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Chapter 2: Interpretation of Umar and his followers

15. The calamity of Thursday

It was in the eleventh year of hijra during the Prophet's illness which had led to his death. 1

The true fact of this calamity

The authors of *Sihah* (books of Hadith) and the historians had detailed this event in their books and considered it as one of the true facts.

Al-Bukhari mentioned 2 a tradition narrated by Ubaydillah bin Abdullah bin Mas'ood that Ibn Abbas had said: "When the Prophet (S) was about to die, there were some men in his house among whom was Umar. The Prophet (S) said: "Come on! Let me write you a book that you will never go astray after it." Umar said: "The Prophet (S) has been overcome by pain. We have the Qur'an. The Book of Allah suffices us."

The men in the house disagreed. Some of them said: "Approach the Prophet! Let him write you a book after which you will never go astray." Some of them repeated what Umar had said. When they did much noise and disagreement, the Prophet (S) said to them: "Get out!" Abdullah bin Mas'ood said: "Ibn Abbas often said: "It was the great calamity when their clamor and disagreement had prevented the Prophet (S) from writing that book."

Muslim has mentioned this tradition in his *Sahih*, vol.2. Ahmad also has mentioned it in his *Musnad* 3 and so have all the historians but they have changed the wording somehow. The actual word of Umar was "...the Prophet (S) is raving" but they used "the Prophet (S) has been overcome by pain" in order to soften the horrible statement of Umar.

Abu Bakr Ahmad bin Abdul Aziz al-Jawhari mentioned in Kitab as-Sageefa 4 that Ibn Abbas had said:

"When the Prophet (S) was about to die, he said, while there were some men in the house among them was Umar: "Bring me an inkpot and a piece of paper to write you a book after which you will never go astray." Umar said a word which meant that the Prophet (S) had been overcome by pain and then he added: "We have the Qur'an. The Book of Allah suffices us." The men in the house disagreed and disputed among them. Some of them said: "Approach! Let the Prophet (S) write a book to you." Some others said as Umar had said. When they did much clamor and disagreement, the Prophet (S) became angry and said to them: "Get out!"

It is clear, out of this tradition, that the historians have quoted the meaning of Umar's words and not the exact words he has said.

When the narrators had narrated the exact words of the man, who had opposed the Prophet (S), they did not mention the name of that man. Al-Bukhari said in his *Sahih*: 5 "Qubaysa narrated from Ibn Uyayna from Salman al-Ahwal from Sa'eed bin Jubayr that Ibn Abbas had said: "Thursday...and what Thursday is!" He cried until his tears fell on the ground and then he said: "The Prophet (S) had become very ill on Thursday. He said: "Bring me a piece of paper to write you a book after which you will never go astray at all."

They (the men who were in the Prophet's house) disputed whereas no one should dispute before a prophet. They said: "The Messenger of Allah is raving." The Prophet (S) said: "Let me alone! What I am in is better than what you ascribe to me." When he was about to die, he ordered of three things: "Drive the polytheists out of Arabia, reward the delegations as I have rewarded them..." and I have forgotten the third one6".

This is another tradition that has been mentioned by Muslim in his *Sahih*, by Ahmad in his *Musnad* 289 and by the rest of narrators. Muslim has mentioned in his *Sahih*, chap. "The will" the tradition from another way narrated by Sa'eed bin Jubayr that Ibn Abbas had said: "Thursday and what Thursday is!" His tears began flowing on his cheeks and then he said: "The Prophet (S) said: "Bring me a blade and an inkpot (or a tablet and an inkpot) so that I write you a book after which you will not go a stray at all." They said: "The Messenger of Allah is raving." 7

He, who has studied the "calamity" in the *Sihah*, knows well that the first one, who has said "The Prophet (S) is raving" was Umar and then the present men, who had adopted his opinion, imitated his situation. You have seen above the saying of Ibn Abbas in the first tradition "...the men in the house disputed. Some of them said: "Approach! Let the Prophet (S) write you a book after which you will never go astray" and some others said as Umar had said. That is "The Prophet (S) is raving."

At-Tabarani mentioned a tradition in his book *al-Awsat* 8 that Umar had said: "When the Prophet (S) became ill, he said: "Bring me a piece of paper and an inkpot to write you a book after which you will never go astray at all." The women from behind the curtain said: "Do you not hear what the Messenger of Allah is saying?" I (Umar) said (to the women): "You are like the women of Yousuf (Prophet Joseph).

If he becomes ill, you press your eyes and if he becomes alright, you ride on his neck." The Prophet (S) said: "Let them (the women) alone. They are better than you."

You see here that they have not obeyed the order of the Prophet (S). If they had done, they would have been safe from deviation. Would that they had been satisfied with disobeying the Prophet (S) only and had not rejected his order when they said: "The Book of Allah suffices us" as if he did not know the position of the Book of Allah among them or as if they were more aware of the Book and its values than him!

And would that they were satisfied with all that and they did not surprised him with their horrible word "the Messenger of Allah is raving" while he was about to die! What a word it was that they wanted to farewell their prophet with! They did not obey him pretending that the Book of Allah sufficed! Had they not heard the Book of Allah announcing day and night:

"and whatever the Messenger gives you, accept it, and from whatever he forbids you, keep back" (Qur'an 59:7)

and as if they, when saying: "the Messenger of Allah is raving" had not read the sayings of Allah:

"Most surely it is the Word of an honored messenger. The processor of strength, having an honorable place with the Lord of the Dominion. One (to be) obeyed, and faithful in trust. And your companion is not gone mad" (Qur'an 81:19-22)

"Most surely, it is the Word brought by an honored Messenger. And it is not the word of a poet; little is it that you believe. Nor the word of a soothsayer; little is it that you mind. It is a revelation from the Lord of the worlds" (Qur'an 69:40–43)

"Your companion does not err, nor does he go astray. Nor does he speak out of desire. It is naught but revelation that is revealed. The Lord of Mighty Power has taught him" (Qur'an 53:2-5)

They knew that the Prophet (S) wanted to certify the caliphate of 'Ali (as) and the infallible imams of his progeny especially with a written covenant and therefore they prevented him from writing that book as the second caliph Umar had confessed later on through an argument between him and Ibn Abbas. 9

If you ponder on the saying of the Prophet (S) "Come on! Let me write you a book after which you will never go astray" and on his saying in the tradition of "Thaqalayn": "I have left to you what if you keep to, you will never go astray; the Book of Allah and my progeny" you will know that the purpose of the two sayings is the same. The Prophet (S), during his illness, wanted to write them the details of what he had ordered them of in the tradition of "Thaqalayn".

The Prophet (S) had given up writing that book because the horrible word of those men had forced him to give up that for there would be no use of his book. It would cause sedition and disagreement after him for they would dispute whether his book was out of his raving or not. They disagreed and disputed and

caused much clamor before him and so he had nothing to do except to say: "Get out!"

If he had insisted on writing that book, they would have persisted in their saying "the Messenger of Allah is raving" and then their followers would try their best to prove that the Prophet (S) had really been raving and they would fabricate many stories and tales to refute that book and to refute whoever believed in it.

Therefore wisdom had led the Prophet (S) to give up writing that book lest those people and their followers would open a gap to criticize prophethood, Allah forbid! The Prophet (S) had found that Imam 'Ali (as) and his followers would submit to the content of that book whether it had been written or not and that the others would not regard nor would they do according to it whether it had been written or not. Hence wisdom determined to give up that book for it would lead to opposition and sedition.

The excuses of the resistants

Sheikh Saleem al-Bishri, through some of the *muraja'ats* (arguments) between him and me in Egypt in 1329 A.H. and after that, has justified that event by saying: "The Prophet (S), when ordering his companions to bring a paper and an inkpot, might not intend to write anything but he just wanted to inform them only and then Allah inspired Umar from among the companions with the intent of the Prophet (S) and so he prevented the others from bringing the paper and the inkpot. Hence we have to consider this prevention of Umar as one of his assents to his God and one of his charismata, may Allah be pleased with him".

He said: "Thus some of the scholars have said". Then he said: "But it is fair to say that the saying of the Prophet (S) "you will never go astray after it" refutes that situation (of Umar) because the Prophet's saying is a conditional statement which means: "if you bring me a paper and an inkpot and let me write you the book, you will never go astray after that at all". Definitely informing of such a thing just for mere informing to test the others is a kind of clear lying which we have to exalt the prophets far above especially in a time when not bringing the paper and the inkpot would be better than bringing them. This justification is weak from other sides and so we have to find another justification".

He said: "What we can say is that the matter was not a compulsory order that it could not be argued and the arguer would be disobedient but it was a matter of consultation. The companions often discussed some of those orders with the Prophet (S) and especially Umar who knew that he was always in conformity with the benefits and he was inspired by Allah. Umar, due to his kindness to the Prophet (S), wanted to cause no tiredness to the Prophet (S) when he would dictate that book while he was ill; therefore Umar thought that not bringing the paper and the inkpot would be better.

"Or Umar might fear that the Prophet (S) would write some things that people would be unable to carry out and so they would deserve punishment due to that for the orders of the Prophet (S) would be compulsory and would not be interpreted in another way.

"Or he might fear that the hypocrites would criticize that book because the Prophet (S) was ill when he wrote it and then it would cause sedition; therefore Umar said: "The book of Allah suffices us" for Allah has said:

"We have not neglected anything in the book" (Qur'an 6:38) and "This day have I perfected for you your religion" (Qur'an 5:3)

as if Umar was certain that the umma would not go astray because Allah had perfected the religion for it (the umma) and completed His favor on it.

"This is the justification of the ulama. The saying of the Prophet (S) "you will never go astray" is decisive and compulsory because trying to assure what prevents deviation, if one is able to, is compulsory no doubt. The Prophet's anger and his saying to the companions "get out" when they did not obey his order was another evidence showing that the matter was compulsory and it was not a matter of consultation.

"If you say: if the matter was compulsory, the Prophet (S) would not give it up just because the companions opposed him as he had not given up informing of the mission in spite of the opposition of the unbelievers. The answer is that writing that book was not compulsory to the Prophet (S) after his companions had opposed him and this did not mean that bringing the paper and the inkpot was not compulsory especially when the Prophet (S) ordered them and declared to them that the book would save them from deviation. The fact is that a command is compulsory to the commanded one and not to the commander especially if the benefit of that command concerns the commanded one; therefore compulsoriness of this order concerned the companions and not the Prophet (S).

"It might be compulsory to the Prophet (S) too but it became not so when the companions disobeyed him and said "the Messenger of Allah is raving" for the book, after that, would not lead save to sedition.

"Some scholars might justify that Umar and those, who had assisted him, did not understand from the Prophet's saying that the book would be the cause of saving every individual of the umma from deviation that no one would go astray after that at all. They understood from the saying "you will not go astray" that the whole umma all in all would not go astray and deviation would not reach every individual in the umma after writing that book. They knew that it was impossible for the whole umma to go astray; therefore they thought that writing that book was not necessary.

"They thought that the Prophet (S) just wanted to attract their attention to the matter due to his kindness and mercifulness. They opposed the Prophet (S) thinking that the matter was not necessary but it was out of his kindness and mercifulness so they wanted not to tire the Prophet (S) when they refused to bring the paper and the inkpot.

"This is all what has been said to justify this doing. But he, who ponders on this justification, will find it far away from the truth because the Prophet's saying "you will not go astray" means that the matter is necessary as we have said besides that his being angry with them means that they have left an

obligatory order. The Prophet (S) has ordered them to get out in spite of his great patience and this is an evidence showing that they have left the most obligatory and the most useful thing as it has been known of his great morals.

"It would be better, when talking about this event, to say: it was a matter that took place unlike their conducts. It was a slip and a stumble of them which we do not know a way to justify. Allah is the Guide to the straight path."

Sheikh Saleem al-Bishri tried his best to justify this resistance and to find an excuse for those resistants but he did not find a way to that. Rather his knowledge and fairness refused save to refute these trifles. He was not satisfied in refuting them with one evidence yet he examined all the evidences he could get. May Allah reward him for what he has done.

Refuting the excuses in other ways

As we had other evidences to refute those justifications, I wished at that time to offer these evidences to him (Sheikh al-Bishri) and asked him to judge on them.

You (Sheikh al-Bishri) said: they (who defended Umar) said that the Prophet (S), when he had ordered his companions to bring a paper and an inkpot, might have not intended to write anything but he just wanted to test them.

I say, in addition to what you have said: this event took place while the Prophet (S) was about to die. The time was not a time of testing; rather it was a time of warning and advising the umma. One, who was about to die, would be away from fun and jesting. He would be busy with himself, with his important affairs and the important affairs of his relatives, especially if he was a prophet.

If he, throughout his life, could not test his people, then how would he be able, at the time of dying, to test them?

When the companions disputed and did much clamor before him, the Prophet (S) ordered them to get out. This showed that he had become angry with them. If the resistants were right, the Prophet (S) would accept that from them and he would be pleased with them!

He, who studied this tradition and especially their saying "the Messenger of Allah is raving", would be certain that those companions were aware that the Prophet (S) had intended to declare something that they had hated; therefore they surprised him with that horrible word and they disputed and made much ado before him.

The crying of Ibn Abbas for this event and his considering it as a calamity was another evidence refuting this justification.

Those, who justified the event, said: Umar was always right in perceiving the benefits and he was

inspired by Allah. This nonsense could never be listened to because it showed that the right in that event was on the side of Umar and not on the side of the Prophet (S) and it showed that Umar's inspiration was more truthful than the revelation that had been revealed to the Prophet (S) by Allah.

They also said: Umar wanted to relieve the Prophet (S) from the tiredness that he would get if he dedicated that book while he was ill. It was definitely that writing the book would make the Prophet's heart delighted because he would be certain that his umma would be safe from deviation.

The order and the divine will of the Prophet (S) must be obeyed. The Prophet (S) wanted the companions to bring him a piece of paper and an inkpot to write a book and the companions had no right to disobey him or to oppose his will. Allah said:

"And it behooves not a believing man and a believing woman that they should have any choice in their matter when Allah and His Messenger have decided a matter; and whoever disobeys Allah and His Messenger, he surely strays off a manifest straying" (Qur'an 33:36).

The resistance of the companions and their disputes and clamors before the Prophet (S) were more tiresome to him than dictating that book. So how did the one, who pitied the Prophet (S) for being tired because of dictating the book, resist him and surprise him by saying: "the Messenger of Allah is raving"?

They said: Umar thought that not bringing the paper and the inkpot was better although the Prophet (S) had ordered of that. Did Umar think that the Prophet (S) ordered of something which was better to be neglected?

Stranger than that was their saying: Umar might fear that the Prophet (S) would write some things that people would not be able to carry out and then they would deserve punishment because of not carrying them out!

How did Umar fear that whereas the Prophet (S) had said: "you will never go astray at all"? Did they think that Umar was more aware of the ends than the Prophet (S) and more compassionate and more careful for the umma? Certainly not!

They also said: Umar might fear that the hypocrites would consider the book as untrue because the Prophet (S) was ill when he wrote it and this would cause a sedition.

This was impossible because the Prophet (S) had said: "you will never go astray". He had confirmed that the book would save the umma from deviation; then how would it be a cause for sedition if the hypocrites criticized it?

If Umar was afraid that the hypocrites might consider the book as untrue; then why did he lead them to that when he resisted and said: "The Messenger of Allah is raving"?

As for their saying when interpreting Umar's saying "the Book of Allah suffices us" according to these

two verses:

"We have not neglected anything in the Book" (Qur'an 6:38) and "This day have I perfected for you your religion" (Qur'an 5:3)

is not right because these two verses do not refer to being safe from deviation and they do not assure guidance to people. How could it be possible for them to leave that book and to depend on these two verses? If the existence of the Qur'an would save the umma from deviation, then this deviation and disagreement among the Muslims would not have taken place! 10

They said in their last justification: Umar did not understand from the Prophet's saying that that book would be the cause to save every individual of the umma from deviation but he understood that it would be a cause that would prevent the umma as whole from going astray and he (Umar), may Allah be pleased with him, knew that the umma would not get together on deviation at all whether that book had been written or not and therefore he resisted the Prophet (S) on that day.

I say, in addition to what you have said: 11 Umar was not of that kind that he would not understand from the tradition what had been clear to all of the people because every one had understood that if that book had been written, it would have been a perfect cause to save every individual from going astray. It is this meaning which is understood by the people.

Umar knew well that the Prophet (S) had not feared for his umma to get together on deviation because he often heard the Prophet (S) saying: "My umma does not get together on deviation nor on error" and "A group of my umma will still keep to the truth." Allah has said:

"Allah has promised to those of you who believe and do good that He will most certainly make them rulers in the earth as He made rulers those before them, and that He will most certainly establish for them their religion which He has chosen for them, and that He will most certainly, after their fear, give them security in exchange; they shall serve Me, not associating aught with Me" (Qur'an 24:55).

There are many clear texts in the Qur'an and the Sunna showing that the umma as whole will not gather together on deviation. Hence it was not reasonable that Umar or other than Umar might think that the Prophet (S) had feared for the umma to be deviate all in all. It behooved Umar to understand from the tradition what came to mind and not what the Qur'an and the Sunna had denied!

The Prophet (S) became angry and said to the companions: "Get out!" This meant that what they had resisted was one of the necessary obligations which they had to follow. If the resistance of Umar was because he had misunderstood the Prophet's saying as they who defended him, pretended, then the Prophet (S) would have removed his misunderstanding and would have declared his (the Prophet's) intent to the companions. In fact if the Prophet (S) could have convinced them of what he had ordered them, he would not have got them out of his house. The weeping and sadness of Ibn Abbas is one of

the clearest evidences that prove what we have said.

Indeed this "calamity" can never be excused. If it was, as you said, a slip and a stumble, it would be easy but it was the disaster that had broken the back! In fact the resistants were among those who believed in *ijtihad* against the clear text and in this event they had practiced *ijtihad* before the text of the Prophet (S). They had their own opinions and Allah had His own opinion!

Sheikh al-Bishri admires what we have said

When Sheikh al-Bishri read our speech in refuting those excuses, he replied to it saying: "You have closed the way before the justifiers, controlled their routes and separated between them and their intents. There is no doubt about what you have mentioned and there is nothing leading to suspect a bit of what you have declared..."

16. Treaty of al-Hudaybiya

On the day of al-Hudaybiya 12 the Prophet (S) preferred peace to war and he ordered of that as Allah had revealed to him. The benefit of Islam required that treaty of peace but that benefit was unknown by the Prophet's companions and so some of his companions denied the treaty and resisted the Prophet (S) openly. The Prophet (S) paid no attention to their resistance and he went on carrying what he had ordered by Allah and then the end was of the best ends of the conquerors.

The event in details

The Prophet (S) left Medina on Monday, the first of Thul Qa'da in the sixth year of hijra to offer the minor hajj. He feared that Quraysh might wage a war against him or they might prevent him from offering the hajj in the Kaaba as they had done before. He called out the people to offer the minor hajj with him. One thousand and four hundred men of the Muhajireen, the Ansar and other tribesmen followed him. 13 Among them there were two hundred knights.

He took with him (*al-hadiy*) seventy camels as gift to the Kaaba. He did not take with him weapons except the weapons that travelers might take with them; swords and water-skins. 14 When the Prophet (S) and his companions reached Thul Hulayfa, they marked (*al-hadiy*) the camels and they became in the state of ritual consecration (*ihram*) so that the people would know that he and his companions had come as pilgrims and not warriors.

Then he and his companions went on and after he passed some of the way, he knew that Khalid bin al-Waleed was in al-Ghameem (a place near Mecca) with two hundred knights from Quraysh. At the head of them was Akrima bin Abu Jahl. The Prophet (S) told his companions of that and ordered them to take the right way in order to avoid the way of Khalid and his men. They moved around al-Hamdh<u>15</u> and Khalid did not notice them until he saw the black dust of their army. Khalid and his knights came near to

the Prophet (S) and his companions. The Prophet (S) ordered Abbad bin Bishr to be with his knights opposite to Khalid.

The time of Dhuhr prayer came. The Prophet (S) offered the prayer with his companions. The polytheists said: "Muhammad and his companions have given you the opportunity to overcome them." Khalid said: "Yes, they were in inadvertence. If we had attacked them, we would have overcome them. But after a short time they will have another prayer which is more beloved to them than themselves and their children."

Then Allah revealed to the Prophet (S):

"And when you are among them and keep up the prayer for them, let a party of them stand up with you, and let them take their arms; then when they have prostrated themselves let them go to your rear, and let another party who have not prayed come forward and pray with you, and let them take their precautions and their arms; (for) those who disbelieve desire that you may be careless of your arms and your luggage, so that they may then turn upon you with a sudden united attack, and there is no blame on you, if you are annoyed with rain or if you are sick, that you lay down your arms, and take your precautions; surely Allah has prepared a disgraceful chastisement for the unbelievers.

Then when you have finished the prayer, remember Allah standing and sitting and reclining; but when you are secure (from danger) keep up prayer; surely prayer is a timed ordinance for the believers. And be not weak hearted in pursuit of the enemy; if you suffer pain, then surely they (too) suffer pain as you suffer pain, and you hope from Allah what they do not hope; and Allah is Knowing, Wise" (Qur'an 4: 102–104)

Then the Prophet (S) offered Asr prayer with his companions as "fear" prayer which was legislated by these previous verses.

"And Allah turned back the unbelievers in their rage; they did not obtain any advantage" (Qur'an 33:25).

17. Aggressiveness of Quraysh and the wisdom of the Prophet (S)

When the Prophet (S) came to al-Hudaybiya, he got much harm from the polytheists. He and his companions faced rudeness, disgust, hatred and open enmity from them. Also the polytheists got from the Prophet's companions like that and more for they did according the saying of Allah:

"..and let them find in you hardness.." (Qur'an 9:123)

But the Prophet (S), due to his patience that Allah had granted to him, tolerated the polytheists with his

wisdom, which was a part of his nature, and his high morals with which Allah had preferred him to the rest of the prophets and Messengers (S).

The polytheists prevented him from entering Mecca in a rude and offensive way but he did not become angry nor was his patience provoked. He dealt with those harsh people with leniency and indifference. He said humble words about them full of highness that made them see him above the stars and see themselves under the ground. His words were full of pity and advice to them and full of divine wisdom that moved their hearts in spite of their hardness and harshness and also were full of warning and threatening to uproot them if they kept on their way.

Here are some of the Prophet's sayings to ponder on them and to find out the Prophet's aims. The Prophet (S) said: "Woe unto Quraysh! The war has exhausted them. What will they lose if they let me alone with the Arabs? If the Arabs kill me, it will be the wish of them (Quraysh) and if Allah makes me prevail over them, they will become Muslims honorably and if they refused (to be Muslims), they will fight me with their full power! What does Quraysh think? By Allah, Whom there is no god but, I will still fight for the sake of what my God has sent me to until Allah makes it prevail or this neck is cut!"

He said attracting them towards his great morals and favors: "I swear by Him, in Whose hand my soul is, that if Quraysh invites me today for a plan, in which they ask me for keeping relations of kinship, I will respond to them."

He declared his mercifulness through these wise and compassionate words and then he gathered his companions to consult them for fighting Quraysh if Quraysh would insist on preventing him from visiting the Kaaba. Most of his companions or perhaps all of them were ready to fight Quraysh and other than Quraysh. They were zealous for that.

During that enthusiasm, al-Miqdad rose expressing the situation of the all. He said: "O Messenger of Allah, we do not say to you as the Israelites have said to Prophet Moses (S):

"So go thou and thy Lord and fight! We will sit here" (Qur'an 5:24)

but we say: go, you and your Lord, and fight; we will fight with you. O Messenger of Allah, by Allah, if you take us to Bard al-Ghamad, 16 we will go with you even if just one of us will remain alive."

The Prophet (S) became delighted to hear that. They paid him homage and promised him to support him until the last breath. They were one thousand and four hundred men. Among them was the head of the hypocrites; Ibn Salool. 17 No one had refrained from paying homage to him except a man called al–Jadd bin Qays al–Ansari. 18

Fright of the polytheists and request for peace

As soon as Quraysh heard of this homage (the homage of ar-Radhwan) 19 their hearts shook and their

chests were filled with fright especially after Akrima bin Abu Jahl with five hundred knights had attacked the Muslims and the Prophet (S), as mentioned in *al–Kashshaf*, had sent to him some of his companions who had defeated him and his men and forced them to retreat until they resorted to the walls of Mecca. Ibn Abbas said: "Allah has made the Muslims defeat Akrima and his men with stones until they entered into the house and then they knew that they would not be able to stand against Muhammad (S) and his companions."

