwā H.adithiyya (p. 283). Something similar is narrated of Ah.mad by Ibn Rajab in his Dhayl T.abaqāt al-H.anābila (1:131) and al-'Ulaymī in al-Manhaj al-Ah.mad (2:208).

34Ibn 'Abd al-Barr. Jāmi' Bayān al-'Ilm (2:160).

35Ish.āq ibn Ibrāhīm ibn Makhlad. known as Ish.āq ibn Rāhūyah or Rāhawayh. Abū Ya'qūb al-Tamīmī al-Marwazī al-Hanzali (d. 238), one of the major h.adīth Masters. Abū Qudāma considered him greater than Imām Ah.mad in memorization of h.adīth. a remarkable assessment considering Ah.mad's knowledge of 700.000 to a million narrations according to his son 'Abd Allāh's and Abū Zur'a al-Rāzī's estimations. He once said of himself: "I never wrote anything except I memorized it. and I can now see before me more than 70.000 h.adīths in my book": "I know the place of 100.000 h.adīths as if I were looking at them. and I memorize 70.000 of them by heart - all sound (s.ah.ih.a) - and 4.000 falsified ones." [Narrated by al-Khat.īb in al-Jāmi' li Akhlāq al-Rāwī (2:380-381 #1832-1833).]

He did not reach the same stature in fiqh. Al-Bayhaqī and others narrate that he unsuccessfully debated al-Shāfi'ī on a legal question. as a result of which the latter disapproved of his title as the "jurisprudent of Khurāsān." To a Jahmī scholar who said: "I disbelieve in a Lord that descends from one heaven to another heaven." Ibn Rāhūyah replied: "I believe in a Lord that does what He wishes." [Narrated by al-Dhahabī who identifies the scholar as Ibrāhīm ibn (Hishām) Abi S.ālīh. in Mukhtasar al-'Uluw (p. 191 #234).] Al-Bayhaqī comments: "Ish.āq ibn Ibrāhīm al-Hanzali made it clear. in this report. that he considers the Descent (al-nuzūl) one of the Attributes of Action (min s.ifa't al-fi'l). Secondly. he spoke of a descent without 'how'. This proves he did not hold displacement (al-intiqa'l) and movement from one place to another (al-zawāl) concerning it." [See post titled. "The 'Descent' of Allāh Most High".] Sources: Ibn Abi Ya'lā. T.abaqāt al-H.anābila (1:6. 1:184); al-Bayhaqī. Manāqib al-Shāfi'ī (1:213) and al-Asmā' wa al-S.ifa't (2:375-376 #951); al-Dhahabī. Siyar (9:558 #1877); Ibn al-Subkī. T.abaqāt al-Shāfi'iyya al-Kubrā (2:89-90. 9:81).

36Narrated by Abū Ya'lā in T.abaqāt al-H.anābila (1:329) and cited by Shaykh Abū Ghudda in his introduction to Muh.ammad al-Shaybānī's Muwat.t.a' and his short masterpiece al-Isnād min al-Dīn (p. 68).

37Narrated by al-Rāmahurmuzī in al-Muh.addith al-F.ās.il (p. 560).

38Ibn 'Abd al-Salām. al-Fatāwā al-Maws.iliyya (p. 132-134).

BLESSINGS AND PEACE ON THE PROPHET ﷺ his Family, his Companions, the Four Imâms, and those who imitate them until the Day of Judgment.

NOTES

1H.adith of the Prophet ﷺ narrated from Mu`âwiya by al-Bukhârî and Muslim.
2Al-Qârî. Mu`taqad Abî H.anîfata al-Imâm î Abaway al-Rasûl `Alayhi al-S.alât wa al-Safâm (p. 42).

3A nearly-mass-narrated (mashhûr) sound h.adith of the Prophet - Allâh bless and greet him - reported from several Companions by al-Tirmidhî. Abû Dâwûd. Ibn Mâjah. and Ah.mad.