Then the wise people of Quraysh were obliged to request the Prophet (S) for peace. They had known before that the Prophet (S) had said: "I swear by Him, in Whose hand my soul is, that if Quraysh invites me today for a plan, in which they ask me for keeping relations of kinship, I will respond to them" so they sent to the Prophet (S) some of their notables, at the head of whom was Suhayl bin Amr bin Abd Widd al-Aamiry to represent all of Quraysh before the Prophet (S) to ask for a truce on some conditions which they had put.

The conditions were too oppressive for the Muslims and so they refused them but the polytheists of Quraysh insisted on them resorting to the promise the Prophet (S) had promised to respond to them if whenever they asked him for a matter of kinship. The Prophet (S) had been ordered by Allah to grant this promise and to act according to it. He had accepted their heavy conditions because he obeyed the revelation of Allah and according to the advantage that Allah had been aware of. Later on all the Muslims knew that advantage. You will see the details in a coming chapter inshallah.

Umar disdains the conditions of the truce

When peace was determined with those conditions by the two sides, Umar bin al-Khattab became too angry and zealotry occupied his mind. He came to Abu Bakr while he was flamed up with rage. He said to Abu Bakr: 20 "O Abu Bakr, is he not the Messenger of Allah?"

Abu Bakr said: "Yes, he is."

Umar said: "Are we not Muslims?" Abu Bakr said: "Yes, we are!"

Umar said: "Are they not polytheists?" Abu Bakr said: "Yes, they are?"

Umar said: "Then why do we submit to their conditions?" Abu Bakr said: "O man, he is the Messenger of Allah and he never disobeys his Lord, Who supports him. Keep to him, follow him and obey him until you die. I witness that he is the Messenger of Allah..." 21

Muslim mentioned in his *Sahih*, vol.2 chap. the Truce of al-Hudaybiya that Umar had said to the Prophet (S): "Are we not on the truth and are they not on the untruth?"

The Prophet (S) said: "Yes."

Umar said: "Then why do we submit to their conditions and come back (without offering the hajj) before Allah has judged between us and them?"

The Prophet (S) said: "O Ibn al-Khattab, I am the Messenger of Allah and Allah will never neglect me at

Umar became too angry and went to Abu Bakr saying to him: "Are we not on the truth and are they not on the untruth?"

Abu Bakr said: "Yes, we are."

Umar said: "Are our killed ones not in Paradise and are their killed ones not in Hell?"

Abu Bakr said: "Yes, they are."

Umar said: "Then why do we submit to them and do not defend our religion?"

Abu Bakr said: "O Ibn al-Khattab, he is the Messenger of Allah and Allah will never neglect him at all." Many other scholars have mentioned this tradition in their books.

Al-Bukhari mentioned in his *Sahih*22 that Umar had said to the Prophet (S): "Are you not really the Messenger of Allah?"

The Prophet (S) said: "Yes, I am."

Umar said: "Are we not on the truth and is our enemy not on the untruth?"

The Prophet (S) said: "Yes, we are."

Umar said: "Then why do we submit to them and do not defend our religion?"

The Prophet (S) said: "I am the Messenger of Allah. I do not disobey23 Him and He will support me."

Umar said: "Have you not told us that we would circumambulate the Kaaba?"

The Prophet (S) said: "Yes, I have; but have I told you that we would circumambulate the Kaaba this year?"

Umar said: "No, you have not."

The Prophet (S) said: "You will come to the Kaaba and you will circumambulate it." 24

Umar came to Abu Bakr and said to him: "O Abu Bakr, is he not really the Prophet of Allah?" Abu Bakr said: "Yes, he is."

Umar said: "Are we not on the truth and is not our enemy on the untruth?"

Abu Bakr said: "Yes, we are."

Umar said: "Then why do we submit and do not defend our religion?"

Abu Bakr said: "O man, he is the Messenger of Allah. He does not disobey his Lord and Allah will support him. 25 Keep to him and follow him. By Allah, he is on the truth."

Umar said: "Has he not told us that we would go to the Kaaba and would circumambulate it?"

Abu Bakr said: "Yes, he has, but has he told you that you would circumambulate the Kaaba this year?" Umar said: "No, he has not."

He said: "You will visit the Kaaba and you will circumambulate it."

Umar said: "I did many things for that." 26

When the Prophet (S) finished writing the book of the truce, he said to his companions: "Go and slaughter the sacrifices and then cut your hair." The narrator added: "By Allah, not one of them moved to carry out the Prophet's order. The Prophet (S) repeated that for three times. When no one of them did that, the Prophet (S) came into his tent and then he went out without talking to anyone of them. He slaughtered a camel and then he asked a companion to cut his hair. When the companions saw that, they began to slaughter the sacrifices and then they cut each other's hair until they were about to kill each other."

Ahmad bin Hanbal mentioned this tradition in his *Musnad* from al–Musawwir bin Makhrama and Marwan bin al–Hakam. Al–Halabi in his *Seera* and many other historians, when talking about the truce of al–Hudaybiya, mentioned that Umar had debated with the Prophet (S) on that day. Then Abu Ubayda bin al–Jarrah said to him: "O Ibn al–Khattab (Umar), do you not hear what the Prophet (S) is saying? We resort to Allah from the evil of the Satan!"

Al-Halabi and other historians mentioned that the Prophet (S) had said to Umar on that day: "O Umar, I myself have agreed so why have you not agreed?" They also mentioned that Umar often said after that: "I am still keeping on fasting, praying, paying charities and setting slaves free so that my speech I have said to the Prophet (S) may be forgiven..."

Carrying out the treaty of peace

The Prophet (S) on that day did not pay any attention to the resistance of those people for he had been ordered by Allah to do that. The treaty of peace was too heavy because of its oppressive conditions. The Prophet (S) sent for Imam 'Ali (as) to write the form of the treaty. He said to Imam 'Ali (as): "Write: in the name of Allah, the Beneficent, the merciful." Suhayl bin Amr said: "We do not know this. Let him write: in the name of You, O Allah."

The Muslims began clamoring and said: "No, by Allah, he will not write except what the Messenger of Allah has said." But the Prophet (S) stopped the dispute by saying to Imam 'Ali (as): "Write: in the name of You, O Allah." Imam 'Ali (as) wrote the book as the Prophet (S) had ordered him.

Then the Prophet (S) said to him: "Write: This is what Muhammad, the Messenger of Allah, has agreed on with Suhayl bin Amr." Suhayl said: "If we regarded you as the Messenger of Allah, we would not have fought you or prevented you from the House (the Kaaba). But let him write: this is what Muhammad bin Abdullah has agreed on with Suhayl bin Amr." The Muslims broke out shouting and denying what Suhayl had said. They refused that and insisted on writing what the Prophet (S) had said. Sedition was about to take place.

The Prophet (S) said: "I am Muhammad the Messenger of Allah even if you do not believe in me. And I am Muhammad bin Abdullah. O Ali, write: This is what Muhammad bin Abdullah has agreed on with

Suhayl bin Amr." Imam 'Ali (as) wrote it unwillingly. The Prophet (S) said to him: "O Abul Hasan (Ali), you will be in the same situation one day" or he said to him: "O Abul Hasan, you will receive the same and you will respond while you are oppressed." 27

The conditions of the truce required that the Prophet (S) and his companions were to go back from al–Hudaybiya to Medina and in the next year the people of Quraysh were to go out of Mecca so that the Prophet (S) and his companions would enter it and would stay there for three days. The Prophet (S) and his companions had to come with no weapons except swords in the sheaths.

The war between them had to stop for ten years 28 during which people would live peacefully. They had to avoid provoking each other. Whoever of (other tribes of) the Arabs wanted to conclude peace with Muhammad, 29 could do that and whoever wanted to ally with Quraysh could do that. The two sides had not to have hidden grudge in their hearts against each other. They had to refrain from robbery and treason.

If any one of Quraysh, who believed in Muhammad (S), resorted to Muhammad (S) without permission of his master, he must be returned to his master and if some one of Muhammad's companions resorted to Quraysh after having apostatized, Quraysh would not have to return him to Muhammad (S). The Muslims said: "Glory be to Allah! How do we return a Muslim, who resorts to us, to the polytheists of Quraysh?"

The Muslims found it too difficult to accept this condition. They said: "O Messenger of Allah, do you accept this condition against yourself?" He said: "Yes, I do. He, who leaves us after having apostatized, let Allah do away with him and he, who comes to us after being a Muslim and we return him to them, Allah will grant him deliverance."

While the Prophet (S) and Suhayl bin Amr were writing the treaty with the agreed upon conditions, Abu Jandal al-Aass bin Suhayl bin Amr (the son of Suhayl bin Amr) came to the Muslims trailing with his ties. Abu Jandal had become a Muslim in Mecca some time ago but his father had prevented him from immigrating to Medina. He tied him and put him in prison. When Abu Jandal heard that the Prophet (S) and his companions had come to al-Hudaybiya, he played a trick to get out of prison. He took a way between the mountains until he came to the Muslims who became pleased to receive him.

But his father Suhayl dragged him with his clothes and hit him on the face severely 30 while saying to the Prophet (S): "O Muhammad, this is the first one whom I will ask you to return to me." The Prophet (S) said to him: "We have not finished writing the treaty yet." Suhayl said: "Then I will not make peace with you." The Prophet (S) said to him: "Let him be my resorter then!" he said: "I will not." The Prophet (S) said: "You are to do that." He said: "I will not do."

Mukriz bin Hafs and Huwaytib bin Abdul Uzza, who were notable men of Quraysh, said to the Prophet (S): "O Muhammad, we will protect him for you." They took Abu Jandal into a pavilion and took his father away from him. Then Suhayl said: "O Muhammad, the matter between me and you has been concluded

and completed before my son came to you." The Prophet (S) said: "You are right." Then the Prophet (S) said to Abu Jandal: "Be patient and wait for the reward of Allah. The treaty of peace has been concluded before you came and we do not betray. We requested your father concerning you but he refused. Allah will grant you and the weak like you with deliverance."

Here Umar jumped to Abu Jandal tempting him to kill his father and trying to give him a sword. Umar said, as mentioned in ad–Dahlani's *Seera* and other books: "I wished he had taken the sword and struck his father." He said to Abu Jandal: "One may kill his father. By Allah, if we had met our fathers, we would have killed them." But Abu Jandal did not respond to Umar in killing his father because he feared to cause sedition 31 and he obeyed the Prophet (S) when he had ordered him to be patient and to wait for the reward of Allah. 32

He said to Umar: "Why do you yourself not kill him?" Umar said: "The Prophet (S) has forbidden us from killing him and other than him." 33 Abu Jandal said to him: "You are not worthier than me of obeying the Messenger of Allah." 34

Abu Jandal went back to Mecca with his father under the protection of Mukriz and Huwaytib. They put him in a special place and prevented his father from harming him in order to be loyal to the promise of protection they had given to the Prophet (S). After some time Allah granted deliverance to Abu Jandal and the rest of the oppressed weak Muslims. You will see that later on inshallah. Praise be to Allah, Who has supported His servant and carried out His promise.

The fruit of the peace

The first fruit of the treaty of peace was that it caused the Muslims and the polytheists to mix with each other. The polytheists began to come to Medina after the truce and the Muslims began to go to Mecca.

When the polytheists came to Medina and saw the Prophet (S) with his high morals and exalted conducts, they regarded him highly and appreciated his divine aspects and then they admired Islam with its laws and verdicts, with its permissibility and impermissibility, with its obligations and relations and with all its rules and judgments. They were affected by the Qur'an and its verses which attracted their minds and hearts.

They were astonished to see the Prophet's companions submit completely to the orders of the Prophet (S). And so they became near to faith after they had been in the utmost blindness and aggression. When they went back to their people, they spread the principles of Muhammad (S) and warned of his conquest.

When the Muslims went to Mecca, they became alone with their relatives and close friends. They began advising them and inviting them to the mission of Allah and His Messenger. They showed them the signs of prophethood and Islam. They showed the Qur'an with its knowledge, wisdom, social rules, obligations, ethics, maxims and histories of ancient and previous nations. They worked as preachers inside the heart

of Mecca and this work had a great effect to even the way to the great conquest which had taken place without fighting or resistance.

One of the advantages of the peace was the mere meeting between the Prophet (S) and the polytheists in al-Hudaybiya. The polytheists met the Prophet (S) face to face and saw his great personality and high morals and guidance which most of Quraysh had known nothing about especially the youths. Abu Jahl, al-Waleed, Abu Sufyan, Shayba, Utba and their likes of the idolaters had tried their best to defame the Prophet (S) and they could poison the public opinion. They had done whatever they could in order to "..put out the light of Allah with their mouths, and Allah would not consent save to perfect His light..." (Qur'an 9:32).

They went to where he had emigrated to kill him with his companions and to do away with the people who had protected and supported him but Allah had granted him victory in Badr, Uhud and al-Ahzab; "So the roots of the people who were unjust were cut off; and all praise is due to Allah, the Lord of the worlds" (Qur'an 6:45).

The people of Mecca, after those wars, remained on their deviated opinion concerning the Prophet (S) for they had not seen him after his emigration to Medina and they had not known about him except what the fabricators spread of false news but on the day of al-Hudaybiya when they mixed with him and with his companions they realized his great morals and high personality.

Whenever they treated him severely and did bad to him, he treated them kindly and did good to them. If they were severe and harsh towards him, he would be kind and merciful to them. He kept on meeting their bad doings with good doings. He followed the saying of Allah:

"Repel (evil) with what is best, when lo! he between whom and you was enmity would be as if he were a warm friend. And none are made to receive it but those who are patient, and none are made to receive it but those who have a mighty good fortune" (Qur'an 41:34–35)

The Prophet (S) was able at that time to enter Mecca and to visit the Kaaba by force because Allah had said concerning this event:

"And if those who disbelieve fought you, they would certainly turn (their) backs, then they would not find any protector or a helper" (Qur'an 48:22)

and: "And He it is Who held back their hands from you and your hands from them in the valley of Mecca after He had given you victory over them" (Qur'an 48:24).

The polytheists were certain that the Prophet (S) would have defeated them if he had fought them. They knew that his companions had insisted on him to fight but he had refused preferring peace, whose end would be good, to war to save the bloods of people and to respect the Kaaba. The people of Quraysh knew well that the Prophet (S) had pitied them and cared for their rights of kinship; therefore he had

accepted the truce with its heavy conditions. He did not have any grudge towards them although they prevented him and his companions from visiting the Kaaba and forced them to go back to Medina where many of his companions were unwilling.

Quraysh thought that this was as retribution to what had happened in the battles of Badr, Uhud and al-Ahzab for that day they realized that the Prophet (S) was not responsible for the shed blood of the people of Quraysh but it was their chiefs of Quraysh who were responsible for that; like Abu Sufyan, Abu Jahl and their likes who had attacked the Prophet (S) in his place of emigration and so they forced him to defend himself and his companions. If they had left him and left those, who received and protected him, alone, he would not have fought them and he would have been satisfied with spreading his mission with wisdom and fair exhortation.

In al-Hudaybiya the Prophet (S) had put out the flame of rage inside the hearts of those polytheists, removed their hatred and made them know the reality of their chiefs and masters until they confessed that they had wronged the Prophet (S) and themselves as well. Hence their hearts became lenient and they felt that their end would be good if they joined him and became under his banner. And it was so after the great victory and the honorable conquest of Mecca; the people of Quraysh, groups by groups, became Muslims.

Coming back to Medina

The Prophet (S) had stayed in al-Hudaybiya for nineteen days. After that he went back to Medina. When he arrived at Kira'ul Ghameem – between Mecca and Medina – the sura of al-Fat~h was revealed to him. Umar was still angry why the polytheists had prevented the Muslims from entering Mecca and forced them to go back unlike what they had expected. The Prophet (S), when this sura had been revealed to him, wanted to remove Umar's anger and grief therefore he said to him – as mentioned by al-Bukhari:35 "A sura is revealed to me that is more beloved to me than all what is there on the earth." Then he recited the sura of al-Fat~h:

"Surely We have given to you a clear victory..." (Qur'an 48:1).

One of the Prophet's companions said to him: "This is not a victory. We were prevented from visiting the House (the Kaaba) and two faithful men were returned (to the polytheists) after they had resorted to us."
36 The Prophet (S) said: "What bad speech this is! Yes, it is the greatest victory. The polytheists became satisfied to push you away from their country and they asked you for peace but they found in you what they disliked. Allah has given you a victory and returned you safe and rewarded. It is the greatest victory.

Have you forgotten the day of Uhud when:

".. you ran off precipitately and did not wait for any one, and I was calling you from your rear" (Qur'an 3:153)

Have you forgotten the day of al-Ahzab when:

".. they came upon you from above you and from below you, and when the eyes turned dull, and the hearts rose up to the throats, and you began to think diverse thoughts of Allah" (Qur'an 33:10)

The Muslims said: "Allah and His Messenger are right. O Prophet of Allah, by Allah we have not thought of what you have thought of. You are more aware of Allah and His orders than us." 37

But Umar said then: "O Messenger of Allah, have you not said that you would enter Mecca safely?"

The Prophet (S) said: "Yes, I have, but have I said to you that I would enter Mecca this year?"

Umar said: "No, you have not." 38

Sa'eed bin Mansoor mentioned that ash–Shi'bi had said when talking about the Verse (*Surely We have given to you a clear victory*): "There was no victory in Islam greater than this before. When the truce was concluded and the state of war ceased, people felt safe with each other. So they met and debated with each other and then no one of the Muslims talked with a prudent one of the polytheists about Islam unless that one became a Muslim. The people, who believed in Islam during those two years, were more than the people who had believed in Islam during all the period before that.

What confirmed this was that the Prophet (S) had come to al–Hudaybiya with one thousand and four hundred Muslims and then after two years he had come to conquer Mecca with ten thousand Muslims. The truce was the first step that paved the way to the great conquest of Mecca after which thousands of people became Muslims; therefore the peace of al–Hudaybiya was called as victory because it was the beginning of the great victory of conquering Mecca.

Deliverance which the Oppressed were promised

You saw the previous tradition of Abu Jandal, who had played a trick to get out of prison and then he came with his ties until he resorted to the Prophet (S) and his companions in al-Hudaybiya. The Prophet (S) could not protect him and he apologized to him but he ordered him to be patient and to expect the reward and deliverance of Allah. The Prophet (S) said to him: "Allah will grant you and the oppressed like you deliverance."

Among the oppressed and tortured men in Mecca there was a man called Abu Baseer39 who was one of the Muslim heroes. He played a trick and get out of prison and then he fled to resort to the Prophet (S) in Medina after he had come back from al-Hudaybiya. Quraysh wrote a book to the Prophet (S) to send this man back to them.

They sent the book with a man from Bani Aamir called Khunays and with him there was a guide to show him the way. They came to the Prophet (S) with the book. It was written in the book: "You have known well the conditions we have agreed on in the treaty that you have to send us back whoever resorts to you of our people. You are to send us Abu Baseer."

The Prophet (S) said: "O Abu Baseer, we have agreed with these people on some conditions as you

know and we do not betray any one. Allah will bestow upon you and upon the weak and oppressed people like you His deliverance. Please go with grace of Allah."

Abu Baseer said: "O Messenger of Allah, they will make me deviate from my religion."

The Prophet (S) said: "O Abu Baseer, go! Allah will grant you and those around you of the oppressed His deliverance."

Abu Baseer farewelled the Prophet (S) and went with those two men. When they arrived at Thul Hulayfa, they sat to rest beside a wall. Abu Baseer said to one of the men: "O man, is your sword sharp?"

The man said: "Yes, it is."

Abu Baseer said to him: "Could you show me it?"

The man gave his sword to Abu Baseer. Abu Baseer struck the man with the sword and killed him and he tried to kill the other one but he ran away until he came to the Prophet (S). Abu Baseer was running after him. When the Prophet (S) saw that, he said to the man: "What is the matter with you?"

The man said: "Your friend killed my friend and I hardly could escape his sword. I will be killed. O Muhammad, protect me!"

The Prophet (S) promised to protect him. Then Abu Baseer came with the sword in his hand and said: "O Messenger of Allah, may I die for you! You have just carried out your promise when you handed me over to them but I defended my religion in order not to be deviated by them."

The Prophet (S) said to him: "You can go wherever you like." Abu Baseer said: "O Messenger of Allah, this man has robbed the man, whom I have killed. He robbed his sumpter and sword and you may punish him." The Prophet (S) said to him: "If I punish him, his people will think that I break the promise that I have given to them."

Then Abu Baseer went to a place through which the caravans of Quraysh passed. Many oppressed Muslims, who had been imprisoned in Mecca, joined him after they had been informed of his news and after they had heard that the Prophet (S) had said about Abu Baseer: "He would wage a war if he had some men with him." Those oppressed men began to slip away towards him. Abu Jandal bin Suhayl bin Amr slipped away from Mecca with seventy knights, who had become Muslims, and they joined Abu Baseer. They disliked going to the Prophet (S) at that period of the truce.

Some people of the tribes of Ghifar, Juhayna, Aslam and other Arab tribes joined them until they became about three hundred warriors. They began to interrupt the way before the caravans of Quraysh. They killed any one of Quraysh they captured. They took all the caravans that passed by them. They prevented people from entering or leaving Mecca. The people of Quraysh were obliged to write to the Prophet (S) asking him by the kinship between him and them to protect them. They sent Abu Sufyan to the Prophet (S) to delegate with him. Abu Sufyan said to the Prophet (S): "We have given up this condition of the treaty. Whoever resorts to you (of those oppressed Muslims) you can keep him with no liability."

Then the Prophet (S) wrote to Abu Baseer and Abu Jandal to come to him and those, who were with them, could join their families and they were neither to harm any one of Quraysh passing by them nor to seize any of their caravans. When the book of the Prophet (S) arrived, Abu Baseer was dying. He died while the book was still in his hand. Abu Jandal buried him in that place and built a mosque beside his tomb.

Then Abu Jandal and some of his companions came to the Prophet (S) while the others went back to their families. The people of Quraysh felt safety for their caravan henceforth. Then the Prophet's companions, who had found it too difficult when the Prophet (S) had sent Abu Jandal back to Quraysh with his father, knew that obeying the Prophet (S) would be better than what they liked and they knew that the advantage in al-Hudaybiya required the treaty of peace and that the Prophet (S) did not talk out of desire.

They regretted their situation toward the Prophet (S) and they confessed that they were mistaken; besides that Quraysh appreciated the Prophet's situation with them when he accepted the truce to prevent bloodshed. They knew well that he was truthful, sincere, kind and merciful.

18. The Prophet's prayer for Ibn Ubayy, the hypocrite

When the Prophet (S) wanted to offer the prayer for Ibn Ubbayy, who was dead, Umar resisted him and objected to him severely and harshly.

Al-Bukhari mentioned in his *Sahih* 40 a tradition narrated by Abdullah bin Umar who had said: "When Abdullah bin Ubayy died, his son came to the Prophet (S) and said: "O Messenger of Allah, give me your shirt to enshroud my father with it and please pray for him and invoke Allah to forgive him!" The Prophet (S) gave him his shirt and said to him: "If you finish enshrouding him, send for us." When he finished enshrouding his father, he sent for the Prophet (S).

The Prophet (S) went to offer the prayer for (the dead) Abdullah bin Ubayy. Umar pulled the Prophet (S) and said to him: "Has Allah not forbidden you from offering prayer on the hypocrites when He has said to you:

"Ask forgiveness for them or do not ask forgiveness for them; even if you ask forgiveness for them seventy times, Allah will not forgive them" (Qur'an 9:80)?"

Ibn Umar added: "After that this verse

"And never offer prayer for any one of them who dies and do not stand by his grave; surely they disbelieve in Allah and His Messenger and they shall die in transgression" (Qur'an 9:84) was revealed to the Prophet (S) and so he stopped offering prayers for them."

As if Umar had understood that this verse:

"Ask forgiveness for them or do not ask forgiveness for them ... "

had prohibited offering prayers for the hypocrites. In fact this verse had not prohibited that. We will explain this soon. When Umar saw the Prophet (S) standing to offer the prayer for the dead hypocrite, he thought that he had contradicted the verse that had prohibited such a prayer and hence Umar did not control his anger. He denied this doing of the Prophet (S) and so he pulled him to prevent him from offering this prayer.

Allah forbid! Far be it from Him and far be it from His Messenger! The verse:

"Ask forgiveness for them or do not ask forgiveness for them; even if you ask forgiveness for them seventy times, Allah will not forgive them"

did not show any kind of prohibition. It just informed that whether the Prophet (S) asked Allah to forgive the hypocrites or he did not ask Him to forgive them; it would be the same for them and it would not benefit them a bit.

The umma has agreed unanimously that prohibiting the prayer for the hypocrites had been determined by this verse:

"And never offer prayer for any one of them who dies and do not stand by his grave" (Qur'an 9:84) and that this verse had been revealed after this event according to the consensus of the umma. Yet the tradition of Ibn Umar was clear in showing this fact; that the verse, which had prohibited offering prayer for the hypocrites, had been revealed after this event; therefore the Prophet (S) did not pay attention to this resistance but he overlooked it due to his great discernment and wisdom.

When Umar insisted too much on trying to prevent the Prophet (S) from offering this prayer using bad statement that did not behoove one like Umar to say to one like the Prophet (S), the Prophet (S) said: "O Umar, be away from me! I have been inspired. It has been said to me:

"Ask forgiveness for them or do not ask forgiveness for them; even if you ask forgiveness for them seventy times, Allah will not forgive them" (Qur'an 9:80).

If I know that when I ask Allah more than seventy times to forgive them, He will forgive them, I will have done more." Then the Prophet (S) offered prayer for Ibn Ubayy, participated in his funerals and stood by his grave." 41

When the Prophet (S) offered the prayer for Ibn Ubayy, he acted according to what he should do in dealing with people due to their apparentness. Ibn Ubayy was not one of the unbelievers, who had denied Islam. He had accepted Islam apparently and announced the *shahada* but he practiced hypocrisy and yet it had not been prohibited to offer prayers for the hypocrites; therefore the Prophet (S) had offered prayer for him owing to his apparent belief and in order to conciliate his people (the tribe of al-Khazraj), from among whom one thousand men became Muslims soon after that. Hence the Prophet's shirt and his prayer for this man brought the Muslims a great conquest.

Then Umar regretted his hastiness and often said after that: "I have committed a mistake in Islam that I

have never committed its like; the Prophet (S) wanted to offer prayer for Abdullah bin Ubayy but I pulled him by his clothes and said to him: "By Allah, Allah has not ordered you to do so. Allah has said:

"Ask forgiveness for them or do not ask forgiveness for them; even if you ask forgiveness for them seventy times, Allah will not forgive them".

The Messenger of Allah said: "Allah has given me the option by saying "Ask forgiveness for them or do not ask forgiveness for them" and I have chosen..."42

19. The Prophet's prayers for some of the believers

Ibn Hajar al-Asqalani said in his *Isaba*, vol.4: "Al-Baghawai and Abu Ahmad al-Hakim mentioned a tradition narrated by Isma'eel bin Ayyash and at-Tabarani mentioned a tradition by Baqiyya; both narrated from Buhayr bin Sa'd from Khalid bin Ma'dan that Abu Atiyya had said:

"A man died at the time of the Prophet (S). Some said (he meant Umar): "O Messenger of Allah, do not offer the prayer for him!" The Prophet (S) said: "Has anyone seen him doing something good?" Someone said: "Yes, he has guarded with us some nights." Then the Prophet (S) offered the prayer for him and participated in the funerals unto the grave. He poured earth on him and said (addressing the dead): "Your companions think that you will be among the people of Hell but I witness that you will be among the people of Paradise." Then he said to Umar: "Do not ask about the deeds of people but ask about the unseen (or people's nature)."

Ibn Hajar also mentioned this tradition in his *Isaba* when talking about the biography of Abul Munthir. He said: "Mutayyan mentioned a tradition from Muhammad bin Harb al–Wasiti from Hammad bin Khalid from Hisham bin Sa'd from Yazeed bin Tha'lab from Abul Munthir who said that the Prophet (S) had poured earth on the grave three times.

At-Tabarani mentioned the tradition in details from Amr bin Abu at-Tahir bin as-Sarh from his father from Abdullah bin Nafi' that Hisham bin Sa'd had said: "Once a man came to the Prophet (S) and said: "O Messenger of Allah, so-and-so died and we want you to offer the prayer for him."

Umar said to the Prophet (S): "He is dissolute; do not offer prayer for him!"

The man said: "O Messenger of Allah, he was among the guards at that night when you were there."

The Prophet (S) went (to offer the prayer for the dead) and I followed him. When the funerals finished, the Prophet (S) poured earth over the grave three times and said: "People think evil of him and I think good."

Umar said: "O Messenger of Allah, how is that?"

The Prophet (S) said: "O Umar, please be quiet! He, who fights for the sake of Allah, deserves to be in Paradise."

20. Paradise is for the monotheists

The Prophet (S) has brought good news to the believers that Paradise would be the reward of believing loyally in the oneness of Allah. He declared this good news to the people to show them the end of the monotheists and to encourage the believers to keep on their faith.

He ordered Abu Hurayra to announce that among the people. He said to him: "Go and tell anyone you meet; who witnesses loyally that there is no god but Allah, he will be among the people of Paradise." The first one that Abu Hurayra met was Umar. He asked him what the matter was. Abu Hurayra told Umar of what the Prophet (S) had ordered him to do.

Abu Hurayra said – as mentioned in Muslim's *Sahih*, vol. 1: "... and then Umar hit me on my chest and I fell to the ground. He said: "Go back!" I went back to the Prophet (S) and began crying. Umar followed after me. The Prophet (S) asked me: "O Abu Hurayra, what is the matter with you?" I said: "I met Umar and I told him of what you have told me but he hit me on my chest until I fell to the ground and he asked me to go back."

The Prophet (S) said to Umar: "Why did you do that?" Umar said: "O Messenger of Allah, have you really sent Abu Hurayra to tell whoever witnesses loyally that there is no god but Allah that he would be among the people of Paradise?"

The Prophet (S) said: "Yes, I have."

Umar said to the Prophet (S): "Do not do that! I fear that people may rely on this. Let them keep on practicing good deeds."

The Prophet (S) said: "Let them!"

An-Nawawi, here, found an excuse to justify this objection of Umar. He quoted it from Judge Ayyadh and others. He said that Umar did not object to the Prophet (S) in this event or that he denied the matter, with which the Prophet (S) had sent Abu Hurayra, but he feared that people might rely on this good news and they then would give up doing good. So Umar thought that keeping this matter secret would be better for people and would be more advantageous to them than informing them of it.

It was this that led him to hit Abu Hurayra and to make him go back. And it was this that made him say to the Prophet (S) "do not do that" to forbid him from carrying out the order he had determined to inform the believers of the good news of being among the people of Paradise.

This justification is not more than what we have said that Umar has preferred his own opinion to the clear verdicts of the Prophet (S). It is just a personal *ijtihad* before a clear divine text. In fact this event did not concern Umar alone; yet he forced Abu Hurayra, after being hit, to give up what the Prophet (S) had ordered him to do. Moreover Umar was not satisfied with this but he asked the Prophet (S) himself to give up the matter. He said to the Prophet (S) audaciously: "Do not do that!"

But the Prophet (S), as he had been always, was patient with him and treated him with discernment. He was as Allah had said about him:

"Thus it is due to mercy from Allah that you deal with them gently, and had you been rough, hard hearted, they would certainly have dispersed from around you; pardon them therefore and ask pardon for them, and take counsel with them in the affair; so when you have decided, then place your trust in Allah; surely Allah loves those who trust (in Him)" (Qur'an 3:159).

This resistance had no effect on the Prophet (S). He himself informed this good news to his Umma after relying on Allah. Umar himself, Othman bin Affan, Ma'ath bin Jabal, Ubada bin as–Samit, Utban bin Malik and many others had heard this from the Prophet (S).43 It was one of the necessities among the different sects of the Muslims.

How odd and astonishing it was that great scholars such as Allama an-Nawawi, Judge Ayyadh and their likes said that the rightness in this event was with Umar and they pretended that the Prophet (S) had confirmed Umar's opinion. Glory be to Allah! We have not but to resort to Him!

Here is what an-Nawawi has said: "In this tradition (the tradition of Abu Hurayra about this event) there is an evidence showing that if an absolute imam thinks something and one of his followers thinks the opposite, then the inferior follower has to show his opinion to the superior imam to think of it. If it appears that the opinion of the inferior is right, the superior has to adopt it; otherwise he has to explain to his follower the defects of his opinion..." 44

This speech would be listened to if the superior leader was not a prophet but if he was a prophet, then all the umma had to obey him and to believe in him sincerely with no suspicion. Allah said:

"And whatever the Messenger gives you, accept it, and from whatever he forbids you, keep back, and be careful of (your duty to) Allah; surely Allah is severe in retributing (evil)" (Qur'an 59:7) and:

"Most surely it is the Word of an honored messenger. The processor of strength, having an honorable place with the Lord of the Dominion. One (to be) obeyed, and faithful in trust. And your companion is not gone mad" (Qur'an 81:19-22) and:

"Most surely, it is the Word brought by an honored Messenger. And it is not the word of a poet; little is it that you believe. Nor the word of a soothsayer; little is it that you mind. It is a revelation from the Lord of the worlds" (Qur'an 69:40–43) and:

"Nor does he speak out of desire. It is naught but revelation that is revealed. The Lord of Mighty Power has taught him" (Qur'an 53:3-5) and:

"Whither then will you go. It is naught but a reminder for the nations. For him among you who pleases to go straight. And you do not please except that Allah please, the Lord of the worlds"

21. The pleasure of the Hajj

The Prophet (S) had practiced this pleasure 45 during the rite of the hajj. He had ordered the Muslims to practice it after he had been ordered of it by Allah. Allah has said in the sura of al-Bagara:

"Whoever profits by combining the visit (umra) with the pilgrimage (should take) what offering is easy to obtain; but he who cannot find (any offering) should fast for three days during the pilgrimage and for seven days when you return; these (make) ten (days) complete; this is for him whose family is not present in the Sacred Mosque" (Qur'an 2:196).

Ibn Abdul Birr al–Qurtubi said: "There is no disagreement between the ulama that this verse (*whoever profits by combining the umra* 46 *with the pilgrimage...*) refers to the umra that is practiced during the months of the hajj but before the (great) hajj." 47 Umra is obligatory on the people who live forty–eight miles from Mecca from every direction.

In this kind of hajj, pleasure (sleeping with one's wife or practicing temporary marriage) has been permitted during the period between the two ihrams 48 (of umra and great hajj). It was this thing that had been disliked by Umar and some of his followers.

Abu Musa al-Ash'ari permitted this pleasure in his fatwas. One day a man said to him: "Beware of some of your fatwas. You do not know what Ameerul Mo'mineen (Umar) has changed (of verdicts)." When Abu Musa met Umar later on, he asked him about that and Umar said: "I have known that the Prophet (S) and his companions have practiced this pleasure but I feared that the men might remain (sleeping) with their wives until they would go to offer the hajj while their (...) dripping."49

In another way from Abu Musa that Umar had said: "...it is the Sunna50 of the Messenger of Allah, but I fear that they (the pilgrims) may remain sleeping with their women and then they go to offer the hajj with them (keeping on doing this)."51

Abu Nadhra narrated: "Ibn Abbas permitted people to practice this pleasure but Ibn az–Zubayr forbade people from it. I mentioned this to Jabir bin Abdullah and he said: "We have been practicing this pleasure during the time of the Prophet (S) but when Umar became the caliph, he said: "Allah has permitted his Messenger to do things as He liked and the Qur'an has been revealed as it has been! Offer the hajj and the umra as Allah has ordered you<u>52</u> but you have to stop sleeping with women. Whenever I find a man practicing temporary marriage, I will stone him."53

One day he (Umar) made a speech before people from above the minbar and he said frankly: "Two pleasures were practiced at the time of the Messenger of Allah but I prohibit them and punish for them; the pleasure of the hajj (sexual intercourse during the hajj) and temporary marriage." 54

In another tradition Umar said: "O people, there were three things that had been practiced at the time of the Prophet (S) but I prohibit them and punish for them; the pleasure of the hajj, temporary marriage and (hayya ala khayril amal) 55" 56

All of Ahlul Bayt (as) and all of their followers have denied this doing of Umar and many of the great companions have not agreed with him on this.

Muslim mentioned in his *Sahih*57 a tradition narrated by Shaqeeq saying: "Othman forbade people from practicing this pleasure but Ali permitted people to practice it. Othman said something to Ali and then Ali said to him: "O Othman, you know that we have practiced this pleasure at the time of the Messenger of Allah." Othman said: "Yes, we have but we were afraid!"

Muslim also mentioned in his *Sahih* that Sa'eed bin al-Musayyab had said: "Once Ali and Othman met together in Asfan. Othman forbade people from temporary marriage and umra. Ali said to him: "Why do you forbid something that the Messenger of Allah has done?" Othman said: "Let us alone!" Ali said: "I cannot let you..."

Ghunaym bin Qays said – as in *Sahih* of Muslim: "Once I asked Sa'd bin Abu Waqqas about temporary marriage (during umra) and he said: "We have practiced it but this man <u>58</u> disbelieves in the Lord of the Throne."

Abul Ala' narrated from Mutrif that Imran bin Husayn had said to him: "I shall tell you something today that Allah may avail you of later on. Know that the Messenger of Allah (S) has assigned the tenth (of zakat) to a group of his relatives. Neither a verse has been revealed to annul that nor has the Prophet (S) prohibited it until he has left to the better world. But then everyone followed his own opinion."

Hameed bin Hilal narrated that Mutrif had said: "Once Imran bin Husayn said to me: "I shall tell you something that Allah may benefit you with. The Messenger of Allah (S) offered umra and hajj together and he did not forbid people from doing that, and no verse was revealed to prohibit it until he died..."

Qatada narrated that Mutrif had said: "Imran bin Husayn sent for me when he became ill before his death. He said to me: "I am going to tell you some traditions that Allah may benefit you with after me. If I remain alive, keep them secret and if I die you can tell them if you like. Know that the Messenger of Allah (S) has offered umra and hajj together and then neither a Qur'anic verse was revealed to annul it nor did the Prophet (S) prohibit it. Then a man 59 determined according to his own opinion as he liked."

From another way Qatada narrated from Mutrif bin ash–Shakheer that Imran bin Husayn had said: "Know that the Messenger of Allah has offered umra and hajj together and then neither the Qur'an nor the Prophet (S) have forbidden us from doing it. Then a man determined according to his own opinion as he liked."

Imran bin Muslim narrated from Abu Raja' that Imran bin Husayn had said: "The verse of "the pleasure

of the hajj" was revealed in the Qur'an and the Messenger of Allah (S) ordered us to practice it (the pleasure). Neither did the Qur'an annul this verse nor did the Prophet (S) forbid us from practicing it until he died. Then a man determined according to his own opinion as he liked."

This tradition has been mentioned by Muslim in his *Sahih* in many other ways narrated from Imran bin Hussayn but we do not want to mention them all. Al–Bukhari has also mentioned this tradition of Imran bin Husayn in his *Sahih* vol.1 p. 187.

Malik bin Anass has mentioned in his *Muwatta*' <u>60</u> a tradition narrated by Muhammad bin Abdullah bin al–Harith bin Nawfal bin Abdul Muttalib that he had heard Sa'd bin Abu Waqqas and ad–Dhahhak bin Qayss mentioning the pleasure of umra in the year when Mo'awiya bin Abu Sufyan had gone to offer the hajj. Ad–Dhahhak bin Qays said: "No one does that (practicing the pleasure) unless he is unaware of the verdicts of Allah." Sa'd said: "How bad you said, O my nephew!" Ad–Dhahhak said: "Umar bin al–Khattab has prohibited that." Sa'd said: "The Messenger of Allah (S) has practiced it and we have practiced it at his time."61

Ahmad mentioned in his *Musnad* that Ibn Abbas had said: "The Prophet (S) has practiced the pleasure of hajj." Urwa bin az-Zubayr said: "Abu Bakr and Umar have prohibited it." Ibn Abbas asked: "What did Urwa say?" It was said: "He said that Abu Bakr and Umar had prohibited the pleasure of hajj." Ibn Abbas said: "I see that they will perish. I say that the Prophet (S) has practiced it and they say that Abu Bakr and Umar have prohibited it!"62

Ayyoob narrated: "Once Urwa said to Ibn Abbas: "Do you not fear Allah? Why do you permit the pleasure (temporary marriage)? Ibn Abbas said: "Ask your mother, O Urwa!" Urwa said: "Abu Bakr and Umar did not practice it." Ibn Abbas said: "By Allah, I see that you will not repent until Allah will torture you. We tell you from the Prophet (S) and you tell us from Abu Bakr and Umar!..."63

Muslim mentioned in his *Sahih*64 a tradition talking about someone who had asked Ibn Abbas about the pleasure of hajj and Ibn Abbas permitted it whereas Ibn az–Zubayr prohibited it. Ibn Abbas said: "This is the mother of Ibn az–Zubayr narrating that the Messenger of Allah (S) has permitted it. You can go to her." The man said: "We went to her. She was a blind fat woman. She said: "Yes, the Messenger of Allah (S) has permitted it."

At-Tarmithi mentioned in his *Sahih* 65 that once Abdullah bin Umar had been asked about the pleasure of hajj and he said that it had been permissible. The asker said to him: "But your father has prohibited it!" Abdullah bin Umar said: "Do you see that if my father has prohibited it and the Messenger of Allah (S) has practiced it, we should follow my father or follow the Messenger of Allah (S)?" the man said: "We should follow the Messenger of Allah (S)." Abdullah bin Umar said: "The Messenger of Allah (S) has practiced it." There are many other true traditions in the books of Hadith denying this act of Umar (when prohibiting the pleasure of hajj).

In the Farewell Hajj (the last hajj of the Prophet (S)) there was a clear evidence on this matter. Refer to

Sahih of Muslim 66 to see that the Prophet (S) had announced it before more than one hundred Muslims; men and women of the umma, who had come from different countries to offer the hajj with the Prophet (S).

When the Prophet (S) announced that, Suraqa bin Malik bin Khath'am got up and asked: "O Messenger of Allah, is this pleasure for this year only or forever?" The Prophet (S) interlaced his fingers and said: "Umra has entered into the haii, umra has entered into the haii forever, forever."

Imam 'Ali (as) came from Yemen (during the season of the hajj) and found that Fatima (sa) had put off her ihram and put on colored clothes and darkened her eyes with kohl. He denied that. She said: "My father has ordered me to do that." Imam Ali (S) went to the Prophet (S) asking him about the matter. The Prophet (S) said: "She is true. She is true..."

22. Temporary marriage

Allah and His Messenger have legislated temporary marriage and the Muslims practiced it during the time of the Prophet (S) until he left to the better world and they practiced it after that during the reign of Abu Bakr until he died. When Umar became the caliph, the Muslims still practiced temporary marriage until he forbade it one day when he said from above the minbar: "Two pleasures were practiced at the time of the Messenger of Allah but I forbid them and punish for them; the pleasure of the hajj and temporary marriage." 67

Allah has permitted temporary marriage when He said in the holy Qur'an:

"Then as to those whom you profit by, give them their dowries as appointed" (Qur'an 4:24).

Kinds of marriage in Islam are four. Allah has legislated them in four verses in the sura of an-Nisa' (women). We have detailed them in our book about temporary marriage.

As for the true traditions about temporary marriage, they are too many and they have been mentioned in all books of Hadith.

Muslim mentioned in his *Sahih* a tradition narrated by Abu Nadhra saying: "Ibn Abbas often permitted practicing temporary marriage while Ibn az–Zubayr forbade it. This was mentioned to Jabir bin Abdullah.

He said: "It has occurred before me. We often practiced temporary marriage during the time of the Messenger of Allah but when Umar became the caliph, <u>69</u> he said: "Allah has permitted to His Messenger as He liked by His will. <u>70</u> Complete the hajj and the minor hajj and avoid temporary marriage. Whoever practices temporary marriage I will stone him." <u>71</u>

We have studied this subject deeply and carefully and then we indicated the truth in our books; *al–Fusool al–Muhimma* (the important chapters), *Masa'il Fiqhiyya* (juristic questions), *The Answers of Musa Jarallah* and what has been published in al–Irfan Magazine, vol.36 part ten in which we have covered all

the sides of the subject. We have explained that into eight chapters:

- 1. The essence of temporary marriage with its requirements and legal limits.
- 2. The consensus of the umma on its legality in Islam.
- 3. The evidences of the Qur'an on its legality.
- 4. Its legality according to the Sunna.
- 5. The pretense of those who say that it has been abrogated and their evidence.
- 6. Traditions showing that the caliph Umar has abrogated it.

The companions and their successors who have denied that from the caliph. 72

8. The opinion of the Shia and their evidences on the subject.

We have just intended to show the truth in our study on this subject. Our evidences have been derived from the Book, the Sunna and the consensus of the umma. Let the fair researchers ponder on what we have written about this subject and then they are free to judge whether it is permissible or not.

23. Changing the azan

We have researched on the traditions concerning the *azan*⁷³ during the time of the Prophet (S) and we have not found this statement "prayer is better than sleeping" as a part of the *azan*. In fact this statement was not in the *azan* even at the time of Abu Bakr. Umar had ordered this statement to be added to the *azan* after passing of some period of his caliphate when he liked that and admired it to be in the *azan* of Fajr (dawn) prayer. He determined that and ordered people to announce it when calling the *azan*. Many true traditions about this matter have been narrated from the infallible imams (S).

The books of Hadith of other than the infallible imams (S) have had many such traditions. Malik mentioned in his *Muwatta*': "Once the caller of *azan* came to Umar bin al-Khattab to announce the time of Fajr prayer and he found Umar sleeping. He said to him: "Prayer is better than sleeping." Umar admired that and ordered him to add it to the *azan* of Fajr."

Az–Zarqani said in his book *Sharh al–Muwatta'* 74 when commenting on this word: "Ad–Darqutni mentioned this tradition in his Sunan from Waqee' from al–Umari from Nafi' from Ibn Umar that Umar had said to his caller (of *azan*):

"When you reach "Come to success!" 75 in the *azan* of Fajr prayer, say: Prayer is better than sleeping! Prayer is better than sleeping!" It was also narrated by Sufyan from Muhammad bin Ajlan from Nafi' from Ibn Umar from Umar."

This tradition has also been mentioned by Ibn Shayba from Hisham bin Urwa and has been mentioned by some other Sunni scholars.

There was no any value for the (false) tradition narrated by Muhammad bin Khalid bin Abdullah al-Wasiti from his father from Abdurrahman bin Isshaq from az-Zuhri from Salim that his father had said: "Once the Prophet (S) consulted the Muslims about what should attract their attentions to the times of the prayers. Some of them suggested using a trumpet but the Prophet (S) disliked it because it was used by the Jews. Some others suggested using a bell but the Prophet (S) disliked it too because it was used by the Christians.

At that night a man from the Ansar called Abdullah bin Zayd and Umar bin al-Khattab were inspired with the call (*azan*) in their dreams. In the same night Abdullah bin Zayd al-Ansari came to the Prophet (S) and told him of what he had seen in dream. The Prophet (S) ordered Bilal to announce it as the *azan*. Then Bilal added to it "prayer is better than sleeping" and the Prophet (S) approved it." Ibn Maja mentioned this tradition in his *Sunan*.

This tradition is null because it has been narrated by Muhammad bin Khalid bin Abdullah al-Wasiti, about whom Yahya has said: "He is an immoral man." Once again he has said about him: "He is nothing (unreliable)!"

Ibn Adiy said about him: "Ahmad and Yahya denied his traditions especially when he narrated from his father. He had many other denied traditions." Abu Zar'a said about him: "He is weak (untrusted)." Yahya bin Mo'een said: "Muhammad bin Khalid bin Abdullah is a liar. When you meet him, slap him!"

Ath-Thahabi talked about him in his *Mizan* and mentioned the criticism and defects ascribed to him by the scholars.

Like this tradition was the tradition narrated by Abu Mahthoora when he had said: "I said: "O Messenger of Allah, would you please teach me the *azan*?" The Prophet (S) rubbed over my head and said to me: "You say "Allah is great, Allah is great" loudly and then you say in a low voice "I witness that there is no god but Allah, I witness that Muhammad is the Messenger of Allah, I witness that Muhammad is the Messenger of Allah, I witness that Muhammad is the Messenger of Allah, I witness that Muhammad is the Messenger of Allah, I witness that Muhammad is the Messenger of Allah, I witness that Muhammad is the Messenger of Allah, come to prayer, come to prayer, come to success, come to success" if is Fajr prayer you say then "prayer is better than sleeping, prayer is better than sleeping, Allah is great, Allah is great, there is no god but Allah, there is no god but Allah".

Abu Dawood mentioned this tradition from Abu Mahthoora in two ways; one from Muhammad bin Abdullah bin Abu Mahthoora from his father from his grandfather, the other from Othman bin as–Sa'ib from his father, who was unknown as ath–Thahabi had said in his Mizan.