4Ibn Abî H.âtim in the introduction of al-Jarh. wa al-Ta`dîl (p. 22-23); Ibn Abî Zayd. al-Jâmi` fî al-Sunan (p. 118-119); Ibn `Abd al-Barr. al-Intiqâ` (p. 61); al-Dhahabî. See Shaykh `Abd al-Fattah Abû Ghudda's comments on this statement in his notes on al-Lacknawî's al-Raf` wa al-Takmil (2nd ed. p. 368-369. 3rd ed. p. 90-91).

5In al-Fatâwâ al-H.adithiyya (p. 283).

6Narrated by Ibn H.abbân in the introduction to al-Majrûh.in (1:42). He then narrates from Ibn Wahb a similar statement where he adds the names of `Amr ibn al-H.ârith and Ibn Mâjishûn.

7Narrated by Ibn `Asâkir and al-Bayhaqî cf. Ibn Rajab. Sharh. al-`Ilal (1:413) and `Awwâma (p. 76).

8Narrated by Qâdî `Iyâd.. in Tartîb al-Madârik (2:427).

9In Ibn al-Subkî. T.abaqât al-Shâfi`iyya al-Kubrâ (2:128).

10Narrated by al-Khat.îb. al-Faqîh wal-Mutafaqqih (2:80).

11Shaykh Ismâ`îl al-Ans.ârî as quoted by `Awwâma. Athar (p. 77).

12Ibn H.ajar. Tahdhîb al-Tahdhîb (10:449-452 #817) and al-Dhahabî's Manâqib Abî H.anîfa.

13Narrated by al-Dhahabî in Tadhkirat al-Il.uffâz. (1:307) and Ibn H.ajar in Tahdhîb al-Tahdhîb (10:450).

14Narrated by Ibn `Abd al-Barr in al-Intiqâ` (p. 124).

15Narrated by al-Dhahabî in the Siyar (10:205).

16Cf. Ibn Abî al-Wafâ. last page of the Karachi edition of al-Jawâhir al-Mud.iyya.

17In Ibn `Abd al-Barr. Jâmi` Bayân al-Ilm (1:83-84). al-Qâdî `Iyâd... Tartîb al-Madârik (2:62). al-Shât.îbî. al-Muwâfaqât (4:97-98).

18" The Knowledge That Benefits is That Whose Rays Expand in the Breast and Whose Veil is Lifted in the Heart." Ibn `At.â' Allâh. Hikam (#213).

19Siyar (10:642).

20Narrated mursal from al-Hasan by Ibn `Asâkir in his Târîkh and al-Khat.îb in al-Jâmi` li Akhlâq al-Râwî (1983 ed. 1:88 #27) cf. al-Jâmi` al-S.aghîr (#9598) and Kanz (#29337).

21Cited by al-Dhahabî in the Siyar (al-Arna'ût. ed. 9:158. 12:328-329).

22Cf. al-Dhahabî. Tadhkirat al-Il.uffâz. (1:307) and Ibn H.ajar in Tahdhîb al-Tahdhîb (11:126-127).

23In al-Sakhâwî. al-Jawâhir wa al-Durar (p. 21).

24Ibn Rajab. Sharh. `Ilal al-Tirmidhî (1:411).

* Ibn `Abd al-Salâm said: "The majority of h.adîth scholars are ignorant in fiqh."38 A majority of 90" according to Anas ibn Sirîn - among the Salaf!

* Al-Dhahabî said: "The majority of the h.adîth scholars have no understanding, no diligence in the actual knowledge of h.adîth, and no fear of Allâh regarding it."39 All of the authorities al-Dhahabî listed as "those who are imitated in Islâm" are Jurisprudents and not merely h.adîth masters.

* Al-Sakhâwî in his biography of Ibn H.ajar entitled al-Jawâhir wa al-Durar relates similar views:

Al-Fâriqî said: "One who knows chains of h.adîth but not the legal rulings derived from them cannot be counted among the Scholars of the Law." His student Ibn Abî `As.rûn (d. 585) also followed this view in his book al-Intis.âr.40

Not Every Sound Hadîth Forms Evidence.