Muslim has mentioned this tradition of Abu Mahthoora in his Sahih but it has not had this statement

"prayer is better than sleeping".

Soon you will see the tradition mentioned by Abu Dawood and others that has been narrated by Muhammad bin Abdullah bin Zayd about the *azan* that Bilal has announced after it has been dictated to him by Abdullah bin Zayd. It has not had "prayer is better than sleeping" although it was the *azan* of Fajr prayer.

As for Abu Mahthoora, he was one of the freed captives of Mecca 76 and he was one of those, whom the Prophet (S) gifted in order to reconcile them to Islam. When the Prophet (S) went back from Hunayn victoriously, he was the most hated one to Abu Mahthoora and his orders and principles were the most hated things to him too. Abu Mahthoora often mocked at the Prophet's caller (who announced *azan*) but the pouch of silver coins, which the Prophet (S) had given, the booties of Hunayn, which the Prophet (S) had spread among the freed captives, who were his enemies and who had fought him for a long time, his great morals towards whoever had announced shahada from among the hypocrites besides his severity towards the unbelievers and that the Arabs began to become Muslims group by group, all that forced Abu Mahthoora and his likes to announce shahada by their tongues whereas their hearts were still occupied by the idols. He did not emigrate until he died in Mecca. 77 Allah is more aware of his inners!

The Prophet (S) had said a word about three men; Abu Mahthoora, Abu Hurayra and Samra bin Jundub. He warned them by saying: "The last to die of you, will be in Hell." 78

This was a wise manner of the Prophet (S) to keep the hypocrites away from running the affairs of the Muslims. As the Prophet (S) was aware of the inners of these three men, so he wanted his umma to doubt the three of them and then to avoid them all. He wanted his umma not to entrust any of them with any affair of Islam and the Muslims. He said that he, who would die after his two friends, would be in hell but he had generalized his saying without giving any specification about certain one of them that any of the three men could be the one who would be in Hell.

Days and nights passed and the word of the Prophet (S) remained as it was. The Prophet (S) left to the better world but without specifying his word; therefore the men of understanding were obliged to keep all the three men away from any affair of social rights in Islam that was to be entrusted to the reliable and trustworthy people of the umma. If these three men were not same in being avoided, the Prophet (S) definitely would specify one of them in order not to wrong the others.

If you say: the Prophet (S) might have defined one of them with something but that certain thing had been ignored because of the long time that had passed.

We say: if there was some definition that had specified one of them, then the three of them would have not feared that warning in the same way.79

There was no difference in this matter between not assigning one of them or that assignment had become unknown because the result would be the same for us. We would regard the three in the same

If you say: the one, who had been said to be in Hell, could not be known before the death of the first and the second ones and then the remaining one after the two would be the one whom the Prophet (S) had meant by his saying and so the saying of the Prophet (S) would not be general or ambiguous.

We say: first it is impossible for the prophets (S) to hide the truth or to delay it until its necessary time may pass. In this matter the required time was connected with the threat and the Prophet (S) would have indicated it if any one of the three had had any respect because men, since they became Muslims, would be tried by the civil rights like imamate in offering prayers, witnesses in legal trials, issuing fatwas, judging and the likes, which required fairness, truthfulness and piety.

If these three men deserved not to be kept away from all that civil rights and positions, the Prophet (S) would not delay declaring the truth concerning them. Far be it from the Prophet (S) to prevent any one from getting his right and far be it from him to disgrace someone innocent and to keep him on that disgrace, which he does not deserve, until he dies (before his two friends)!

And second: by Allah, we have tried our best as possible as we could in researching and studying the fixed facts but we could not know which one of these three men had died before the others. The sayings about the dates of their deaths were either contradicted <u>80</u> or alike and common. Hence we could not depend on any of them.

Third: the high morals of the Prophet (S), about whom Allah has said:

"Certainly a Messenger has come to you from among yourselves; grievous to him is your falling into distress, excessively solicitous respecting you; to the believers (he is) compassionate" (Qur'an 9:128)

would not let him face an innocent one, whom he respected, with such a severe word. The Prophet (S), who had exalted personality and manners, would never surprise an innocent one with something bad that he did not deserve. If there was a good one among these three men, the Prophet (S) would not include him in this bad surprise; but it had been revealed to him by Allah to warn the umma against these men and their likes.

"Nor does he speak out of desire. It is naught but revelation that is revealed" (Qur'an 53:3-4).

He, who knew the opinion of our Sunni brothers of the four sects about the start of the *azan* and *iqama* and about legislating them, would not be astonished to find them submitting to adding to them or omitting from them. They thought that *azan* and *iqama* had not been legislated by Allah via revealing them to the Prophet (S). They did not think that the Prophet (S) had announced them as divine rites determined by Allah but they were just a result of dreams seen by some companions as they had narrated in their traditions which they considered as true and recurrent.

Here are some of these traditions which they consider as the truest ones of them.

Abu Umayr bin Anas narrated from some of his uncles of the Ansar that: "The Prophet (S) thought about prayers; how to make people gather to offer them at their prescribed times. It was said to him: "Raise a banner and when people see it, some of them will announce that it is time to offer prayer." He did not approve this idea. Some people mentioned to him the trumpet but he disliked it and said it was used by the Jews. Others suggested using a bell. He said that it was used by the Christians. At the first he disliked it but then he ordered to make a bell of wood.

Abdullah bin Zayd, when he saw the Prophet (S) concerned in the matter, began to think much about it. He was inspired in his sleep with a vision showing him how to do the azan. He went to the Prophet (S) and said to him: "O Messenger of Allah, while I was in light sleep, someone came to me and taught me the azan." Umar bin al–Khattab had seen that vision in his sleep but he kept it secret for twenty days and then he informed the Prophet (S) of it. The Prophet (S) said to him:

"What prevented you from telling me that?" Umar said: "Abdullah bin Zayd preceded me in telling you and then I felt shy." The Prophet (S) said: "O Bilal, get up and do as Abdullah bin Zayd will instruct you!" Then Bilal announced the azan..." 82

Muhammad bin Abdullah bin Zayd al-Ansari said that his father Abdullah bin Zayd had said: "When the Messenger of Allah (S) had ordered a bell to be made in order to make people gather to offer the prayers, I saw in sleep that someone carrying a bell in his hand came to me. I asked him: "Do you sell this bell?" He said: "What will you do with it?" I said: "We will call for prayers by it." He said: "Shall I guide you to what is better than this?" I said: "Yes, please!"

He said: "You say: Allah is great, Allah is great, Allah is great, Allah is great, I witness that there is no god but Allah, I witness that Muhammad is the Messenger of Allah, I witness that Muhammad is the Messenger of Allah, come to prayer, come to prayer, come to success, come to success, Allah is great, Allah is great, there is no god but Allah." 83

After a moment he said to me: "When you stand up to begin the prayer, you say: Allah is great, Allah is great, I witness that there is no god but Allah, I witness that there is no god but Allah, I witness that Muhammad is the Messenger of Allah, come to prayer, come to success, the time for prayer has come, the time for prayer has come, Allah is great, Allah is great, there is no god but Allah."

In the morning I went to the Prophet (S) and told him of what I have seen in my sleep. He said: "It is a true vision inshallah. Go with Bilal and instruct him what you have seen in your sleep. Let him announce it because his voice is more dulcet than yours." I went with Bilal and began teaching him the *azan* and then he announced it. Umar, from inside his house, heard the *azan*. He came dragging his garment and saying: "O Messenger of Allah, I swear by Him, Who has sent you with the truth, that I have seen like what he has seen..." 84

Malik abbreviated the tradition in his *Muwatta*'. He mentioned that Yahya bin Sa'eed had said: "The Prophet (S) wanted to use two pieces of wood <u>85</u> in order to gather the people to offer the prayers after beating them with each other. At that time Abdullah bin Zayd al–Ansari had seen in his sleep two pieces of wood.

He said (in his sleep): "These two pieces of wood are like the ones that the Messenger of Allah wants to gather people for prayers with." It was said to him: "Do you not announce azan for prayer?" He was taught the *azan* in his sleep. In the morning he came to the Prophet (S) and told him of that. Then the Prophet (S) ordered the azan to be announced." 86

Ibn Abdul Birr said: "Some of the companions had narrated the story of Abdullah bin Zayd about the start of azan in different wordings but near meanings. The resources of these traditions are recurrent and accepted..." 87

In commenting on these traditions I say:

First: the Prophet (S) would not have to consult the people in legislating the divine verdicts of the *Shari'ah*. He had just followed the divine orders that Allah had revealed to him.

"Nor does he speak out of desire. It is naught but revelation that is revealed. The Lord of Mighty Power has taught him" (Qur'an 53:3-5).

All the prophets have not consulted their peoples about the divine verdicts:

"Nay! They are honored servants. They do not precede Him in speech and (only) according to His commandment do they act" (Qur'an21:26-27)

Allah has said to his Messenger and the last of His prophets, Muhammad (S):

"Say: I only follow what is revealed to me from my Lord; these are clear proofs from your Lord and a guidance and a mercy for a people who believe" (Qur'an 7:203) and:

"Say: It does not beseem me that I should change it of myself; I follow naught but what is revealed to me; surely I fear, if I disobey my Lord, the punishment of a mighty day" (Qur'an 10:15) and:

"Say: I am not the first of the Messengers, and I do not know what will be done with me or with you: I do not follow anything but that which is revealed to me, and I am nothing but a plain warner" (Qur'an 46:9).

Allah has warned His Messenger of hastiness even with a movement of the tongue. He has said:

"Do not move your tongue with it to make haste with it. Surely on Us (devolves) the collecting of it and the reciting of it. Therefore when We have recited it, follow its recitation. Again on Us

(devolves) the explaining of it" (Qur'an 75: 16-19)

Allah has praised the saying of His Messenger by saying:

"Most surely, it is the Word brought by an honored Messenger. And it is not the word of a poet; little is it that you believe. Nor the word of a soothsayer; little is it that you mind. It is a revelation from the Lord of the worlds" (Qur'an 69:40-43) and:

"Most surely it is the Word of an honored messenger. The processor of strength; having an honorable place with the Lord of the Dominion. One (to be) obeyed, and faithful in trust. And your companion is not gone mad" (Qur'an 81:19-22).

Second: reason regards the consultation mentioned in these traditions as null. Consultation with people has no any role in legislation the divine laws; therefore it was impossible for the Prophet (S) to consult his companions about the principles of the *Shari'ah*. Would Allah need the opinions of His servants to determine the laws of His *Shari'ah*?

"And if he had fabricated against Us some of the sayings. We would certainly have seized him by the right hand. Then We would certainly have cut off his aorta. And not one of you could have withheld Us from him" (Qur'an 69:44–47).

Yes, the Prophet (S) consulted his companions about the affairs of this worldly life such as meeting the enemy, stratagems of war and the likes. He followed in that the saying of Allah:

"..and take counsel with them in the affair; so when you have decided, then place your trust in Allah" (Qur'an 3: 159).

In this concern the Prophet (S), in order to reconcile his companions, could consult them although the revelation sufficed him away from his companions' opinions; but as for the laws of religion it was not possible for him save to follow the revelation.

Third: these traditions showed that the Prophet (S) was confused and this could not be possible for the infallible prophet, who was so close to Allah and whom Allah had loved and preferred to all of the creatures of the worlds. These traditions showed the Prophet (S) in a confused state until he became in need of people's consultation; once he disliked using a bell and then he ordered the bell to be used and then he gave up the bell and submitted to the vision of Abdullah bin Zayd!

This was impossible for Allah and His Messenger, who was the master and the last of the prophets and who was the trustee of the mission and revelation of Allah. In fact the visions of other than the prophets could not be relied on according to the consensus of the umma.

Fourth: these traditions contradict each other and this leads to brush them aside especially the two traditions we have just mentioned above; the one narrated by Abu Umayr bin Anass from some of his

uncles of the Ansar and the one narrated by Muhammad bin Abdullah bin Zayd from his father. Would that you ponder on them to see the contradiction between them especially what concerns the vision of Umar!

These two traditions limit the vision to Ibn Zayd and Umar whereas the tradition of the vision mentioned by at–Tabarani in his book *at–Tafseer al–Awsat* shows that the vision (of the *azan*) had been seen by Abu Bakr too. There are other traditions showing that this vision had been seen by fourteen men of the companions as in *Sharh at–Tanbeeh* by al–Jubayli. It has also been mentioned that those, who had seen the vision at that night, were seventeen men of the Ansar besides Umar who was the only one of the Muhajireen.

Another tradition said that Bilal had seen the vision of the *azan* too. There are many other contradictions about the subject. Al-Halabi mentioned some of them which were so astonishing and he tried to bring these contradictions close together but he failed. 88

Fifth: al-Bukhari and Muslim had ignored this version at all. They had not mentioned it in their *Sahihs* neither from Ibn Zayd nor from Umar bin al-Khattab nor from any other because it had not been proved to be true. They mentioned in their *Sahihs* that Umar had said: "The Muslims, when they had come to Medina, gathered together and assigned the time of prayer without calling. One day they discussed this matter. Some of them said: "Let us use a bell like the Christians!" Others said: "Let us use a trumpet like the Jews!" Then Umar said: "Why do you not send someone to call out the time of prayers?" The Prophet (S) said: "O Bilal, get up and call out for the prayer!" Then Bilal called out."

This is all what has been mentioned in the *Sahihs* of al–Bukhari and Muslim about legislating the *azan*. They have ignored anything concerning the start of *azan* other than this. This tradition contradicts all the previous traditions mentioned about the vision of *azan*. This tradition shows that the *azan* has started according to Umar's suggestion and not according to his vision or the vision of Abdullah bin Zayd or anyone else.

Also this tradition shows clearly that the Prophet (S) has ordered Bilal to call out the *azan* during the meeting of consultation, in which Umar was present, whereas those traditions of the vision shows that the Prophet (S) had ordered Bilal to call out the *azan* at the dawn when Ibn Zayd has told the Prophet (S) about his vision that it was one night after the consultation at least where Umar was not there but he has heard the *azan* while he was in his house and then he came dragging his garment and saying: "I swear by Him, Who has sent you with the truth, that I have seen in my sleep as he has seen."

I adjure you by Allah, could you bring this tradition close to those ones? Certainly not! I swear by Allah and the truth!

Al-Hakim has ignored the traditions of the vision of *azan* and *iqama*. He has never mentioned any of them in his *Mustadrak* as the two sheikhs; al-Bukhari and Muslim have done. This shows that these traditions are untrue.

Al-Hakim took on himself to follow all the true traditions that al-Bukhari and Muslim had not mentioned in their *Sahihs* and since he himself had not mentioned the traditions talking about the vision of *azan* in his *Mustadrak*, so it has become clear that these traditions were not true.

Al-Hakim had said a word showing that these traditions of the vision were null and they were just fabricated lies. He said: "The two sheikhs (al-Bukhari and Muslim) ignored the tradition of Abdullah bin Zayd about the vision and *azan* because Abdullah had died before this event (of the *azan*)..." 89

What confirmed this fact was that the *azan*, according to the Sunnis, had started after the battle of Uhud. Abu Na'eem mentioned in his book *Hilyatul Awliya'* when talking about the biography of Umar bin Abdul Aziz that Abdullah al–Umayri had said: "Once the daughter of Abdullah bin Zayd bin Tha'laba came to Umar bin Abdul Aziz and said to him: "I am the daughter of Abdullah bin Zayd. My father participated in the battle of Badr and he was martyred in the battle of Uhud." Umar said to her: "Ask for whatever you like!" He gifted her (what she asked him for)."

If Abdullah bin Zayd had seen the vision of *azan* as they pretended, his daughter would have mentioned that to Umar bin Abdul Aziz as she had mentioned his fighting in Badr and his martyrdom in Uhud.

Sixth: Allah has ordered the believers not to preceded Allah and His Messenger and not to raise their voices above the voice of the Prophet (S), lest their deeds would be vain. Allah has said:

"O ye who believe! Put not yourselves forward before Allah and His Messenger; but fear Allah: for Allah is He Who hears and knows all things. O you who believe! Do not raise your voices above the voice of the Prophet, and do not speak loud to him as you speak loud to one another, lest your deeds became null while you do not perceive" (Qur'an 49:1-2).

The reason behind the revelation of these verses was that some people of Bani Tameem had come to the Prophet (S) asking him to appoint a man from them as a chief over them. Abu Bakr said: 90 "O Messenger of Allah, appoint al-Qa'qa' bin Ma'bad as chief over them!" Umar bin al-Khattab said immediately: "O Messenger of Allah, appoint al-Aqra' bin Habis from bani Mujashi'." Abu Bakr said to Umar: "You just want to oppose me!"

They disputed before the Prophet (S) and their voices became too loud. Then Allah revealed these verses to the Prophet (S) because Abu Bakr and Umar had preceded the Prophet (S) and hastened in giving their opinions besides their disputing and clamoring before the Prophet (S).

Allah has addressed all the believers with these verses to be as a rule for them how to behave before the Prophet (S). These verses have forbidden every faithful man and faithful woman from being opinionated before the Prophet (S) and from preceding him in everything. The saying of Allah: "O ye who believe! Put not yourselves forward before Allah and His Messenger" means that no Muslim has the right to give his opinion on a matter before Allah and His Messenger would determine. As if those men, who preceded the Prophet (S) in giving their opinions, deemed

themselves to be of high ranks that they had the right to decide on the public affairs; therefore Allah had warned the believers of their mistake and showed them their obligation that they would have not to exceed.

The saying of Allah:

"O you who believe! Do not raise your voices above the voice of the Prophet"

refuted the concept of that those people had a right to decide on the affairs of the Muslims or they had a special position near Allah and His Messenger for that whoever raised his voice above the voices of the others thought that he had a special rank or authority over the others and this could not be possible or accepted from anyone in the Prophet's presence.

He, who ponders on the sayings of Allah:

- ".. fear Allah: for Allah is He Who hears and knows all things" (Qur'an 49:1) and:
- "..lest your deeds became null while you do not perceive" (Qur'an 49:2), will find the truth as it is.

And he, who knows that Allah has not approved what Abu Bakr and Umar have done when opinionating before Allah and His Messenger, will be certain that Allah does not permit people to consult on legislating the laws of His *Shari'ah*. Would that our people know!

Seventh: *azan* and *iqama* are parts of the very daily obligations and He, Who has legislated them, is the same Who has legislated the daily obligations. They are the greatest divine rites, with which the Islamic umma has been distinguished from all the other nations and religions. They (*azan* and *iqama*) are examples of high eloquence, magnificent meanings and exalted aims.

They announce the truth too openly; Allah is great, I witness that there is no god but Allah, I witness that Muhammad is the Messenger of Allah – with praising him and praying Allah to bless him, come to prayer, come to success, come to the best of deeds. He, who calls out these facts, does not fear save Allah and does not submit to any tyrant.

This is a living mission as one of the scholars has said about it. As if you see that all the life listens and assents to it and as if man begins prayer since the first moment when he hears the first words of the *azan* and *iqama*. Man contacts with the world of the unseen since he listens to *azan* and *iqama*.

It is a mission, in which the earth and the heaven meet together and the submission of man mixes with the greatness of the Creator. The eternal truth comes to man's mind at every time of prayers, as if it is a new tiding!

Allah is great, Allah is great, there is no god but Allah, there is no god but Allah...it is the call of *azan*, with which the Muslims get ready to offer the prayers. It is the living call which utters the eternal fact; the fact that is too simple but too wonderful because it is the richest fact that is in no need of being repeated throughout the ages and at the same time it is the fact that is in need much more of being repeated

among the businesses of this worldly life and the signs of mortality.

A Muslim becomes in a state of praying since he hears the *azan* inviting him towards the prayer. Through the *azan* a Muslim remembers the greatness of Allah and this is the essence of the essence of the prayers.

The calmness of the night opens up with it (*azan*) as if it is one of the living phenomenon of nature to which hearings and souls assent, birds and trees listen, water and air hasten and all the world rises to respond since the first call of the caller... 91

In short, *azan* and *iqama* are things that the human beings could never contrive even if all of them would gather together. To Allah we resort and Him we ask not to make us among those who distort the bright facts especially those of the laws of Allah, His *Shari'ah* and His signs.

Eighth: the Sunni's traditions about the start of *azan* and *iqama* contradict the true traditions narrated from the infallible imams of Ahlul Bayt (as). And definitely any tradition that contradicts the true traditions of Ahlul Bayt (as) has no any value near us.

In the book *Wasa'il ash–Shia ila Ahkam ash–Shari'ah* it is mentioned that Imam Abu Abdullah Ja'far as–Sadiq (S) has said: "When Gabriel has brought the *azan* to the Prophet (S), he (Gabriel) uttered the *azan* and the *iqama* and then the Prophet (S) ordered Ali to send for Bilal. When Bilal came, the Prophet (S) taught him the *azan* and ordered him to announce it (at the times of the prayers)."

This has been mentioned by Muhammad bin Ya'qoob al-Kulayni, as-Sadooq Muhammad bin Ali bin Babwayh al-Qummi and the sheikh of the Shia Muhammad bin al-Hasan at-Toosi. It suffices us that the truthfulness and piety of these scholars could never be doubted.

Sheikh Shahid Muhammad bin Mekki has mentioned in his book *ath–Thikra* (the memory) that Imam as–Sadiq (S) has dispraised some people, who pretended that the Prophet (S) had taken the *azan* from Abdullah bin Zayd al–Ansari. Imam Sadiq (S) said: "Gabriel has revealed it (*azan*) to your prophet and you pretend that the Prophet (S) has taken it from Abdullah bin Zayd!"

Al-Halabi in his *Seera* mentioned that Abul Ala' had said: "Once I said to Muhammad bin al-Hanafiyya (Imam Ali's son): "We narrate that the *azan* has started according to a vision that a man from the Ansar has seen in his sleep." He became very angry and said: "You have come to a basic principle of Islam and a sign of your religion and pretended that it has been issued according to a vision that a man of the Ansar had seen in his sleep; a vision that it could be true and could be false or it could be a bad dream!" I said to him: "But this tradition is spread among people." He said: "By Allah, it is the very untruth..."

Sufyan bin al-Layl said: "Once I visited al-Hasan bin 'Ali (as) in Medina. The people, in his meeting, discussed the matter of *azan* before him. Some of them said that the *azan* had started after a vision seen by Abdullah bin Zayd. Al-Hasan bin 'Ali (as) said: "The matter of *azan* is greater than that. Gabriel

has called out the *azan* and *iqama* in the Heaven and then he has revealed them to the Messenger of Allah..." 92

Haroon bin Sa'd narrated from Shahid Zayd bin Imam Ali bin al-Husayn (as) from his fathers that Imam 'Ali (as) had said: "The Messenger of Allah has been taught the *azan* in the night of his ascension to Heaven when prayer has been determined as an obligation." 93

24. "Come to the best of deeds"

This statement was a part of the *azan* and the *iqama* at the time of the Prophet (S) but the men of authority during the reign of the second caliph Umar tried to make people understand that "the best of deeds" was the jihad for the sake of Allah in order to go to it zealously and they thought that calling out "come to the best of deeds" for prayers was just a call to the five daily obligations and this contradicted their aim.

In fact they conceived a fear of this statement if it would remain in the *azan* and *iqama*. They thought that it would discourage people from jihad because if people knew that prayer was the best of deeds besides its easiness and peacefulness, they would rely on its reward and they would keep away from jihad and its dangers.

The men of authority at that time had devoted themselves to spread Islam and to conquer the east and the west. Definitely conquering countries required to stimulate the zeal of the soldiers to rush into dangers for the sake of that. The soldiers had to love jihad until they would feel that it was the best of deeds, which they would be rewarded for on the Day of Resurrection.

Therefore they preferred to omit this part of *azan* because they preferred the benefit to following the holy *Shari'ah*. The second caliph, Umar, had said from above the minbar – as mentioned by al–Qoushaji in his book *Sharh at–Tajreed*: "Three things were practiced at the time of the Messenger of Allah but I prohibit them and punish for them; temporary marriage, the pleasure of the hajj and "come to the best of deeds"." 94

And then all the Muslims after Umar, except Ahlul Bayt (as) and their followers, omitted this part of azan "come to the best of deeds".

When the martyr of Fakh al-Husayn bin Ali bin al-Hasan bin Ali bin Abu Talib revolted in Medina during the reign of al-Hadi, the Abbasid caliph, he ordered the caller to announce "come to the best of deeds" in the azan and the caller did. 95

Al-Halabi mentioned in his *Seera* 96 that Ibn Umar and Imam Zaynul Aabideen Ali bin al-Husayn (as) used to say "come to the best of deeds" after "come to success" in the *azan*. This has been mentioned in the true and recurrent traditions of Ahlul Bayt (as). Refer to their traditions and jurisprudence to see their opinions about the matter.

Note

The parts of the *azan*, according to the Shia, are eighteen; four times: "Allah is great" and twice for each of: "I witness that there is no god but Allah", "I witness that Muhammad is the Messenger of Allah", "come to prayer", "come to success", "come to the best of deeds", "Allah is great" and "there is no god but Allah".

The parts of the *iqama*, according to the Shia, are seventeen; two times for each of "Allah is great", "I witness that there is no god but Allah", "I witness that Muhammad is the Messenger of Allah", "come to prayer", "come to success", "come to the best of deeds", "the time for prayer has come", "Allah is great" and one time "there is no god but Allah".

It is desirable to say "blessing and peace be upon Muhammad and his progeny" after mentioning his name in the *azan*. Also it is desirable to say "I witness that Ali is the guardian of Allah" after "I witness that Muhammad is the Messenger of Allah" in the *azan* and in the *igama*.

He, who prohibited saying "come to the best of deeds" and its likes in the *azan* and said that they were heresies, had committed a mistake and had gone astray. Any caller (of *azan*) in Islam may recite a desirable word to be attached to the *azan* such as the verse:

"And say: (All) praise is due to Allah, Who has not taken a son" (Qur'an 17:111) or another word such as "blessing and peace be upon you, O Messenger of Allah" or something like that.

This has not been legislated by Allah as a part of the *azan* and at the same time it is not a heresy or prohibited at all because all of the callers (of *azan*) do not consider it as a part of the *azan* but they recite it as a desirable thing according to some general evidences and also the statement "I witness that Ali is the guardian of Allah" is recited according to some general evidences.

A little of ordinary speech of human beings annuls neither the *azan* nor the *iqama* and it is not prohibited. Then why do they say that it is prohibited and it is a heresy? Why do they want to separate the Muslims especially in these days?

25. Changing the rules of divorce

The three–divorce, after which a divorced wife cannot return to her husband except after getting married to another one and then being divorced, is called the third divorce which is preceded by two returns after two divorces; that is to say: a husband divorces his wife for the first time and then he gets her back, then he divorces her for the second time and gets her back again and then he divorces her for the third time. Now she becomes prohibited for him as a wife unless she gets married to another man and then this man divorces her.

This is the three-divorce after which a wife becomes prohibited for her husband until she marries

another man and then the second husband divorces her. Allah has said:

"Divorce may be twice, then keep (them) in good fellowship or let (them) go with kindness... So if he divorces her (the third time) she shall not be lawful to him afterwards until she marries another husband; then if he divorces her there is no blame on them both if they return to each other (by marriage)" (Qur'an 2:229-230).

Here is the interpretation of these verses by one of the great scholars of the Arabic language. Az–Zamakhshari says in his Tafseer al–Kashshaf:

"Divorce may be twice means to be repeated twice and not to be pronounced all at once like His saying:

"Then turn back the eye twice" (Qur'an 67:4) which means a time after another.

...It is also said that it means the twice revocable divorce – one time after the other – because there is no return after the third divorce...if he (the husband) divorces her (the wife) for the second time as Allah has said (*Divorce may be twice*)...or if he divorces her for the third time after the two divorces, she will not be his legal wife after that unless she will get married to another man and then this man will divorces her...

This is the meaning of the verse that comes to mind straightway and such all the interpreters have interpreted this verse. The saying of Allah

"So if he divorces her (the third time) she shall not be lawful to him afterwards" cannot be applied to the saying of a husband to his wife: "You are divorced, you are divorced, you are divorced in one occasion" unless he has divorced her twice before that and after each one he has got her back.

But Umar, during his caliphate, saw that men had got used to divorce their wives the third divorce by using one certain diction <u>97</u> and so he forced them to do what they had bound themselves with as a kind of punishment and discipline. There are many true traditions that have ascribed this doing to Umar.

Tawoos mentioned that Abu as-Sahba' had said to Ibn Abbas: "Has (uttering the form of divorce three times in one occasion) not been considered as one divorce during the time of the Prophet (S) and the time of Abu Bakr?" Ibn Abbas said: "Yes, it has, but at the reign of Umar, people got used to this kind of divorce and he (Umar) made it permissible to them?" 98

Muslim mentioned another tradition that Ibn Abbas had said: "During the time of the Prophet (S), the time of Abu Bakr and the first two years of the reign of Umar the divorce of three-repeated-statement (in one occasion) was considered as one divorce. Then Umar said: "People have hastened in a matter which had deliberateness to them. Would that we permit it to them!" And then he permitted it to them."

Al-Hakim has mentioned this tradition in his *Mustadrak* and said that it was true according to the conditions of the two sheikhs; al-Bukhari and Muslim. Ath-Thahabi has also mentioned it in his book

Talkhees al-Mustadrak and said that it was true according to al-Bukhari and Muslim. 100

Ahmad bin Hanbal has mentioned this tradition of Ibn Abbas in his *Musnad* 101 and many other scholars of Hadith have mentioned it in their books. 102

Sheikh Rasheed Redha has mentioned this tradition in al-Manar Magazine 103 from Abu Dawood, an-Nassa'iy, al-Hakim and al-Bayhaqi and then he said: "From among the judgments of the Prophet (S) was the tradition that al-Bayhaqi had mentioned from Ibn Abbas. 104 Ibn Abbas said: "Rukana has divorced his wife three times in one occasion. He became too sad for her. The Prophet (S) asked him: "How did you divorce her?" He said: "Three times." The Prophet (S) asked him: "In one occasion?" He said: "Yes." The Prophet (S) said: "It is one divorce. You can get her back if you like."

An-Nassa'iy mentioned a tradition narrated by Makhrama bin Bukayr from his father that Mahmood bin Labeed had said: "Once the Prophet (S) was told that a man had divorced his wife three times together in one occasion. The Prophet (S) became very angry. He got up and said: "Is it played with the Book of Allah while I am still among you?" A man said: "O Messenger of Allah, should we kill him?" 105 Besides this there are many other true traditions and therefore the ulama of Islam and the reliable scholars have admitted this fact.

Among them is Professor Khalid Muhammad Khalid who has said in his book (Democracy): "Umar bin al-Khattab ignored the holy religious texts of the Qur'an and the Sunna when benefits required him to do that. As the Qur'an had determined a share of zakat to be paid to those, whose hearts were reconciled to Islam by these gifts, the Prophet (S) and Abu Bakr used to do that but when Umar became the caliph, he said: "We do not pay anything for faith in Islam."

And as the Prophet (S) and Abu Bakr had permitted selling bondwomen, Umar prohibited it.

And as the three–divorce, which took place in one occasion, was considered as one divorce according to the Sunna and the consensus, Umar came to ignore the Sunna and to destroy the consensus." 106

Dr. ad–Dawaleebi said in his book *Usool al–Fiqh*: 107 "Among the verdicts that Umar (may Allah be pleased with him) had changed according to the base of "the change of the verdicts owing to the change of time" was permitting the third divorce if it took place in one occasion whereas at the time of the Prophet (S), the time of Abu Bakr and some time of Umar's caliphate if the three divorces took place (or were said together) in one occasion, they were considered as one divorce as proved by the true tradition of Ibn Abbas when Umar had said: "People have hastened in a matter which had deliberateness to them. Would that we permit it to them!" And then he permitted it to them."

Dr. ad-Dawaleebi added: "Ibn al-Jawziyya said: "But Ameerul Mo'mineen Umar (may Allah be pleased with him) saw that people began to make little of the matter of divorce and that they did it with one statement and in one occasion, he thought that the benefit required to punish them by executing such divorce that when they knew of that they would refrain from divorcing their wives.

Umar saw that this had a benefit in its own time and he thought that what had been during the time of the Prophet (S), Abu Bakr and some time of his rule was the most suitable for people because they feared Allah and refrained from divorcing their wives...this was one example on "the change of the verdicts owing to the change of time". 108 The companions perceived the good policy of Umar in disciplining his citizens in this concern and so they agreed with him on that and they gave such a fatwa to whoever asked them about such a matter. 109

But Ibn al–Qayyim himself came and gave his opinion concerning his own time. He wanted to go back to the verdicts that were at the time of the Prophet (S) because time had changed too and the three–divorce were executed with one word and this had led to permit the marriage that had been impermissible at the age of the companions. 110 He said: "If punishment led to corruption more than the corruption of the doing punished for, then giving up this punishment would be more beloved to Allah and His Messenger." 111

He added: "Ibn Taymiyya said: "If Umar (may Allah be pleased with him) saw that the Muslims had misused the permissibility of the return of a divorcee to her previous husband, he would go back to the verdicts that had been at the time of the Prophet (S)." The valuable notices of Ibn Taymiya have led the legal courts in Egypt to the laws that had been at the time of the Prophet (S) owing to the base of "the change of times". 112

26. The prayer of Taraweeh

26. The prayer of Taraweeh 113

This kind of prayers had not been legislated by the Prophet (S) nor had it been offered at the time of Abu Bakr and Allah had never legislated to offer *Nafila* 114 prayer congregationally except for the prayer of *Istisqa*' (invoking Allah for rain).

Allah had legislated congregation to offer the obligatory prayers like the five daily prayers, the prayer of *Tawaf* (circumambulation), the prayers of the two feasts (Eid), prayers of *Aayat* (signs; eclipse and the likes) and the prayer of funerals (for the dead).

The Prophet (S) was used to offer the supererogatory prayers in the nights of Ramadan individually. He advised the Muslims to offer these prayers and they offered them as they had seen the Prophet (S) offer them. So was the matter during the reign of Abu Bakr until he died in the year thirteen of hijra and then Umar became the caliph.

In that year Umar fasted at Ramadan and offered the prayers as the Prophet (S) and Abu Bakr had done without any change. When the next Ramadan of the fourteenth year of hijra came, Umar with some of his companions came to the mosque. He saw the people busy offering supererogatory prayers; some rising, some prostrating, some reciting the Qur'an and some glorifying Allah in a scene that did not

please him and he saw that he had to reform this "unpleasing" scene; therefore he legislated the prayer of *Taraweeh* 115 for them to be offered at the beginning of night and to be offered congregationally.

He sent his books to the different countries and appointed two imams in Medina; one for men and the other for women to lead the people in offering *Taraweeh* prayer congregationally. This fact has been mentioned in many true traditions.

Al-Bukhari and Muslim mentioned in their *Sahihs* that the Prophet (S) had said: "He, who spends the nights of Ramadan in offering its supererogatory worships faithfully and sincerely, Allah will forgive all his previous sins." The Prophet (S) died and the rites of Ramadan were still as they were; nothing changed even at the time of Abu Bakr and some period of Umar's rule. 116

Al-Bukhari mentioned in his *Sahih* too that Abdurrahman bin Abdul Qarriy 117 had said: "One night of Ramadan I went with Umar to the mosque. People were scattering here and there and each one was busy doing something. Umar said: "I see if I could gather them to one imam it would be better." Then he decided and gathered them to Ubayy bin Ka'b. I went with Umar in another night and we saw the people offering the prayer behind their imam. Umar said: "How good heresy it is!"

Allama al–Qastalani said 118 when mentioning this saying of Umar "How good heresy it is": "He (Umar) called it "heresy" because the Messenger of Allah (S) had not decided it to be congregational nor to be offered at the beginning of night nor had Abu Bakr (may Allah be pleased with him) decided that…" The same has been mentioned in *Tuhfat al–Bari* and other books of Hadith.

Allama Abul Waleed Muhammad bin Shuhna said in his book *Rawdhat al–Manadhir* when mentioning the death of Umar among the events of the year twenty–three of hijra: "He was the first who had prohibited selling bondwomen, the first who had made people say four Takbeer "Allahu akbar–Allah is great" in the prayer of funerals, the first who had gathered people to an imam in offering *Taraweeh* Prayer…"

As–Sayooti mentioned in his book *Tareekh al–Khulafa*' the initiatives of Umar that he had quoted from al–Askari <u>119</u> saying: "He (Umar) was the first to be called Ameerul Mo'mineen, the first who had decided Taraweeh prayer to be congregational and to be offered at the beginning of night in Ramadan, the first who had prohibited temporary marriage, the first who had made people say four *Takbeers* in the prayer of funerals…"

Muhammad bin Sa'd said in his *Tabaqat*: "He (Umar) was the first who had decided *Taraweeh* prayer to be congregational and to be offered at the beginning of night in Ramadan and ordered people to follow that and sent his books with this order to the different countries. It was in Ramadan of the year fourteen of hijra. He appointed two imams to lead the prayer of *Taraweeh* in Medina; one for men and the other for women..."

Ibn Abdul Birr said in his book al-Istee'ab when mentioning the biography of Umar: "It was he, who had

lit the month of fasting (Ramadan) with the prayer of *Taraweeh*."

These scholars (may Allah forgive them) saw that Umar had found out (with his *Taraweeh*) a wisdom that Allah and His Messenger had been inattentive of.

It was they themselves who were inattentive of the wisdom of Allah and His laws and systems. The wisdom behind not legislating supererogatory prayers of Ramadan to be offered congregationally is to let a believer be alone with his Lord in the heart of night in his house invoking Him, complaining to Him his grief, supplicating, repenting, hoping, resorting and confessing that there is no shelter save Allah's and there is no savior save Him.

Therefore Allah has let the obligations of Ramadan free from the tie of congregation to let the believers be alone with their Beneficent Lord in a spiritual connection. Making these obligations congregational may limit their use and benefit.

In addition to that; offering these *Nafilas* individually would not deprive the houses of blessing and honor of prayers and it would encourage the young generation to love prayers and to try imitating their parents and grandparents. This would have great effect on children and would fix faith in their minds and hearts.

Once Abdullah bin Mass'ood asked the Prophet (S): "Which is better; to pray in my house or in the mosque?"

The Prophet (S) said: "Do you not see how near to the mosque my house is? To pray in my house is more beloved to me than to pray in the mosque except for the obligatory prayers." This has been mentioned by Ahmad, Ibn Maja, Ibn Khuzayma and Zakiyuddeen Abdul Adheem bin Abdul Qawiy al-Munthiri.

Zayd bin Thabit narrated that the Prophet (S) had said: "O people, offer your prayers in your houses except for the obligatory prayers because offering prayers in the house is better." It has been mentioned by an–Nassa'iy and Ibn Khuzayma.

Anas bin Malik narrated that the Prophet (S) had said: "Honor your houses with some of your prayers." The Prophet (S) also said: "The example of the house, in which Allah is mentioned, and the house, in which Allah is not mentioned, is like a living person and a dead one." It has been mentioned by al-Bukhari and Muslim.

Jabir bin Abdullah narrated that the Prophet (S) had said: "If one of you finishes his prayer in the mosque, let him give a share of his prayer to his house. Allah will grant his house with good because of his prayer (in it)." It has been mentioned by Muslim, Ibn Khuzayma and others.

But the caliph Umar (may Allah be pleased with him) was a man of organizing and strictness. He admired the congregational prayers, which had great social benefits which our ulama had discussed in full details. The Islamic *Shari'ah* has not ignored this side of the obligatory prayers but at the same time

it has let the Nafilas to the other benefits of people. Allah has said:

"And it behooves not a believing man and a believing woman that they should have any choice in their matter when Allah and His Messenger have decided a matter" (Qur'an 33:36).

27. The prayer of funerals

The Prophet (S) was used to say five *Takbeers* (Allahu akbar–Allah is great) in the prayer for the dead but the second caliph Umar admired to say only four *Takbeers* and he made people do that too. Many scholars have mentioned this fact such as as–Sayooti in his book *Tareekh al–Khulafa*', Ibn Shuhna in his book *Rawdhatul Manadhir* and others.

Professor Khalid Muhammad Khalid has also mentioned this in his book *Democracy* which we have mentioned above.

Ahmad bin Hanbal mentioned in his *Musnad* 120 a tradition narrated by Zayd bin Arqam that Abdul A'la had said: "Once I offered a prayer for a dead person behind Zayd bin Arqam and he recited five *Takbeers*. Abu Eesa Abdurrahman bin Abu Layla came to him (to Zayd), caught his hand and said to him: "Have you forgotten?" Zayd said: "No, but I have offered the prayer behind my beloved Abul Qasim (the Prophet) (S) and he recited five *Takbeers*. I will not give up that forever."

Zayd bin Arqam has offered the prayer of funeral for the companion Sa'd bin Jubayr, who was famous as Sa'd bin Habta, <u>121</u> and recited five *Takbeers* as mentioned by Ibn Hajar in his *Isaba* and by Ibn Qutayba in his *Ma'arif*.

Ahmad bin Hanbal mentioned a tradition narrated by Huthayfa that Yahya bin Abdullah al–Jabir had said: "Once I offered a prayer of funerals in al–Mada'in behind Eesa the mawla of Huthayfa and he recited five *Takbeers* and then he turned towards us and said: "I have neither forgotten nor have I mistaken but I have recited Takbeer as my master Huthayfa bin al–Yaman have offered a prayer for a dead and he had recited five *Takbeers* and then he turned towards us and said: "I have neither forgotten nor have I mistaken but I have offered the *Takbeers* as the Prophet (S) have recited them." 122

28. Bequeathing between brothers and sisters

Allah has said:

"They ask you for a decision of the law. Say: Allah gives you a decision concerning the person who has neither parents nor offspring; if a man dies (and) he has no son and he has a sister, she shall have half of what he leaves, and he shall be her heir she has no son; but if there be two (sisters), they shall have two-thirds of what he leaves; and if there are brethren, men and women, then the male shall have the like of the portion of two females; Allah makes clear to you, lest you err; and Allah knows all things" (Qur'an 4:176).

The verse is clear in concerning the obligation of bequeathing between brothers and sisters if the bequeather has no children. The word "son" here refers to the boy and the girl all the same. 123

But Umar bin al-Khattab interpreted the word "son" mentioned in the verse to mean the male offspring only and so he equalled in inheritance between the daughter of a bequeather (a dead man) and his full sister; therefore he gave each of them a half of the inheritance. Then all the four Sunni sects followed him in this concern.

As for the infallible imams of Ahlul Bayt (as) and their followers, they have agreed unanimously on that the brothers and sisters and other relatives of a bequeather would have no right in the inheritance if the bequeather had a child whether it was a boy or a girl and whether it was one child or more. Their evidence was the saying of Allah:

...and those who are akin are nearer one to another in the ordinance of Allah" (Qur'an 33:6)

They are too strict in depriving the other relatives of the inheritance if the bequeather has children even if it is one daughter. He, who wants to know more about the traditions of the Shia about the subject of inheritance, can refer to *Wasa'il ash–Shia ila Ahkam ash–Shari'ah* and the other Shiite books of Hadith.

Once Ibn Abbas was asked about a man who had died and left a daughter and a full sister. He said: "The sister has no right to take anything from the inheritance and the daughter takes a half of the inheritance as her obligatory right and the other half belongs to her because she is the nearest relative to the dead man." The asker said to Ibn Abbas: "But Umar has judged something else!" Ibn Abbas said: "Are you more aware than Allah?"

The asker said: "I could not be certain of that until I asked Ibn Tawoos and mentioned to him what Ibn Abbas had said. Ibn Tawoos said to me: "My father told me that he had heard Ibn Abbas saying: "Allah has said:

"..if a man dies (and) he has no son and he has a sister, she shall have half of what he leaves..."
(Qur'an 4:176)

but you say: she shall have half of what he leaves even if he has a son (child)." 124

29. Shortage of inheritance

The Muslims have disagreed about the permissibility of shortage of inheritance. Shortage of inheritance is that inheritance becomes less than the shares of the heirs. For example when the heirs are two sisters and a husband; each sister should get a third of the inheritance and the husband should get a half of it.

The matter was ambiguous for the second caliph Umar. He did not know which of them Allah had given priority to the other so that he would give him/her priority and so he determined to distribute the shortage among the all according to the proportion of their shares and this was the utmost result he could reach to achieve justice when the matter became ambiguous to him.

But the infallible imams and the ulama of Ahlul Bayt (as) have known the prior and the later in this matter (and the people of a house are more aware of what there is in it).

Imam Abu Ja'far al-Baqir (S) has said: "Ameerul Mo'mineen 'Ali (as) said: "He (Allah), Who has counted the grains of the sand of Aalige, knows that the shares (of inheritance) do not exceed six 125 if they (people) know the ways of their solution."

Ibn Abbas often said: "Whoever likes I will challenge him before Allah near the Black Rock (in the Kaaba). Allah has never mentioned in His Book two halves and a third." He also said: "Glory be to Allah, the Almighty! Do you think that He, Who has counted the sand of Aalige, has made in an inheritance a half and a half and a third? These two halves cover all the inheritance so where will the third be?"

It was said to him: "O Ibn Abbas, then who was the first one who had lessened (changed) the shares?" He said: "When the shares of inheritance became confused to Umar and they conflicted with each other, he said: "By Allah, I do not know which of you Allah has given priority and which of you He has made later! I cannot but to distribute the inheritance equally among you."

Ibn Abbas said: "By Allah, if you give priority (in distributing inheritance) to those, whom Allah has given priority and you delay those, whom Allah has delayed, no share of inheritance will be lessened." It was said to him: "Which one Allah has given priority and which one He has delayed?"

He said: "Every share Allah has not replaced except with another obligatory share (to the same heir) is the one that He has given priority and every share that may be omitted if being conflicted with others is the one that Allah has delayed. Allah has given priority to the husband (of the (dead) bequeather) who should have a half of the inheritance but if another share conflicts with his, he should have a quarter. The same is said about the wife and the mother.

But as for the shares that He has delayed they are the shares of the daughters and sisters who should have a half and two thirds but if there are other shares that conflict with theirs, they should get the remainder of the inheritance. If what Allah has given priority and what He has made later (of the shares) gathered together, those, which Allah has given priority, should be given first and if something of the inheritance remains, it should be given to the heirs, whom Allah has made later." This tradition has been mentioned by the Second Martyr in his book *ar–Rawdha*.

Al-Hakim has mentioned in his *Mustadrak* 126 that Ibn Abbas had said: "The first one, who had lessened the shares (of inheritance), was Umar. By Allah, if he has given priority (in distributing the shares of inheritance) to those, which Allah has given priority and he has delayed those, which Allah has delayed, no share would be lessened." It was said to him: "Which of them Allah has given priority and which of them He has delayed?"

He said: "Each share that Allah has not replaced except with another obligatory share (to the same heir) is the one that Allah has given priority like the shares of a husband, a wife and a mother and every share

that is omitted if being conflicted with others is the one that Allah has delayed like the shares of sisters and daughters who should have the remainder of the inheritance. If what Allah has given priority and what He has delayed gather together, the prior heirs should be given their shares first and the remainder of the inheritance should be given to the others..." 127

Hence if a husband, a mother and daughters are the heirs, the husband and the mother should be given their second (replaced) shares; a quarter of the inheritance for the husband, a sixth for the mother and the remainder of the inheritance should be divided equally between the two daughters.

If there are sisters among these heirs, they will not deserve anything of the inheritance at all because the ranks of heirs due to kinship according to the belief of the infallible imams of Ahlul Bayt (as) and their followers are three; the first rank includes a father and a mother (without their fathers and mothers), sons and daughters, the second rank includes brothers, sisters, grandfathers and grandmothers and the second rank includes uncles and aunts (both father and mother's brothers and sisters).

No one from the second rank inherits the bequeather if there is an heir from the first rank and so on. "...and the possessors of relationships are nearer to each other in the ordinance of Allah" (Qur'an 33:6).

This is the belief of the infallible imams of Ahlul Bayt (as), whom Allah and His Messenger have made as equal as the Book until the Day of Resurrection, and this is the belief of all of the Shia. Two sisters from the second rank will not inherit the bequeather if his mother is alive and Allah, the Almighty, is more aware!

30. Inheritance of grandfather when there are brothers

Al-Bayhaqi mentioned in his *Sunan* and in *Shu'abul Eeman* 128 that Umar had asked the Prophet (S) about the inheritance of a grandfather when there were other brothers and the Prophet (S) had said to him: "O Umar, why do you ask about this? I think that you will die before you will have understood this matter." The narrator of this tradition, Sa'eed bin al-Musayyab, said: "Umar died before understanding this matter."