* Ibrâhîm al-Nakha`î said: "Truly, I hear a h.adîth, then I see what part of it applies. I apply it and leave the rest."41 Shaykh Muh.ammad `Awwâma said: "Meaning, what is recognized by the authorities is retained while anything odd (gharîb), anomalous (shâdhdh), or condemned (munkar) is put aside." Yazîd ibn Abî H.abîb said: "When you hear a h.adîth, proclaim it; if it is recognized, [keep it,] otherwise, leave it."42

* Ibn Abî Laylâ said: "A man does not understand h.adîth until he knows what to take from it and what to leave."43

* `Abd al-Rah.mân ibn Mahdî, the Commander of the believers in H.adîth, said: "It is impermissible for someone to be an Imâm [i.e. to be imitated] until he knows what is sound and what is unsound and until he does not take everything [sound] as evidence, and until he knows the correct way to infer knowledge [in the Religion]."44

* Al-Shâfi`î narrated that Mâlik ibn Anas was told: "Ibn `Uyayna narrates from al-Zuhrî things you do not have!" He replied: "Why, should I narrate every single h.adîth I heard? Only if I wanted to misguide people!"45

Shaykh `Abd al-Fattâh. Abû Ghudda mentioned some of the above examples and commented: "If the likes of Yah.yâ al-Qat.t.ân, Wakî ibn al-Jarrâh., `Abd al-Razzâq, Yah.yâ ibn Ma`în, and those who compare with them, did not dare enter into ijtihâd and fiqh, then how rash are the claimants to ijtihâd in our time! On top of it, they call the Salaf ignorant without the least shame nor modesty! Allâh is our refuge from failure."46

Understanding the H.adîth is Superior to Knowing It

* Sufyân also said: "The explanation (tafsîr) of the h.adîth is better than the h.adîth."²⁷ Another wording has: "The explanation of the h.adîth is better than its audition."²⁸ Abû `Alî al-Naysabûrî said: "We consider understanding superior to memorization."²⁹

* Ish.âq ibn Râhûyah said: "I would sit in Iraq with Ah.mad ibn H.anbal, Yah.yâ ibn Ma`în, and our companions, rehearsing the narrations from one, two, three routes of transmission... But when I said: What is its intent? What is its explanation? What is its fiqh? They would all remain mute except Ah.mad ibn H.anbal."³⁰

* The perspicuity and fiqh of Abû Thawr among the h.adîth Masters is famous. A woman stood by a gathering of scholars of h.adîth comprising Yah.yâ ibn Ma`în, Abû Khaythama, Khalaf ibn Salim, and others. She heard them saying: "The Prophet ﷺ said," and "So-and-so narrated," and "No one other than So-and-so narrated," etc. Whereupon she asked them: "Can a woman in her menses wash the dead?" for that was her occupation. No one in the entire gathering could answer her, and they began to look at one another.

Abû Thawr arrived, and they referred her to him. She asked him the same question and he said: "Yes, she can wash the dead, as per the h.adîth of al-Qâsim from `A'isha: 'Your menses are not in your hand,'³¹ and her narration whereby she would scrub the Prophet's ﷺ hair at a time she was menstruating.³² If the head of the living can be washed [by a woman in her menses], then a fortiori the dead!" Hearing this, the h.adîth scholars said: "Right! So-and-so narrated it, and So-and-so told us, and we know it from such-and-such a chain," and they plunged back into the narrations and chains of transmission.

The woman said: "Where were you all until now?"³³

* Ibn `Abd al-Barr cites Imâm Ah.mad as saying: "From where does Yah.yâ ibn Ma`în know al-Shâfi`î? He does not know al-Shâfi`î nor has any idea what al-Shâfi`î says!"³⁴ Ibn Râhûyah similarly conceded defeat before al-Shâfi`î's jurisprudence although himself reputed for fiqh.³⁵

Most H.adîth Scholars Do Not Possess Intelligence of the H.adîth

* `Abd al-Razzâq al-S.an`ânî, Sufyân's contemporary, was the teacher of the pillars of h.adîth memorization in their time - Ah.mad, Ibn Râhûyah, Ibn Ma`în, and Muh.ammad ibn Yah.yâ al-Dhuhli. Yet when Muh.ammad ibn Yazîd al-Mustamlî asked Ah.mad: "Did he [`Abd al-Razzâq] possess fiqh?" Ah.mad replied: "How rare is fiqh among those who know h.adîth!"³⁶