Umar has been confused in this matter throughout his rule that he has given seventy different judgments on it. Ubayda as–Salmani said: "I have written down one hundred different judgments determined by Umar on the matter of the inheritance of grandfather." 129 Umar himself said: "I have decided on the matter of grandfather's inheritance many judgments that I might have deviated from the truth." 130 At last Umar referred to Zayd bin Thabit in this matter.

Tariq bin Shihab az–Zuhri said: "Umar bin al–Khattab has decided on the matter of the inheritance of grandfather when there were other brothers with him different judgments and then he gathered the companions and brought a tablet to write on it. They thought that he would make the grandfather (mentioned in the verse) as a father 131 but at this time a snake appeared and they separated. Then

Umar said: "If Allah has willed to fix it, he would have done so."

Then Umar went to Zayd bin Thabit in his house and said to him: "I have come to you about the matter of the grandfather and I want to make him as a father." Zayd said to him: "I do not agree with you to make him as a father." Umar became very angry and went away. Later on he sent for Zayd. Zayd wrote down his opinion about the matter on a tablet and sent it to Umar. When it reached Umar, he made a speech before the people and read for them what Zayd had written on the tablet and said: "Zayd has given his opinion about the matter of grandfather and I have approved it." 132

31. Common inheritance

The case was that a woman had died and left a husband, a mother, two brothers from her mother but not her father and two other brothers from her mother and father at the reign of the second caliph Umar. This case was offered twice before the caliph. In the first time he judged to give the dead woman's husband his share, which was the half of the inheritance, to give her mother her share, which was a sixth, to give her two brothers from her mother the third; sixth to each of them and he excluded her two full brothers.

In the second time Umar wanted to decide the same judgment but one of the dead women's full brothers said to him: "Suppose our father is a donkey, then you are to join us with our brothers due to our relation to our mother." And then he distributed the third of the inheritance among the four brothers equally. A man said to Umar: "You have not done so in that year!" Umar said: "That case was as we have judged then and this one is as we judge now." 133

This case has been called as "al–Himariya" because one of the brothers has said to Umar: "Suppose that our father is a donkey (himar)…" It might also been called as al–Hajariyya or al–Yammiyya because it has been narrated that one of the brothers has said to Umar: "Suppose that our father is a rock (hajar) thrown in the sea (yamm)." Also it might be called as "al–Umariyya" because Umar has had two different judgments on it. It has also been called as "common inheritance". 134

It was one of the famous cases among the jurisprudents of the four Sunni sects although they have disagreed among them about it; Abu Haneefa and his two companions, Ahmad bin Hanbal, Zafar, and Ibn Abu Layla thought that the two full brothers had had no right of their mother inheritance as Umar had decided in the first time while Malik and ash–Shafi'iy thought that the two full brothers had the right to participate with their other two brothers in the third of their mother's inheritance as Umar had decided in the second time.

As for the infallible imams of Ahlul Bayt (as) and their Shia, they have divided the heirs according to their relationship into three orderly classes. No one of the next class would inherit if someone of the previous class was available at all. Mother, according to the Shia, is from the first class unlike brothers and sisters, who are from the second class. This has been detailed full in the jurisprudence of the Shia.

According to this principle, the judgment on this case would be as the following; the husband would get half of the inheritance as his due right and the rest would be for the mother of the dead woman; some of it as her due right and the other would belong to her because she was the nearest relative (first class) to the dead. No one of the brothers and sisters would get anything of the inheritance since their sister's mother was alive.

32. The share of the heirs

Allah has said:

"Men shall have a portion of what the parents and the near relatives leave, and women shall have a portion of what the parents and the near relatives leave, whether there is little or much of it; a stated portion" (Qur'an 4:7) and:

"Allah enjoins you concerning your children: The male shall have the equal of the portion of two females (Qur'an 4:11).

All the verses of bequeathing and inheriting are in the same way of being general. They are mentioned in Sura of an-Nisa' (4). So are the true traditions and the consensus of the umma concerning this subject.

Imam Abu Abdullah Ja'far as-Sadiq (S) has said: "Islam is to witness that there is no god but Allah and that Muhammad is the Messenger of Allah, with which the bloods (of the Muslims) are spared and according to which marriages and inheriting are managed."

Imam Abu Ja'far Muhammad al-Baqir (S) has said: "Islam is as it appears via sayings and doings. It is that on which the groups of people of all the Islamic sects. It is that with which the bloods are spared, according to which marriages and inheriting are managed and with which people have gathered together on prayers, zakat, fasting Ramadan and offering the hajj. With it all these people have got out of unbelief and entered into faith."

But Malik bin Anas has mentioned in his *Muwatta*' that Sa'eed bin al–Musayyab had said: "Umar bin al–Khattab refused to give the non–Arabs 135 their inheritances except one who was born from Arab parents." Malik added: "If a pregnant woman comes from the land of the enemy and gives birth to her child in the land of the Arabs, then her child will inherit her when she dies and she will inherit her child when he dies according to the Book of Allah." 136

33. Uncle's inheritance from his sister's son

Sa'eed bin Mansoor mentioned in his *Sunan*: "Once a man recognized his sister, who had been taken captive in the pre–Islamic period. He found her with a son but he had not known who the father of the son was. He bought them both and set them free (for they were as slaves). The son (when he grew up)

gained some wealth and then he died. The uncle came to Ibn Mas'ood and told him the matter.

Ibn Mas'ood asked him to go to Umar and then to come back to tell him what Umar would say. He went to Umar and told him his matter. Umar said to him: "He (the nephew) is not your relative and he is not included in the verdicts of inheritance." Umar refused to let the man inherit his nephew. The uncle went back to Ibn Mas'ood and told him what Umar had said. Ibn Mas'ood came with the man to Umar and said to him: "How did you give this fatwa to this man?"

Umar said: "I have not found him as one of his blood relations nor has he been among those who have deserved inheritance; therefore I have not permitted him to inherit that young man. What do you think, O Abu Abdullah?" Ibn Mas'ood said: "I see him as a kin (for being his uncle) and a benefactor (for he has set his nephew free from being as a slave) and so I see that he has the right to inherit his nephew." And then Umar annulled his first judgment and permitted the man to inherit his nephew."

This event has been mentioned by al-Muttaqi al-Hindi in his *Kanzol Ummal*, vol. 6 p.8. This fatwa would have been true if the mother had died before her son.

34. Iddah of a pregnant woman

Al-Bayhaqi mentioned in his book *Shu'ab al-Eeman* that once a pregnant woman had asked Umar for a legal judgment saying to him: "I have given birth to my child after the death of my husband and before the end of my *iddah*." He asked her to wait until the end of the longest one of the two terms of *iddah*. 137

Ubayy bin Ka'b objected to Umar at the presence of the woman and said to him that her *iddah* had ended since she had given birth to her child and he permitted her to get married before the end of the four months and ten days (of the *iddah*). Umar said nothing to the woman save this statement: "I am hearing what you are hearing" 138 and he gave up his fatwa. After that Umar agreed with Ubayy bin Ka'b and said: "If she had given birth to her child and her husband was still not buried yet, she could get married." 139 The followers of the four Sunni sects have followed this principle until nowadays.

But we, the Shia, have found in the holy Qur'an two verses opposing each other concerning the *iddah* of a woman whose husband dies while she is pregnant; in the first verse Allah has said:

"and (as for) the pregnant women, their prescribed time is that they lay down their burden" (Qur'an 65:4)

and in the second one He has said:

"And (as for) those of you who die and leave wives behind, they should keep themselves in waiting for four months and ten days (Qur'an 2:234).

A pregnant woman, whose husband dies, can get married after giving birth to her child if she follows the first verse even if she has not passed the period of *iddah* mentioned in the second verse but if she follows the second verse, she can get married only after passing the period mentioned in the verse even

if she has not given birth to her child yet. In both suppositions she will objects to one of the verses and she cannot follow both of the verses at the same time unless she will wait until passing the longer of the two periods (either to pass four months and ten days or until giving birth to her baby) and then she has no way except to do that. This is what has been narrated from Imam Ali (S) and Ibn Abbas. 140 The Shia have followed their imams in acting according to this opinion.

Note

The Muslims have disagreed on the beginning of the *iddah* of death, <u>141</u> which is four months and ten days. The Sunni believe that the *iddah* of death begins since the husband dies whether the wife knows of her husband's death or she does not know because of his being far away from her or because of any other reason.

As for the Shia, they believe that the *iddah* of death begins when a wife knows of her husband's death even if the death has taken place some time ago. She has no right to get married until she passes the *iddah*, which is four months and ten days, since the moment she knows of her husband's death. And then she can get married according to the clear verse after passing the *iddah* and after the mourning that a wife has to show after the death of her husband.

35. Marrying a missing husband's wife

Ad–Dawaleebi said: 142 "...also Umar has judged according to his own opinion concerning the wife of a missing husband. He judged that a wife of a missing husband can get married after passing four years since the absence of the husband and after passing the *iddah* even if it had not been proved that her husband had died so that the wife would not remain in suspense forever.

"So was the opinion of Malik bin Anas which was unlike the opinion of the Hanafites and the Shafiites who believed that a wife had to wait until she would become certain of her husband's death because he would be considered as alive until a certain evidence on his death would appear.

"But the opinion of Umar was worthy of being regarded because it protected the wife of a missing husband from certain harms and dangers. He permitted the wife of a missing husband to get married despite that this decision opposed the clear texts of the *Shari'ah*, on which the rest of jurisprudents depended. This was not but changing the verdicts according to the change of the conditions which must be regarded to avoid some harms. The Prophet (S) had said: "No harm (to be done against the others) and no reciprocal harm!" Allah had said:

"..and He has not laid upon you any hardship in religion" (Qur'an 22:78).

"In doing so, Umar did not annul the legal texts but he activated them in the light of the benefit and according to the different circumstances..."

As for the Shia, they have followed their infallible imams of Ahlul Bayt (as) in this matter. They have had fixed texts deciding according to the apparent principles. These texts say that when no information can be obtained about a missing husband, his wife, if there is someone spends on her, must wait until her husband comes or his death is proved or something like that. But if the wife has no one to spend on her, she can bring her case to the legal judge to decide.

When she does so, the judge will begin to search for the missing husband for four years in the possible places, in which the husband can be found, otherwise he looks for him in everywhere since the moment when the wife offers her case before him. Then the judge divorces her or he orders her guardian (the one who is responsible for her) to decide. It is necessary that the guardian may decide first but if he refuses to divorce her, then the judge is to divorce her but after passing the period of researching or after the return of the messengers who go to look for the missing husband or the like.

After that the wife spends the period of the *iddah* of death which is four months and ten days and then she can get married. If the missing husband comes back during her *iddah*, he will have the right to marry her again but if he comes back after the *iddah*, he will have no right to marry her whether he finds her married or not. This is the principle of the Shia on this matter according to their infallible imams (S).

36. Selling bondwomen

All the Sunni Muslims of the four sects have confirmed that the one, who had prohibited selling bondwomen, was Umar whereas it had been permissible at the time of the Prophet (S), the reign of Abu Bakr and some time of Umar's rule. They have considered that as one of Umar's virtues as they have considered *Taraweeh* Prayer and its likes.

But the scholars, who have looked for the truth of this matter, found in the true prophetic traditions that the Prophet (S) had prohibited selling bondwomen and so found that Umar had followed those traditions and acted according to them. He (Umar) said to his son Abdullah that he had heard the Prophet (S) saying: "A bondwoman is not to be sold, nor to be given as a gift, nor to be bequeathed and not to be considered as entailment. Her owner enjoys himself with her along his life. When he dies, she is to be set free."

Ibn Abbas narrated that the Prophet (S) had said: "Every bondwoman, who gives birth to a child from her master, becomes free after his death."

These two traditions have been mentioned by Abu Ja'far Muhammad bin al–Hasan at–Toosi in his book *al–Khilaf*, vol.2. And according to the apparent meaning of the two traditions, it was clear that Umar had not prohibited selling bondwomen due to his own opinion, but he had acted according to the tradition of his son Abdullah and the tradition of Ibn Abbas.

But Sheikh at-Toosi was forced by the traditions of the infallible imams of Ahlul Bayt (as) about this

subject to interpret these two traditions in a way to make them submit to the doctrine of Ahlul Bayt (as). He said: "When a bondwoman gives birth to a child from her master while she is still in his possession, she will have the right to be free due to her bearing a child.

It is not permissible to sell a pregnant bondwoman and when she gives birth to her child, she is still in the possession of her master and she is not permissible to be sold as long as her child is alive but when her child dies, she may be sold anyhow. If her master dies, she is made in the possession of her child and then she is set free due to that. If her master does not leave save her, the share of her child (in her) is set free and she becomes among the shares of the rest of the heirs.

Such was the opinion of 'Ali (as), Ibn az–Zubayr, Ibn Abbas, Abu Sa'eed al–Khidri, Ibn Mas'ood, al–Waleed bin Uqba, Suwayd bin Ghafla, Umar bin Abdul Aziz, Ibn Seereen and Abdul Melik bin Ya'la. Dawood said: "It is permissible to dispose of her in any way" but he did not give any details. Abu Haneefa, his companions, ash–Shafi'iy and Malik said: "She is not permissible to be sold nor to be disposed of in any way but she is to be set free when her master dies."

Sheikh at-Toosi added: "Our evidence on that is the consensus of the sect (the Shia) and their traditions. Also there is no disagreement on the possibility of being slept with by her possessor but if she becomes dispossessed, sleeping with her becomes not possible. The rule says that she is a slave and he, who pretends that she is freed after the death of her master, has to show the evidence on that.

The tradition narrated by Ibn Abbas that the Prophet (S) had said: "Every bondwoman, who gives birth to a child from her master, becomes free after his death" means that when her master dies and she becomes her child's possession, then she is set free due to that. The tradition narrated by Abdullah bin Umar that the Prophet (S) had said: "A bondwoman is not to be sold, nor to be given as a gift, nor to be bequeathed and not to be considered as entailment. Her owner enjoys himself with her along his life. When he dies, she is to be set free" means that she cannot be sold as long as her child is alive. When her master dies, she is set free due to what we have said in the first tradition."

37. Necessity of Tayammum when there is no water

37. Necessity of Tayammum 143 when there is no water

It suffices as evidence on this matter that Allah has said in the sura of al-Ma'ida:

"O you who believe! when you rise up to prayer, wash your faces and your hands as far as the elbows, and wipe your heads and your feet to the ankles; and if you are under an obligation to perform a total ablution, then wash (yourselves) and if you are sick or on a journey, or one of you comes from the privy, or you have touched the women, and you cannot find water, betake yourselves to pure earth and wipe your faces and your hands therewith" (Qur'an 5:6)

And He has said in the sura of an-Nisa':

"O you who believe! do not go near prayer when you are intoxicated until you know (well) what you say, nor when you are under an obligation to perform a bath, unless (you are) traveling on the road, until you have washed yourselves; and if you are sick, or on a journey, or one of you comes from the privy or you have touched the women, and you cannot find water, betake yourselves to pure earth, then wipe your faces and your hands; surely Allah is Pardoning, Forgiving" (Qur'an 4:43)

The true traditions on this matter are many and one confirming the other and all the umma has agreed unanimously on that except Umar, the only one who had contradicted the consensus. The famous traditions narrated from him showed that he had believed that one 144 who had no water, had not to offer the prayer until he would find water.

Al-Bukhari and Muslim mentioned in their *Sahihs* a tradition narrated by Sa'eed bin Abdurrahman bin Abzi from his father that once a man had come to Umar and said to him: "I have been in ritual impurity and I could not find water to perform the ritual ablution." Umar said to him: "Do not offer the prayer!" Ammar bin Yassir was present then.

Ammar said: "O Ameerul Mo'mineen, have you not remembered once when you and I were in a brigade (during a war) and we became impure and could not find water (to perform ablution). You did not offer the prayer but I rubbed myself with earth and offered the prayer. Then the Prophet (S) said: "It would have sufficed you to hit the earth with your hands and then you blow and rub your face and your two hands." Umar said: "O Ammar, fear Allah!" Ammar said: "If I do not narrate it!!" 145 Umar said: "We will see how to deal with you!"

It has been said that Ibn Mas'ood had adopted the opinion of Umar in this matter. Al-Bukhari, and others, mentioned a tradition that Shaqeeq bin Salama had said: "Once I was with Abdullah bin Mas'ood and Abu Musa al-Ash'ari. Abu Musa asked Abdullah bin Mas'ood: "O Abu Abdurrahman, if one becomes impure and he does not find water, what will he do then?" Abdullah ibn Mas'ood said: "He does not offer the prayer until he finds water."

Abu Musa said: "Then how about the saying of Ammar when the Prophet (S) has said to him: "It would have sufficed you to..."?" Ibn Mas'ood said: "Do you not see that Ammar has not been satisfied with that?" Abu Musa said: "Let us put the saying of Ammar aside! What do you do with this verse..." he recited to him the verse of Tayammum mentioned in the sura of al-Ma'ida. Abdullah did not know what to say." 146

I say: Abdullah bin Mas'ood was cautious in his speech with Abu Musa because he feared both Umar and Abu Musa. There is no doubt in that. Allah is more aware!

38. Two supererogatory Rak'as after Asr prayer

Muslim mentioned in his *Sahih* 147 a tradition narrated by Urwa bin az–Zubayr from his father that Aa'isha (the Prophet's wife) had said: "The Prophet (S) had never ignored the two rak'as (which he had been used to offer) after Asr prayer in my house at all."

He also mentioned a tradition narrated by Abdurrahman bin al-Aswad from his father that Aa'isha had said: "There were two prayers that the Messenger of Allah (S) had never ignored, when being in my house, neither secretly nor openly; two rak'as before Fajr Prayer and two rak'as after Asr Prayer."

He mentioned another tradition that al-Aswad and Masrooq had said: "We witness that Aa'isha has said: "Whenever the Messenger of Allah (S) was in my house, he offered the two rak'as after Asr prayer." But Umar bin al-Khattab prohibited them (these two rak'as) and punished whoever offered them.

Malik mentioned in his *Muwatta'* 148 a tradition narrated by Ibn Shihab from as–Sa'ib bin Yazeed who said that he had seen Umar bin al–Khattab beating al–Mukandar 149 because he had offered two rak'as after Asr prayer.

Abdurrazaq mentioned that Zayd bin Khalid had said that once the caliph Umar had seen him offering two rak'as after Asr prayer and beaten him for that...then Umar said: "O Zayd, unless I fear that people may take it (the prayer after Asr prayer) as a (ladder) to prayer until the night, I will not punish for it."

He also mentioned a tradition like that narrated by Tameem ad–Dariy but he said in it "...Umar said: "...but I fear that some people may come after you that they offer prayers since the afternoon until the sunset that they may offer prayers during the time, 150 at which the Prophet (S) had prohibited from offering prayers."

39. Displacing Abraham's temple

The temple of Prophet Abraham (S) is the rock by which the pilgrims offer prayer according to the saying of Allah:

"Take as your place of worship the place where Abraham stood (to pray)" (Qur'an 2:125).

Abraham and Ishmael (S), when building the House, stood on this rock to hand over rocks and clay. The rock was stuck to the Kaaba but the Arabs after Prophet Abraham (S) moved it to its place nowadays. When Allah has sent Muhammad (S) as the prophet and granted him with means of power, he stuck the rock to the Kaaba again as it had been at the time of his fathers Abraham and Ishmael. When Umar became the caliph, he displaced it as it is nowadays. At the time of the Prophet (S) and the time of Abu Bakr the rock was stuck to the Kaaba. 151

In the seventeenth year of hijra Umar enlarged the mosque by adding to it some of the companions' houses around it. The companions had refused to sell their houses but Umar tore down their houses and

40. Weeping for the dead

The sorrow of man for losing his loved ones and his crying for them are parts of the sentiment of human beings besides that they are among the requirements of mercy if they are not accompanied with bad sayings and doings.

The Prophet (S) has said: "Whatever comes out of the heart and the eye is from Allah and mercy and whatever comes out of the hand and the tongue is from the Satan." 153

The Muslims have done so everywhere and always without having any evidence to prohibit it. The necessity required it (sorrowfulness or crying) to be permissible.

In fact the Prophet (S) himself has cried in many occasions and he has approved the others when crying in many occasions and admired it (crying) in other occasions. In fact he might have invited to it.

The Prophet (S) had cried for his uncle Hamza, the lion of Allah and the lion of His Messenger. Ibn Abdul Birr and other historians said "When the Prophet (S) saw Hamza killed, he cried and when he saw him mutilated, he sobbed." 154

Al-Waqidy said: "The Prophet (S) often cried when Safiyya 155 cried and he sobbed when she sobbed." He added: "Fatima began crying and the Messenger of Allah (S) began crying too for her crying." 156

Anas bin Malik said: "When the army of the Muslims was in Mu'ta, Zayd took the banner but he was injured. Then Ja'far took the banner and he was injured too. Then Abdullah bin Rawaha took the banner and he was injured too. The Prophet's eyes were shedding tears..." 157

Ibn Abdul Birr said in his *al-Istee'ab*: "The Prophet (S) cried for Ja'far and Zayd and he said: "They are my brothers, friends and talkers."

Anass said: "...then we came to him (to the Prophet (S)) while Ibraheem (the Prophet's son) was dying. The Prophet's eyes began shedding tears. Abdurrahman bin Ouff said to him: "Do you cry while you are the Messenger of Allah?!" The Prophet (S) said: "O Ibn Ouff, it is mercy!" Then he cried again and said: "The eye sheds tears and the heart becomes sad but we do not say what discontents our Lord. O Ibraheem, we are sad for your leave!" 158

Usama bin Zayd said: "The daughter of the Prophet (S) sent for him that one of her sons had died. The Prophet (S) went with Sa'd bin Ubada, Ma'ath bin Jabal, Ubayy bin Ka'b and Zayd bin Thabit. The Prophet (S) lifted the boy while his breath was still clattering. The Prophet's eyes began shedding tears. Sa'd said: "O Messenger of Allah, what is this?" The Prophet (S) said: "It is mercy that Allah has put in the hearts of His people. Allah has mercy on the merciful ones of His people..." 159

Abdullah bin Umar said: "One day Sa'd bin Ubada became ill. The Prophet (S) came to visit him with Abdurrahman bin Ouff, Sa'd bin Abu Waqqas and Abdullah bin Mas'ood. He found him in the middle of his relatives. The Prophet (S) asked: "Is he dead?" They said: "No, O Messenger of Allah." The Prophet (S) began crying. When the people saw the Prophet (S) crying, they began crying too. Then the Prophet (S) said: "Allah does not punish for the tears of the eyes nor for the sadness of the heart but He punishes and has mercy (on people) for this." He pointed to his tongue." 160

Ibn Abdul Birr said in *al–Istee'ab*: "When the Prophet (S) was informed that Ja'far had been martyred, he went to his wife (Ja'far's wife) Asma' bint Umays and consoled her. Then Fatima (S) (the Prophet's daughter) came in crying and saying: "O uncle!" The Prophet (S) said: "Let the criers cry for one like Ja'far!" 161

The historians like Ibn Jareer, Ibnul Atheer, Ibn Katheer and Ibn Abd Rabbih mentioned the tradition of Ibn Umar that Ahmad bin Hanbal had mentioned in his *Musnad*. 162 Ibn Umar narrated: "When the Prophet (S) (and his army) had come back from the battle of Uhud, the women of the Ansar began crying for their killed husbands. The Prophet (S) said: "But Hamza has no one crying for him!" Then the Prophet (S) went to bed. When he woke up, he heard the women crying. He said: "Then they are crying for Hamza today."

Ibn Abdul Birr in *al-Istee'ab* quoted from al-Waqidy his saying: "The women of the Ansar, after this saying of the Prophet (S) "But Hamza has no one crying for him", did not cry for a dead one of the Ansar unless they cried for Hamza first."

Crying for Hamza at the time of the Prophet (S), the time of the companions and the time of the companions' successors was clear evidence on the permissibility of the crying for one like Hamza even if it was a long time since he had died.

The saying of the Prophet (S) "But Hamza has no one crying for him" and his saying "Let the criers cry for one like Ja'far" proved that crying for (good) dead people were desirable.

In spite of all that, Umar bin al-Khattab had prohibited crying for a dead man whatever great he was. In fact he beat with a stick, threw with stones and threw soil on whoever cried for the dead. He did that since the time of the Prophet (S) and he kept on that until the end of his life. 163

Ahmad bin Hanbal mentioned in his Musnad a tradition narrated by Ibn Abbas about the death of Ruqayya, the Prophet's daughter, and the crying of women for her and then he said: "...Umar began beating the women with his whip. The Prophet (S) said to him: "Let them cry!" The Prophet (S) sat by the tomb and Fatima (sa) was crying beside him. The Prophet (S) began wiping Fatima's eyes with his dress compassionately." 164

Ahmad also mentioned in his *Musnad* 165 a tradition narrated by Abu Hurayra that once a procession of funerals passed by the Prophet (S). Among them there were some women crying. Umar scolded them.