* Anas ibn Sirîn said: "I came to Kûfa and found in it 4,000 persons pursuing h.adîth and 400 persons who had obtained fiqh."³⁷

H.anbal an Imâm in all that stands between me and my Lord."15 Mis'ar ibn Kidâm said the same with regard to Imâm Abû H.anîfa.16

Knowledge Is Not Memorization but a Light

* Fiqh is the context of Mâlik's statement: "Wisdom and knowledge are a light by which Allâh guides whomever He pleases; it does not consist in knowing many things"17 and al-Shâfi'i's: "Knowledge is what benefits. Knowledge is not what one has memorized."18 Similarly, al-Dhahabî defined knowledge in Islâm (al-'ilm) as "Not the profusion of narration, but a light which Allâh casts into the heart. Its condition is followership (ittibâ') and the flight away from egotism (hawâ) and innovation."19 All this elucidates al-Hasan al-Basrî report that the Prophet ﷺ said: "The purpose and energy of the Ulema is towards addressing needs while the purpose and energy of fools is to narrate" (himmat al-'ulamâ' al-ri'âya wa himmat al-sufahâ' al-riwâya).20

The H.adîth of the Jurists is Preferable to That of the Non-Jurists

* Wakî preferred long-chained narrations through the fuqahâ' to short-chained ones through non-fuqahâ' and said: "The h.adîth current among the jurists is better than the h.adîth that is current among the h.adîth scholars."21

This is a foundational rule in the School of Imâm Abû H.anîfa. Like Yah.yâ al-Qat.tân, Wakî did not make ijtihâd but followed the positions of Abû H.anîfa.22

* Al-A'mash (Abû Muh.ammad Sulaymân ibn Mahrân al-Asadî the Tâbi'i 61/-148) also said: "The h.adîth that jurists circulate among themselves is better than that which h.adîth narrators circulate among themselves."23

* Ibn Rajab said that Abû Dâwûd in his Sunan was more concerned with the jurisprudence of the h.adîth than with its chains of transmission.24

Knowing the H.adîth is Different From Practicing It

* Sufyân al-Thawrî used to say to the h.adîth scholars: "Come forward, O weak ones!"25 He also said: "If h.adîth were a good thing it would have vanished just as all goodness has vanished." and "Pursuing the study of h.adîth is not part of the preparation for death, but a disease that preoccupies people." Al-Dhahabî commented: "He said this verbatim. He is right in what he said because pursuing the study of h.adîth is other than the h.adîth itself."26

due to some other [abrogating] evidence. None can meet the responsibility of knowing this except those who deepened their learning and obtained fiqh." Imâm al-Haytamî said something similar.⁵

Ibn Wahb is also reported to say: "I met three hundred and sixty learned people of knowledge but, without Mâlik and al-Layth, I would have strayed."⁶ Another versions states: "Were it not for Mâlik ibn Anas and al-Layth ibn Sa'd I would have perished: I used to think everything that is [authentically] related from the Prophet - Allâh bless and greet him - must be put into practice."⁷

Another version has: "I gathered a lot of h.adîths and they drove me to confusion. I would consult Mâlik and al-Layth and they would say to me, 'take this and leave this.'"⁸ Ibn Wahb had compiled 120,000 narrations according to Ah.mad ibn S.âlih.⁹

Hence, Ibn 'Uqda replied to a man who had asked him about a certain narration: "Keep such h.adîths to a minimum for, truly, they are unsuitable except for those who know their interpretation. Yah.yâ ibn Sulayman narrated from Ibn Wahb that he heard Mâlik say: 'Many of these h.adîths are [a cause for] misguidance; some h.adîths were narrated by me and I wish that for each of them I had been flogged with a stick twice. I certainly no longer narrate them!'"¹⁰