The Prophet (S) said: "Let them cry. The heart is sad and the eye is shedding tears." 166

Aa'isha and Umar were in disagreement on this matter. Umar and his son Abdullah narrated that the Prophet (S) had said: "A dead is tortured because of the crying of his relatives for him\her." In another tradition: "...because of some of his relatives' crying" in a third saying "because of the crying of (people of) the quarter" in a fourth one "he is tortured in his grave whenever it is cried for him" in a fifth one "whoever is cried for, is tortured". All these sayings are untrue due to reason and tradition.

An-Nawawi said, when mentioning these sayings: "All these narrations have been narrated by Umar and his son Abdullah.

Aa'isha denied that and accused them of being forgetting or mistaken. She refuted their sayings by reciting the saying of Allah:

".. no bearer of burden shall bear the burden of another" (Qur'an 6: 164)

Ibn Abbas and all of the infallible imams of Ahlul Bayt (as) have denied these traditions and confirmed that the narrators were mistaken. Aa'isha and Umar were still in disagreement about this matter until Aa'isha cried for her father when he died. Because of that there were some things happened between them. At–Tabari mentioned in his *Tareekh al–Khulafa*', vol.4 when talking about the events of the thirteenth year of hijra, that Sa'eed bin al–Musayyab had said:

"When Abu Bakr died, Aa'isha (with her fellow women) began crying for him. Then Umar came to her house and forbade her and the other women from crying for Abu Bakr. They refused to refrain from crying. Umar said to Hisham bin al-Waleed: "Go inside the house and bring me the daughter of Ibn Abu Quhafa (Aa'isha the daughter of Abu Bakr)." Aa'isha said to Hisham when she heard the saying of Umar: "I forbid you from entering my house." Umar said to Hisham: "Enter the house! I have permitted you." Hisham went in and brought Umm Farwa, Abu Bakr's sister, to Umar. Umar began beating Umm Farwa with his stick. When the crying women heard that, they separated here and there."

Here we attract the attention of the men of understanding to search about the reason that has led Fatima (sa) to be away from the country when she wanted to cry for her father (S). She went, with her two sons and her fellow women, to al-Baqee' (graveyard). They cried for the Prophet (S) under the shadow of a tree there and when this tree was cut, Imam 'Ali (as) built her a house in al-Baqee' to weep for her father in it. It was called "the house of sorrows".

This house had been visited by the different generations of this umma like the other sacred places. This house was demolished recently by the order of King Abdul Aziz bin Sa'ood al–Jundi when he prevailed over Hijaz and he destroyed the sacred places in al–Baqee' according to his Wahabite belief. It was in the year 1344 A.H. In the year 1339 we have got the honor of visiting this house (the house of sorrows) when Allah has granted us with the favor of offering the hajj and visiting the Prophet (S) and the places of his pure family in al–Baqee'.

41. The Prophet (S) confirms truthfulness of Hatib

Al-Bukhari mentioned in his *Sahih* a tradition narrated by Abu Owana that Husayn had said: "Once Abu Abdurrahman and Habban bin Atiyya disputed. Abu Abdurrahman said to Habban: "I knew what had encouraged your friend – he meant Ali – to shed the bloods." Habban said: "Woe unto you! What was that?" Abu Abdurrahman said: "Something I have heard him saying it." Habban said: "What is it?"

Abu Abdurrahman said: "Ali said: "One day the Prophet (S) sent for us; me, az–Zubayr and Abu Marthad, and all of us were knights, and he said to us: "You go to Rawdhat Haj. 167 There is a woman there having a letter from Hatib bin Abu Balta'a to the polytheists. Bring me the letter." We set out on our horses until we found the woman where the Prophet (S) had said to us that she was on a camel. Hatib had written a letter to the people of Mecca informing them that the Prophet (S) would attack them.

We asked the woman: "Where is the book which you have?" She said: "I do not have any book." We made her camel kneel down and we searched her baggage but we did not find any book. My two companions said: "We do not think that she has a book." I (Ali) said: "We know well that the Prophet (S) has not told a lie." Then I swore: "By Him, Who is sworn by, either you take out the book or I shall disrobe you." 168 She took the letter out of her garment." They brought the letter to the Prophet (S).

Umar said: "O Messenger of Allah, he (Hatib) has betrayed Allah, His Messenger and the believers. Let me behead him!" The Prophet (S) said to Hatib: "O Hatib, what made you do that?" Hatib said: "O Messenger of Allah, I still believe in Allah and His Messenger but I wanted to do the people (the polytheists) a favor so that they would not harm my family and properties. Every one of your companions there has someone of his tribe to defend his family and properties." The Prophet (S) said to his companions: "He is right. Do not say to him save good."

Umar said again: "O Messenger of Allah, he has betrayed Allah, His Messenger and the believers. Let me behead him!" 169 It was necessary for Umar not to say that after the Prophet (S) had told them that Hatib was right and after he had ordered them not to harm him.

42. The Prophet's book to his emirs

Malik bin Anas and al-Bazzaz mentioned 170 that the Prophet (S) had sent books to his emirs asking them that when they wanted to send him their mails they should make their letters and books with fine titles and in fine forms. When Umar knew that, he got up saying: "I do not know! Shall I say or shall I keep silent?" The Prophet (S) said to him: "O Umar, say!" Umar said to the Prophet (S): "You have forbidden us from being pessimistic but how do you become pessimistic now?" The Prophet (S) said: "I am not pessimistic but I have chosen the best."

43. Dividing the charities

Ahmad bin Hanbal mentioned in his Musnad 171 that Salman bin Rabee'a had heard Umar saying: "One day the Prophet (S) distributed charities among some people. I said to him: "O Messenger of Allah, there are other people who are more deserving than these people; they are the people of the Suffa." 172 The Prophet (S) said: "You ask me greedily (and at the same time) you intend to make me miser while I am not."

But the division had been done as Allah and His Messenger willed. Abu Musa said that Umar had asked the Prophet (S) about some things that the Prophet (S) disliked until he became angry. Umar saw the anger in the Prophet's face. 173

44. The Prophet (S) orders Umar to hide his faith

Muhyiddeen ibn al-Arabi mentioned that the Prophet (S) had said to Umar bin al-Khattab, when he had become a Muslim: "Keep your faith secret." But Umar refused to do that and he announced his being a Muslim openly. 174

Necessity then required the Muslims to conceal their faith because the mission would not succeed except with concealment but the (valor) of Umar led him to announce his being a Muslim even if he would contradict the order of the Prophet (S)!

45. Fasting at the beginning of Islam

In Ramadan, at the beginning of Islam, a fasting Muslim could eat, drink, sleep with his wife and do the other permissible things since the sunset until he offered Isha' prayer or he slept. If he offered Isha' prayer or he slept, it would be impermissible for him to eat, to drink, to sleep with his wife or to do other things that were not permissible for a fasting one until the next night.

But one night after Isha' prayer Umar slept with his wife. He regretted what he had done. He came to the Prophet (S) and said to him: "O Messenger of Allah, I apologize to Allah and to you my mistaken soul…" He told the Prophet (S) of what he had done. Then some men got up and confessed that they often did as Umar had done after Isha' prayer.

Then Allah revealed to the Prophet (S) this verse:

"It is made lawful to you to go into your wives on the night of the fast; they are an apparel for you and you are an apparel for them; Allah knew that you acted unfaithfully to yourselves, so He has turned to you (mercifully) and removed from you (this burden); so now be in contact with them and seek what Allah has ordained for you, and eat and drink until the whiteness of the day becomes distinct from the blackness of the night at dawn, then complete the fast till night"

(Qur'an 2: 187) 175

The verse showed clearly that they disobeyed Allah more than one time but Allah had forgiven them and accepted their repentance and He permitted them to practice what had been impermissible for them as mercy from Him.

46. Prohibiting wine

Allah has revealed three verses about wine; the first was:

"They ask you about intoxicants and games of chance. Say: In both of them there is a great sin and means of profit for men, and their sin is greater than their profit" (Qur'an 2:219).

After this verse some of the Muslims drank wine and others refrained from drinking it until a man offered his prayer while he was drunk and so he mistook in reciting the verses in the prayer. Then Allah revealed:

"O you who believe! Do not go near prayer when you are intoxicated until you know (well) what you say" (Qur'an 4:43)

After the revelation of this verse some Muslims drank wine and some others gave it up. Some historians mentioned that one day Umar drank wine and then he took a jawbone of a camel and struck Abdurrahman bin Ouff on the head. Then he sat weeping for the killed people of the battle of Badr and reciting some poetry of al-Aswad bin Ya'fur:

"Is he unable to keep death away from me, or resurrect me when my bones become destroyed? Is there someone who tells the Beneficent that I have given up the month of fast? Say to Allah to prevent me my drink And say to Allah to prevent me my food."

The Prophet (S) was informed of that and he became very angry. He went out dragging his garment and he hit Umar with something he had in his hand. Umar said: "May Allah save me from His wrath and from the wrath of His Messenger!" Then Allah revealed:

"The Shaitan only desires to cause enmity and hatred to spring in your midst by means of intoxicants and games of chance, and to keep you off from the remembrance of Allah and from prayer. Will you then desist" (Qur'an 5:91).

Umar said: "We desist! We desist!" 176

47. The Prophet (S) forbids from killing al-Abbas and others

47. The Prophet (S) forbids from killing al-Abbas and others 177

During the battle of Badr the Prophet (S) said to his companions: "I know that some men of Bani Hashim have been forced to go to the battle (to fight against the Muslims) unwillingly. We have no need to fight them. When you meet any one of them (the Hashemites), you are not to kill him and if any one of you meets Abul Bukhturi bin Hisham bin al-Harith bin Asad, he has not to kill him 178 and if any of you meets al-Abbas bin Abdul Muttalib (the Prophet's uncle) he has not to kill him because he has gone to war unwillingly."

The Prophet (S) had forbidden his companions from killing any one of the Hashemites and then he had forbidden them from killing his uncle al-Abbas especially to confirm and to stress on that al-Abbas were not to be killed. When al-Abbas had been captured as prisoner, the Prophet (S) had spent that night sleeplessly. His companions asked him: "O Messenger of Allah, why could you not sleep?" He said: "I heard my uncle writhing in his ties and I could not sleep." They went and set al-Abbas free of his ties and then the Prophet (S) could sleep. 179

Yahya bin Katheer said: "On the day (the battle) of Badr the Muslims had captured seventy men of the polytheists, among whom was al-Abbas, the Prophet's uncle. Umar bin al-Khattab was responsible for tying him. Al-Abbas said: "O Umar, by Allah, what leads you to tighten my ties is because of my slapping you for the sake of the Messenger of Allah."

The Prophet (S) heard the moaning of al-Abbas and he could not sleep. The companions asked: "O Messenger of Allah, what prevents you from sleeping?" He said: "How can I sleep while I hear the moaning of my uncle?" Then the Ansar set him free…"180

All the Prophet's companions of the Ansar, the Muhajireen and others knew well what high position Abul Fadhl al-Abbas had near the Prophet (S). When the Prophet (S) heard the word of Abu Huthayfa bin Utba bin Rabee'a bin Abd Shams, who fought with the Prophet (S) in Badr, when he said: "Do we kill our fathers and brothers and we leave al-Abbas free? By Allah, if I meet him, I will strike him with the sword" he became very angry for that and then he said to Umar provoking his zeal: "O Abu Hafs, is it right that the face of the Prophet's uncle is struck with the sword?" Umar said: "By Allah, it was the first day that the Prophet (S) had called me as Abu Hafs." 181

The war came to an end. The Prophet (S) gained victory and his army returned with honor. Seventy of the tyrants were killed and other seventy of them were captured. The prisoners were brought dragging their ties. Abu Hafs (Umar) began inciting to kill them with severe words. He said: "O Messenger of Allah, they have (considered you as a liar) disbelieved in you, exiled you and fought you. Would you permit me to kill so-and-so (one of his relatives) and permit Ali to kill his brother Aqeel and permit Hamza to kill his brother al-Abbas?"

Glory be to Allah! Al-Abbas and Aqeel were neither among those who had considered the Prophet (S) as a liar nor among those who had exiled him nor among those who had harmed him! They were with him in the Shi'b during the long period of the blockade against the Hashimites suffering distresses with him. They had been taken to the battle unwillingly as the Prophet (S) himself had witnessed and the Prophet (S) had forbidden his companions from killing them under the heat of the war so how would they be killed while they were captives?

As the withering of al-Abbas had worried the Prophet (S) and prevented him from sleeping, then how would he become if his uncle was killed for no reason? Al-Abbas had been a Muslim before that but he had concealed his faith for a wisdom behind which there was contentment to Allah and His Messenger and goodness to him and to the umma. 182

48. Taking ransom from the prisoners of Badr

When Allah has granted His servant and Messenger with victory on the day of distinction, the day on which the two parties met; the prisoners have been brought to the Prophet (S). It seemed then that he would keep them alive so that Allah might guide them to His religion later on; and it happened by the grace of Allah!

But the Prophet (S) decided, after forgiving them, to take ransom from them in order to weaken them so that they would not be able to stand against him again and that he would be stronger than them with that ransom. This was the best for the two parties and it was the loyalty to Allah and to His people undoubtedly;

"Nor does he speak out of desire. It is naught but revelation that is revealed" (Qur'an 53:3-4).

Though the Prophet (S) was merciful in nature and wherever he found a way he would not fail to show his mercy.

Umar thought that all of the prisoners should be killed as a reward because they had considered the Prophet (S) as a liar, harmed him, exiled him and fought him. Umar was too determined to do away with them and that they should be killed by their Muslim relatives.

But the Prophet (S) had exemplified the word of Allah:

"I follow naught but what is revealed to me; surely I fear, if I disobey my Lord, the punishment of a mighty day" (Qur'an 10:15).

The Prophet (S) forgave them and set them free after taking the ransom. After that those, who were ignorant of his infallibility and wisdom, became as if they

"cannot arise except as one, whom the Satan has prostrated by (his) touch, does rise. That is because they say"(Qur'an 2:275)

that the Prophet (S), when keeping them (the prisoners) and taking ransom from them, acted according

to his own ijtihad (opinion) 183 whereas the right thing for him was to kill them and to get rid of their evil. They depended on false and fabricated traditions that neither reason nor custom would accept.

Among those false traditions was this one: "After the Prophet (S) had taken the ransom from the prisoners of Quraysh (and set them free), Umar came to him and found him and Abu Bakr crying. Umar said to them: "What are you crying for?" The Prophet (S) said: "We are about to be afflicted with a great torment because we have contradicted (Umar) Ibn al-Khattab. If torment comes down, no one will be safe from it except Ibn al-Khattab." 184

(They said) then Allah revealed:

"It is not fit for a prophet that he should take captives unless he has fought and triumphed in the land; you desire the frail goods of this world, while Allah desires (for you) the hereafter; and Allah is Mighty, Wise. Were it not for an ordinance from Allah that had already gone forth, surely there would have befallen you a great chastisement for what you had taken to" (Qur'an 8:67-68).

"And they did not assign to Allah the attributes due to Him" (Qur'an 6:91) when they went far in deviation and ascribed ijtihad to the Prophet (S) whereas Allah said:

"It is naught but revelation that is revealed" (Qur'an 53:4).

They were too ignorant when they thought that the Prophet (S) had been mistaken and they went astray to the full when they preferred the saying of other than the Prophet (S). They became confused with this verse and became blind before its intents. They said that it had been revealed to scold the Prophet (S) and his companions when they – as the fool had pretended – preferred the pleasures of this life to the afterlife by keeping the prisoners alive and taking ransom from them before they "...had fought and triumphed in the land" (Qur'an 8:67). They pretended that no one innocent of that sin save Umar and if the great chastisement would come down, no one would be safe from it except Umar!

Had told lies he who had pretended that the Prophet (S) had kept the prisoners and taken ransom from them before he "...had fought and triumphed in the land..".

The Prophet (S) did that after he had fought and killed the heroes and tyrants of Quraysh like Abu Jahl bin Hisham, Utba, Shayba bin Abu Rabee'a, al-Waleed bin Utba, al-Aas bin Sa'eed, al-Aswad bin Abdul Asad al-Makhzoomi, Umayya bin Khalaf, Zam'a bin al-Asad, Aqeel bin al-Aswad, Nabeeh, Munabbih, Abul Bukhturi, Handhala bin Abu Sufyan, Tu'ayma bin Adiy bin Nawfal, Nawfal bin Khuwaylid, al-Harith bin Zam'a, an-Nadhr bin al-Harith bin Abd ad-Dar, Umayr bin Othman at-Tameemi, Othman and Malik, the brothers of Talha, Mas'ood bin Umayya bin al-Mugheera, Qayss bin al-Faqih bin al-Mugheera, Huthayfa bin Abu Huthayfa bin al-Mugheera, Abu Qayss bin al-Waleed bin al-Mugheera, Amr bin Makhzoom, Abul Munthir bin Abu Rifa'a, Hajib bin as-Sa'ib bin Uwaymir, Ouss bin al-Mugheera bin Louthan, Zayd bin Malees, Aasim bin Abu Ouff, Sa'eed bin Wahab, Mo'awiya bin Abdul Qays, Abdullah bin Jameel bin Zuhayr bin al-Harith bin Asad, as-Sa'ib bin Malik, Abul Hakam bin al-Ahnass,

Hisham bin Umayya bin al-Mugheera...to the seventy heads of disbelief and the chiefs of polytheism.

After all that how could the Prophet (S) have taken ransom before fighting? Would that they had minds! How did they dare to blame the Prophet (S) after his victories, O you Muslims?! Allah forbid! The Prophet (S) is too far above all what they have raved!

The fact was that the verse had been revealed to scold those who wanted to obtain the caravans and to capture their keepers as Allah had said about the event:

"And when Allah promised you one of the two parties that it shall be yours and you loved that the one not armed should be yours and Allah desired to manifest the truth of what was true by His words and to cut off the root of the unbelievers" (Qur'an 8:7).

The Prophet (S) had consulted with his companions and said to them: "The people (the polytheists) have set out on their camels. Are camels more beloved to you or fighting?" They said: "Camels are more beloved to us than meeting the enemy." One of them said to the Prophet (S) when he saw him insisting on fighting: "You should have told us about fighting so that we could get ready for it. We have come to obtain the camels and not to fight." The Prophet (S) became too angry. 185

Then Allah revealed:

"Even as your Lord caused you to go forth from your house with the truth, though a party of the believers were surely averse. They disputed with you about the truth after it had become clear, (and they went forth) as if they were being driven to death while they saw (it)" (Qur'an 8:5-6).

Then Allah wanted to convince them by justifying the situation of the Prophet (S) in his insisting on fighting and in his indifference to the camels and their keepers when He said:

"It is not fit for a prophet" (from among the prophets who had come before your Prophet Muhammad) "that he should take captives unless he has fought and triumphed in the land" (Qur'an 8:67); so your prophet would have no captives "unless he has fought and triumphed in the land" like the other previous prophets before him. But you wanted, by taking the camels and capturing their keepers, to obtain the pleasures of this life but Allah wanted the hereafter by doing away with His enemies and Allah is (Mighty, Wise). Might and wisdom at those days required to do away with the power of the enemies and to put out their flame.

Then Allah said scolding them:

"Were it not for an ordinance from Allah that had already gone forth" to prevent them from taking the camels and capturing their keepers, they would have captured the people and taken their camels. If they had done so "..surely there would have befallen you a great chastisement for what you had taken to" (Qur'an 8:68) before fighting in the land!

This is the meaning of the verse and it cannot be interpreted into other than this meaning. I do not know

that there is someone preceding me in this interpretation when I have mentioned this verse and explained it in my book *al-Fusool al-Muhimma* (the important chapters). 186

49. Prisoners of Hunayn

When Allah made His Messenger defeat the tribe of Hawazin in Hunayn and granted him with that great victory, the caller of the Prophet (S) announced: "No prisoner is to be killed!"

Umar bin al-Khattab passed by a tied captive called Ibn al-Akwa' who had been sent before by the tribe of Huthayl to Mecca as a spy on the Prophet (S) to convey the news of the Prophet (S) and his companions. When Umar saw him, he said: "This is the enemy of Allah. He had been spying on us. He is a captive here. Kill him!" One of the Ansar beheaded him. When the Prophet (S) was informed of that, he scolded them for doing that and said: "Have I not ordered you not to kill any captive?" 187

After killing this one, they killed Jameel bin Ma'mar bin Zuhayr. The Prophet (S) sent for the Ansar while he was very angry. He said to them: "Why did you kill him whereas my messenger has come to you ordering you not to kill any prisoner?" They apologized and said that Umar had ordered them to kill the prisoner. The Prophet (S) became angry and deserted them (Umar) until Umayr bin Wahab interceded with him (for Umar) and then he forgave them. 188

Among those, who had been killed in Hunayn, was a woman from Hawazin. She was killed by Khalid bin al-Waleed. The Prophet (S) became very angry when he passed by her body, around which many people had gathered. The Prophet (S) said to one of his companions: "Follow after Khalid and say to him that the Prophet (S) orders you not to kill women, children or employees." It has been narrated by Ibn Ishaq.

Ahmad bin Hanbal said: "Abu Aamir bin Abdul Melik narrated from al-Mugheera bin Abdurrahman from Abu az-Zinad from al-Muraqqi' bin Sayfi that his grandfather Rabah bin Rabee' had told him that once the Prophet (S) had come back from one of his battles where Khalid bin al-Waleed was the leader of the army. Rabah and the companions of the Prophet (S) passed by a killed woman, who had been killed by of the front of the army. They stopped looking at her astonishingly.

When the Prophet (S) arrived, they spread out. The Prophet (S) stopped, looked at her and said: "She would not have fought!" He said to one of his companions: "Follow after Khalid and say to him not to kill a woman or an employee." 189 It has also been mentioned by Ibn Dawood, an-Nassa'iy and Ibn Maja from al-Muraqqi' bin Sayfi.

50. The fleers from jihad

Allah has prohibited fleeing from jihad at all by this verse:

"O you who believe! When you meet those who disbelieve marching for war, then turn not your

backs to them. And whoever shall turn his back to them on that day, unless he turn aside for the sake of fighting or withdraws to a company, then he, indeed, becomes deserving of Allah's wrath, and his abode is hell; and an evil destination shall it be" (Qur'an 8:15–16)

It is a clear and absolute text in a clear verse of the holy Qur'an. But some of the companions have interpreted it according to their own opinions preferring the benefits to obeying the holy texts. In fact they have violated this clear text in many occasions.

One of those occasions was on the day of Uhud. Ibn Qam'a attacked Mus'ab bin Umayr (may Allah be pleased with him) and killed him thinking that he was the Prophet (S). He returned to Quraysh telling them that he had killed Muhammad. The polytheists began bringing good news to each other. They said: "Muhammad was killed! Muhammad was killed! Ibn Qam'a killed him." The Muslims were frightened and they fled unknowing what to do as Allah has said expressing their state:

"When you ran off precipitately and did not wait for any one, and the Messenger was calling you from your rear, so He gave you another sorrow instead of (your) sorrow" (Qur'an 3: 153).

The Prophet (S) was calling upon them: "O slaves of Allah, come to me! O slaves of Allah, come to me! I am the Messenger of Allah. He, who attacks the enemy, will be in Paradise!" He was calling upon them while he was at the rear but they did not turn to any one at all (while fleeing).

Ibn Jareer and Ibnul Atheer mentioned in their *Tareekh*: "The defeat of the fleeing group of the Muslims, among whom was Othman bin Affan and others, took them to al-A'was. They stayed there for three days and then they came back to the Prophet (S) who said to them when he saw them: "You have gone where you liked!" 190

Ibn Jareer and Ibnul Atheer also mentioned that Anas bin an–Nadhr, who was the uncle of Anas bin Malik, met Umar, Talha and some of the Muhajireen, who had put their weapons aside and given up fighting. He asked them: "Why have you given up fighting?" They said: "The Prophet (S) has been killed". He said to them: "Then what do you do with life after him? Die for what the Prophet (S) has died for!" Then he attacked the polytheists and fought them until he was killed. Seventy stabs and strokes were found in his body and no one could know him save his sister.