By his phrase, "Many of these h.adîths are misguidance," Mâlik means their adding them in the wrong place and meaning, because the Sunna is wisdom and wisdom is to place each thing in its right context.¹¹

Ibn al-Mubâarak said: "If Allâh had not rescued me with Abû H.anîfa and Sufyân [al-Thawri] I would have been like the rest of the common people." Al-Dhahabî relates it as: "I would have been an innovator."¹²

The Imâm's of H.adîth Defer to the Imâm's of Fiqh

Imâm Ah.mad's teacher, Yah.yâ ibn Sa'id al-Qat.tân, despite his foremost status as the Master of h.adîth Masters and expert in narrator-recommendation and discreditation, would not venture to extract legal rulings from the evidence but followed in this the fiqh of Abû H.anîfa as he explicitly declared: "We do not belie Allâh. We never heard better than the juridical opinion (ra'i) of Abû H.anîfa, and we followed most of his positions."¹³

Similarly, Muh.ammad ibn 'Abd Allâh ibn 'Abd al-H.akam said: "If it were not for al-Shâfi'î I would not have known how to reply to anyone. Because of him I know what I know."¹⁴ As for Muh.ammad ibn Yah.yâ al-Dhuhli (d. 258) of Khurâsân, whom Abû Zur'a ranked above Imâm Muslim and who is considered an Amîr al-Mu'minîn fî al-H.adîth ("Commander of the Faithful in the Science of H.adîth"), he never considered himself a non-muqallid but said: "I have made Ah.mad ibn

THE SUPERIORITY OF FIQH OVER H.ADITH

by GF Haddad

{He gives wisdom to whomever He will, and whoever receives wisdom receives immense good} (2:269). "He for whom Allāh desires great good. He grants him (superlative) understanding in the Religion (yufaqqihhu/yufqihhu fi al-dīn). I only distribute and it is Allāh Who gives. That group shall remain in charge of the Order of Allāh, unharmed by those who oppose them. until the coming of the Order of Allāh."1

Imām al-Shāfi`i said: "You [the scholars of h.adith] are the pharmacists but we [the jurists] are the physicians." Mullā `Alī al-Qārī commented: "The early scholars said: The h.adith scholar without knowledge of fiqh is like a seller of drugs who is no physician: he has them but he does not know what to do with them; and the fiqh scholar without knowledge of h.adith is like a physician without drugs: he knows what constitutes a remedy, but does not have it available."2

Imām Ah.mad is related by his students Abū T.ālib and H.umayd ibn Zanjūyah to say: "I never saw anyone adhere more to h.adith than al-Shāfi`i. No one preceded him in writing down h.adith in a book." The meaning of this is that al-Shāfi`i possessed the intelligence of h.adith after which Ah.mad sought, as evidenced by the latter's statement: "How rare is fiqh among those who know h.adith!" This is a reference to the h.adith: "It may be one carries understanding (fiqh) - meaning: memorizes the proof-texts of fiqh - without being a person of understanding (faqih)."3 The Salaf and Khalaf elucidated this rule in many famous statements showing that, for all the exalted status of the Muh.addith, yet the Faqih excels him:

H.adith Misguides Those Devoid of Fiqh

* Ibn Abī Zayd al-Mālikī reports Sufyān ibn `Uyayna as saying: "H.adith is a pitfall (mad.illa) except for the fuqahā'." and Mālik's companion `Abd Allāh ibn Wahb said: "H.adith is a pitfall except for the Ulema. Every memorizer of h.adith that does not have an Imām in fiqh is misguided (d.āll), and if Allāh had not rescued us with Mālik and al-Layth [ibn Sa`d], we would have been misguided."4

Ibn Abī Zayd comments: "He [Sufyān] means that other than the jurists might take something in its external meaning when, in fact, it is interpreted in the light of another h.adith or some evidence which remains hidden to him; or it may in fact consist in discarded evidence

ایک ماہر پر عالم کی فضیلت ایسی ہے جیسے کہ چاند کی فضیلت دوسرے تمام ستاروں پر (سنن ابوداؤد و ترمذی)