They mentioned that Anas bin an-Nadhr had heard some of the Muslims, among whom were Umar and Talha, saying when they heard that the Prophet (S) had been killed: "Would that Abdullah bin Abu Salool come to take safeguard for us from Abu Sufyan before they kill us!" Anas said to them: "O people, if Muhammad has been killed, the Lord of Muhammad has not been killed. Fight for what Muhammad has fought for! O Allah, I apologize to You for what these people say and acquit myself from what they do!" Then he fought until he was martyred. 191 Blessings of Allah be upon him.

And another one of those occasions was:

"..on the day of Hunayn, when your great numbers made you vain, but they availed you nothing and the earth became strait to you notwithstanding its spaciousness, then you turned back retreating. Then Allah sent down His tranquility upon His Messenger and upon the believers" (Qur'an 9:25-26)

who kept to the Prophet (S) when his companions fled; the companions among whom was Umar as al-Bukhari said in his *Sahih* 192 when mentioning a tradition that Abu Qatada al-Ansari had said: "...on the day of Hunayn the Muslims fled away and I fled with them. I saw Umar among the fleers. I said to him: "What is the matter with the people?" He said: "It is an affair of Allah..."

And another occasion; when the Prophet (S) marched to conquer Khaybar, he sent Abu Bakr at the head of the army. He was defeated and came back. 193

Imam 'Ali (as) said: "The Prophet (S) marched to conquer Khaybar. He sent Umar at the head of the companions (the army). He and his companions were defeated and came back; one cowarding the other..." 194

Al-Hakim mentioned in his *Mustadrak* 195 that Jabir bin Abdullah had said: "The Messenger of Allah said: "Tomorrow I will send a man, who loves Allah and His Messenger and they love him. He will not turn his back (to the enemy). Allah will grant him victory." The men looked forward to it. Ali was soreeyed on that day. The Prophet (S) asked him to set out with the army. Ali said: "O Messenger of Allah, I can see nothing." The Prophet (S) spit in Ali's eyes and gave him the banner.

Ali asked: "O Messenger of Allah, what shall I fight them for?" The Prophet (S) said: "To witness that there is no god but Allah and that Muhammad is the Messenger of Allah. If they do, they will spare their bloods and monies and their reward will be with Allah." He fought them (the people of Khaybar) and defeated them."

Al-Hakim, after mentioning this tradition, said: "Al-Bukhari and Muslim have agreed on the tradition (of the banner) but they did not mention it in this way." So has been said by ath-Thahabi in his *Talkhees* after mentioning the tradition.

Iyass bin Salama narrated that his father had said: "We have fought with the Prophet (S) in Khaybar when he spit in Ali's eyes and they recovered and then the Prophet (S) gave him the banner. Marhab came out to Ali reciting:

"Khaybar has known that I am Marhab, Expert hero with sharp weapons When wars come flaming."

Ali (may Allah be pleased with him) came out to him reciting:

"It is me, whom my mother has called me Haydara,

like a lion of forest with bad look.

I kill (many of) you with the sword."

Ali struck Marhab and split his head and then the victory came." 196

And another occasion during the battle of as–Silsila in the valley of ar–Raml (sand); it was like the battle of Khaybar. First the Prophet (S) sent Abu Bakr and then he came back defeated with his army. Then the Prophet (S) sent Umar who came back with defeat too. After that the Prophet (S) sent Imam 'Ali (as) who came back with victory, booties and captives. 197

The battle of as-Silsila is other than the battle of Thaat as-Salasil, which was in the seventh year of hijra under the leadership of Amr bin al-Aas. Abu Bakr, Umar and Abu Ubayda were among the army on that day according to all of the historians.

There were some problems between Umar and Amr bin al-Aas as al-Hakim has mentioned in his *Mustadrak*. 198 Abdullah bin Burayda narrated that his father had said: "The Prophet (S) had sent Amr bin al-Aas to the battle of Thaat as-Salasil as the leader of the army, in which Abu Bakr and Umar were as soldiers. When they arrived at the place of the battle, Amr ordered his army not to light any fire. Umar bin al-Khattab became angry and tried to attack Amr but Abu Bakr forbade him from doing that and said to him that the Prophet (S) had appointed Amr as the leader because he knew that he was expert in the affairs of the wars and then Umar became quiet."

Al-Hakim said, after mentioning this tradition, that it was true and ath-Thahabi said the same after mentioning the tradition in his *Talkhees*.

Note

The Prophet (S) had wise ways in announcing the virtues of Imam 'Ali (as) and in preferring him to the rest of the companions. The researchers knew that well.

Among these ways was that the Prophet (S) had never appointed any one as a leader over Imam 'Ali (as) neither in war nor in peace whereas the other companions had been under the leadership of others.

199 The Prophet (S) had appointed Amr bin al–Aas as the emir over Abu Bakr and Umar in the battle of Thaat as–Salasil. When the Prophet (S) left to the better world, Usama bin Zayd, although he was too young, was the emir over the heads of the Muhajireen and the Ansar like Abu Bakr, Umar, Abu Ubayda and their likes.

When the Prophet (S) appointed Imam 'Ali (as) as a leader of an army, he joined to his army famous personalities but when he appointed other than him, he excluded him from those armies and kept him to be with him. 200

When the Prophet (S) sent two brigades; one under the leadership of Imam 'Ali (as) and the other under

the leadership of another one, he ordered them that when the two brigades gathered together, both would be under the leadership of Imam 'Ali (as) and when they separated again, each one would lead his brigade. 201

The Prophet (S), more than one time, had sent other than Imam 'Ali (as) on the armies but they came back unsuccessfully and then the Prophet (S) sent Imam 'Ali (as) to obtain great victories 202 and in this way the virtue of Imam 'Ali (as) appeared better than if the Prophet (S) would have sent him from the first.

The Prophet (S) might have sent other than Imam 'Ali (as) in a task, to which the necks stretched, and then Allah revealed to the Prophet (S) that: "No one is to carry out your tasks save you or a man from you" meaning Imam 'Ali (as) as it was with the matter of the sura of Bara'a and breaking the covenants of the polytheists on the day of the great haji. 203

51. The Prophet (S) orders his companions not to answer Abu Sufyan in Uhud

On the day of Uhud, the Prophet (S) and his companions stopped at the bank of the valley and they let the mountain behind them. The polytheists were three thousand and seven hundred armored warriors and two hundred knights. There were fifteen women with them. The Muslims were two hundred armored fighters and two knights.

The two armies got ready to fight. The Prophet (S) (and his companions) turned his face to Medina and left the mountain of Uhud behind him. He made the archers, who were fifty men, behind him and appointed Abdullah bin Jubayr as their emir and said to him: "Keep the knights away from us by the arrows. Do not let them attack us from behind. Keep on your places whether we win or lose for we will not be attacked except from this defile (*shi'b*); the defile of Uhud."

Talha bin Othman, the bearer of the polytheists' banner, came out calling: "O companions of Muhammad, you claim that Allah will hasten us to Hell by your swords and He will hasten you to Paradise by our swords. Let some one of you, who wants to hasten me to Hell by his sword and to be hastened to Paradise by my sword, advance!"

Ibnul Atheer said in *al–Kamil*: "... Ali bin Abu Talib came out to him and struck him and his leg was cut. He fell to the ground and his private parts appeared. He begged Ali and Ali left him alone. He weltered in his blood until he died. The Prophet (S) said: "*Allahu akbar* – Allah is great. The (ram) of the battalion!" The Muslims began crying: "*Allahu akbar*" after the Prophet (S). The Prophet (S) said to Ali: "What prevented you from finishing him off?" Ali said: "He begged me by Allah and kinship. I felt shy to kill him after that."

After that Imam 'Ali (as) withstood. He killed the bearers of the banner one after the other. Ibnul Atheer

and other historians said: "The Muslims killed the bearers of the banner and it remained thrown on the ground; no one approached it. Then Amra bint Alqama al-Harithiyya took the banner and raised it and then Quraysh gathered around the banner. Then a slave of Bani Abd ad-Dar, who was very strong, took the banner and he also was killed. He, who had killed the bearers of the banner, was Ali bin Abu Talib. Abu Rafi' said that."

People fought severely. Hamza, Ali, Abu Dijana and some of the Muslims had done well in the fight. Allah granted them victory and the polytheists were defeated. The women of the polytheists fled to the mountain. The Muslims entered the camp of the polytheists to rob their properties. When the archers saw their fellows robbing, they left their places in the defile and hastened to rob too forgetting what the Prophet (S) had ordered them of.

When Khalid bin al-Waleed, who was with the polytheists on that day, saw that the archers in the defile were a few, he killed them and attacked the Prophet's companions from the rear. The fled polytheists came back again with activity and fought the Muslims and defeated them after killing seventy of Muslim heroes, among whom was Hamza bin Abdul Muttalib, the lion of Allah and of His Messenger.

On that day the Prophet (S) fought severely until all his arrows finished. His bow was broken and he was injured in his cheek and his front. One of his teeth was broken and his lip was cut. Ibn Qam'a attacked him with his sword and was about to kill him.

Imam 'Ali (as) and five men of the Ansar, who were martyred then, fought before the Prophet (S) and defended him. Abu Dijana made himself as armor for the Prophet (S). The arrows stuck into the back of Abu Dijana while he was covering the Prophet (S) with his body. Mus'ab bin Umayr fought bravely and then he was martyred. He was killed by Abu Qam'a, who thought that he had killed the Prophet (S).

He went back to Quraysh saying: "Muhammad is killed." The people began crying: "Muhammad is killed! Muhammad is killed!" The Muslims fled aimlessly. The first one, who recognized the Prophet (S), was Ka'b bin Malik. He shouted at the top of his voice: "O Muslims, this is the Messenger of Allah. He is alive. He is not killed." The Prophet (S) asked him to keep silent. 204

Then Imam 'Ali (as) and his companions took the Prophet (S) to the defile, in which he protected himself. Imam 'Ali (as) and his companions surrounded the Prophet (S) defending him.

Ibn Jareer and Ibnul Atheer in their *Tareekhs* and other historians said: "...the Prophet (S), while he was in the defile, saw some polytheists. He said to Ali: "Attack them!" Ali attacked them, killed some of them and scattered the others. The Prophet (S) saw another group of the polytheists. He said to Ali: "Do away with them!" Ali attacked them, killed some of them and scattered the others. Gabriel said: "O Messenger of Allah, this is the assistance!" The Prophet (S) said: "He (Ali) is from me and I am from him." Gabriel said: "And I am from you both." Then a voice was heard saying: "No sword save *Thul Faqar* 205 and no youth save Ali!"

Imam 'Ali (as) began bringing water with his leather shield to wash the Prophet's wounds but the bleeding did not stop. 206

Hind (Abu Sufyan's wife) and her fellow women went to the martyrs of the Muslims and began mutilating their bodies. They made from the ears, the noses and the fingers of the martyrs necklaces and rings. She had given Wahshi her rings and necklaces for his killing Hamza. Hind cut open the chest of Hamza and took out his liver. She chewed it but she found it unpleasant and then she emitted it.

Then Abu Sufyan came near to the Muslims and said: "Is Muhammad among you?" He repeated that three times. The Prophet (S) said to his companions: "Do not answer him!" 207 Abu Sufyan said: "O Umar, I adjure you by Allah, have we killed Muhammad?" Umar said: "By Allah, no, you have not. He is hearing your speech." 208

Umar preferred his opinion in answering Abu Sufyan to the order of the Prophet (S) when forbidding them from answering Abu Sufyan.

52. Spying and its prohibition

Allah has said:

"O you, who believe, avoid most of suspicion, for surely suspicion in some cases is a sin, and do not spy nor let some of you backbite others. Does one of you like to eat the flesh of his dead brother? But you abhor it; and be careful of (your duty to) Allah, surely Allah is Oft-returning (to mercy), Merciful" (Qur'an 49:12).

The Prophet (S) has said: "Avoid suspicion! Suspicion is the falsest speech. Do not spy on each other, do not hate each other, do not envy each other and do not oppose each other. Be brothers..."

But Umar, during his rule, found that spying brought benefits and goodness to the state. He patrolled at night and spied at day. One night, while he was patrolling in Medina, he heard a man singing in his house. He climbed the wall of the man's house. He found that there was a woman with him and a bottle of wine. He said to the man: "O enemy of Allah, have you thought that Allah protects you while you are disobeying Him?"

The man said: "O Ameerul Mo'mineen, do not hasten! If I have committed one sin, you have committed three sins; Allah has said: "Do not spy" (49:12) but you have spied, and He has said: "..and go into the houses by their doors" (2:189) but you have climbed the wall and He has said: "When you enter houses, greet each other" (24:61) but you have not greeted us." Umar said: "Would you do me good if I forgive you?" The man said: "Yes, I would." Then Umar forgave him and went out. 209

As-Sadiy said: "One night Umar went out with Abdullah bin Mas'ood. He saw a light of fire. He (with Ibn Mas'ood) followed the light until he entered the house. There was a lamp inside the house. He came in

and left Abdullah bin Mas'ood in the courtyard. There was an old man drinking wine and there was a songstress singing for him. Suddenly Umar attacked the old man saying to him: "I have never seen a scene uglier that a scene of an old man waiting for his end!"

The old man raised his head and said: "In fact, your doing is uglier than what you have seen from me; you have spied whereas Allah has prohibited spying and you have entered the house with no permission." Umar said: "You are right." Then he went out biting his garment, crying and saying: "May Umar's mother lose him!"... The old man avoided to attend the meetings of Umar for some time.

One day while Umar was sitting in his meeting, the old man came hiding himself not to be seen by Umar and he sat at the end of the meeting. Umar saw him and asked some of his companions to bring him. The old man thought that Umar would scold him. Umar said to him: "Come near to me!" Umar still asked him to be nearer until he seated him beside him. Umar said to the man: "Bring your ear near to me!" He said to him: "I swear by Him, Who has sent Muhammad with the truth, that I have not told any one of people about what I have seen from you even Ibn Mas'ood, who was with me..." 210

Ash–Shi'bi said: "Once Umar missed one of his companions. He said to Ibn Ouff: "Let us go to the house of so–and–so." They went there and found that the door of his house was open while he was sitting and his wife was pouring something into a cup and giving it to him to drink. Umar said to Ibn Ouff: "It is this thing that has kept him away from us!" Ibn Ouff said: "How do you know what there is in the cup?" Umar said: "Do you fear that this may be spying?" Ibn Ouff said: "Yes, it is spying." Umar said: "Then how do we repent of this?" Ibn Ouff said: "Do not make him know that you have seen what he has done!!…" 211

Al-Musawwir bin Makhrama narrated from Abdurrahman bin Ouff that one night he (Abdurrahman) and Umar were patrolling in Medina. While they were walking, a lamp was lit in one of the houses. They went towards the house and found the door closed. There were some people inside the house making loud noises. Umar took Abdurrahman's hand and said to him: "This is the house of Rabee'a bin Umayya. They are drinking wine now. What do you think to do?" Abdurrahman said: "I think that we have done what Allah has prohibited; we have spied." Then Umar went away and left them alone. 212

Tawoos said: "One night Umar went out patrolling. He passed by a house, in which there were some people drinking wine. He shouted at them (from outside): "Are you committing sins?" Some of them said to him: "Allah has forbidden you from doing this!" He went back and left them alone." 213

Abu Qulaba said: "Umar narrated that Abu Mihjan ath-Thaqafi drank wine in his house with his friends. One day Umar broke into Abu Mihjan's house. Abu Mihjan said to him: "O Ameerul Mo'mineen, this is not permissible to you. Allah has forbidden you from spying." Umar asked Zayd bin Thabit and Abdurrahman bin al-Arqam and they said to him: "He is right, O Ameerul Mo'mineen." Umar went out and let him alone." 214

He, who followed the traditions about Umar's spying, will find clearly that spying has been a part of his

policy. As if he thought that legal penalties would be annulled when the ruler committed mistakes; therefore he did not punish any one of those sinful people. Yet he did not harm any one of them. We do not know how he was satisfied to finish his spying in this way without any effect on those sins! He encouraged the sinners to commit more sins when they saw this leniency of their imam!!

53. Legislating a limit to women's dowries

The dowry of a woman must be from among what a Muslim man has possessed; such as material properties, religious things or some kinds of services. Deciding that belongs to the spouses themselves whether it is much or little on condition that it has not to be too little that it may have no value such as a grain of wheat for example. It is desirable that it has not to be more than the expense of a year which is about five hundred dirhams. 215

Once Umar decided to prohibit the excessiveness in women's dowries in order to make marriages easy to keep the youths away from adultery and sins. One day he made a speech on this matter. He said through his speech: "If I am informed that a dowry of a woman exceeds the dowries of the wives of the Messenger of Allah, I will get that back from her." A woman got up and said to him: "Allah has not left that to you to decide on it. Allah has said:

"And if you wish to have (one) wife in place of another and you have given one of them a heap of gold, then take not from it anything; would you take it by slandering (her) and (doing her) manifest wrong. And how can you take it when one of you has already gone in to the other and they have made with you a firm covenant" (Qur'an 4:20-21).

He changed his mind and gave up his decision saying: "Do you not wonder at an imam, who has mistaken, and at a woman, who has been right? She vied with your imam and defeated him.' 216

In another tradition Umar said: "Every one is more aware than Umar. You hear me saying like this and you do not deny that of me until a woman, who is not more aware than your women, refute me." 217

In another tradition it has been said: "A woman got up and said: "O Ibn al-Khattab, Allah gives us and you deprive us of (our rights)" and she recited the mentioned above verse. Umar said: "All the people are more aware than Umar." Then he gave up his decision." 218

The defenders of Umar justified this event as evidence on his fairness and confession! And how many such cases he had with men and women showing his fairness and confession whenever he admired a saying or a doing!

As it has happened to him with the Prophet (S) when he had been asked about some things he disliked. Al–Bukhari mentioned that Abu Musa al–Ash'ary had said: "One day the Prophet (S) had been asked about some things he disliked for they did not concern reasonable people nor were they among the matters that the prophets had been sent to explain. When his companions asked him many such

questions, he became angry for they insisted on silly things which had no use to them.

Then he said to them: "Ask me" as if he found that they became ashamed or shy because they made him angry and so he wanted to ease them and to show them his mercifulness by saying to them "Ask me". Abdullah bin Huthafa asked him: "O Messenger of Allah, who is my father?" The Prophet (S) replied: "Your father is Huthafa." Another one, who was Sa'd bin Salim, asked him: "O Messenger of Allah, who is my father?" The Prophet (S) said: "Your father is Salim the mawla of Abu Shayba." They asked the Prophet (S) such questions because people had suspected their lineage. When Umar saw that the Prophet (S) was very angry, he said: "O Messenger of Allah, we repent of whatever makes you angry."

Umar became pleased when the Prophet (S) approved that Abdullah was the son of Huthafa and Sa'd was the son of Salim as their mothers had claimed.

Al-Bukhari also mentioned in his *Sahih* that Abdullah bin Huthafa had asked the Prophet (S) who his father was and the Prophet (S) had said to him that his father was Huthafa.

Muslim mentioned in his *Sahih*: "Abdullah bin Huthafa was ascribed to other than his real father. When his mother heard about his question to the Prophet (S) about his real father, she said to him: "I have never seen a son more undutiful than you! Have you believed that your mother has committed what the women of the pre–Islamic age had been used to commit so that you expose her before people?"

When Umar heard the answer of the Prophet (S) to Abdullah, he knelt down before the Prophet (S) and said admiring the answer of the Prophet (S) that approved the claim of Abdullah's mother: "We have been satisfied with Allah as god, Islam as a religion and Muhammad as a prophet." 219 Umar said that joyfully because the Prophet (S) had covered many mothers, who had committed adultery in the pre-Islamic time; nevertheless believing in Islam cancelled (forgave) the sins committed before.

54. Changing legal penalties

Once the slaves of al-Hatib bin Balta'a had participated in stealing a camel of a man from the tribe of Merina. They were brought before Umar and they confessed that they had done that. Umar ordered Katheer bin as-Salt to cut their hands. When they were taken to be punished, Umar brought them back and sent for their master's son Abdurrahman bin Hatib and said to him: "I swear by Allah, unless you have employed them and left them hungry, I would have cut their hands. By Allah, since I have not done so, I will impose a fine on you that will make you suffer much..." 220

Umar, when not punishing the stealing slaves, might think that they were obliged, because of hunger, to steal the camel to satisfy their hunger and so they might be among those whom the Qur'anic verse had talked about:

"But he who is driven by necessity, neither craving nor transgressing, it is no sin for him" (Qur'an

But they confessed the theft and they did not claim that necessity had driven them to do that. And if they had claimed that, then the ruler would have to ask them for what must prove their claim, but Umar did not do save pitying them and being severe to Abdurrahman bin Hatib. We do not know how Umar has known that the masters left their slaves hungry that they were obliged to steal!

55. Taking non-legislated ransom

Once some people of Yemen came to Abu Kharash al-Huthali, the companion and the poet, as guests during the season of hajj. He took his water skin and went in the night to bring them some water. On his way back, he was stung by a snake before reaching his guests. He hastened to them, gave them the water and said to them: "Cook your sheep and eat it!" He did not tell them what had happened to him. When the morning came, Abu Khurash was dead. They buried him before they left.

When the news reached Umar, he became very angry and said: "Had it not been for a sunna (rite), I would have ordered that no Yemenite would be received at all and I would have written to all the countries about that." Then he wrote to his emir on Yemen ordering him to arrest the men, who had been the guests of Abu Khurash al-Huthali, to take ransom from them for Abu Khurash and to punish them with severe punishment for their doing!!! 221

56. Penalty of adultery

Ibn Sa'd mentioned in his *Tabaqat* 222 that once Burayd had come to Umar and scattered his quiver. A piece of paper appeared from the quiver. Umar took it and read it. It had some verses of poetry.

He said to his companions: "Send for Ja'da from the tribe of Sulaym." When Ja'da came, Umar whipped him one hundred whips after tying him and he forbade him from visiting any woman, whose husband was absent.

There was no evidence on punishing this man due to these verses of poetry, which no one knew who had composed. They just instigated the caliph against Ju'da by claiming that he had committed sins against young girls from the tribes of Sa'd bin Bakr, Sulaym, Juhayna and Ghifar by tying them and trying to violate their honors. This was all what had been ascribed to Ju'da in these verses of poetry.

Even if it was proved to be true, it would not be enough to punish the man with that legal penalty. Yes, it required him to be scolded and censured. What the caliph did might be of this kind but what difference was between what he had done with this man and what he had done with al-Mugheera bin Shu'ba that you will see soon inshallah.

57. Canceling the penalty of al-Mugheera

Al-Mugheera bin Shu'ba had committed adultery with some married women such as Umm Jameel bint Amr from the tribe of Qays and this event was one of the most famous events in the history of the Arabs. It was in the seventeenth year of hijra. All the historians, who had recorded the events of that year, had mentioned this event in their books. Abu Bakra, 223 who was one of pious companions of the Prophet (S) and one of the keepers of the prophetic traditions, Nafi' bin al-Harith, who was also one of the Prophet's companions, and Shibl bin Ma'bad had witnessed against al-Mugheera in this case.

The witness of these three men was clear and certain that they had seen al-Mugheera doing his sin with their eyes but when the fourth witness, Ziyad bin Sumayya, came to witness, the caliph made him understand that he intended not to disgrace al-Mugheera and then he asked him about what he had seen. He (the fourth witness) said: "I heard fast breathing and I saw him sleeping on her abdomen." Umar asked him: "Did you see him inserting his (...) into her

(...) and taking it out like a stick in a kohl jar?" He said: "No, but I saw him lifting her legs and I saw his testicles swaying between her thighs. I saw strong motivation and heard loud breathing." Umar asked: "Did you see him inserting his (...) and taking it out like a stick in a kohl jar?" He said: "No, I did not." Umar said: "Allah is great! O Mugheera, get up and beat them!" He executed legal penalties against the three witnesses.

Here are the details of this event as Judge Ahmad ibn Khillikan has mentioned in his book *Wafiyyat al-A'yan*. He said: "As for the matter of al-Mugheera bin Shu'ba and the witness against him...Umar had appointed al-Mugheera bin Shu'ba as the emir of Basra. He often left Darul Imara (the ruler's office) at midday and Abu Bakra often met him and asked him: "Where is the emir going?!" He said: "To do something." Abu Bakra said: "The emir is visited and he does not visit!"

He often went to a woman called Umm Jameel bint Amr, whose husband was al-Hajjaj bin Utayk bin al-Harith bin Wahab al-Jashmi...while Abu Bakra and his brothers Nafi', Ziyad and Shibl bin Ma'bad, the sons of Sumayya, were in their room and Umm Jameel bint Amr was in the opposite room, the wind opened the door of Umm Jameel's room and they saw al-Mugheera and the woman in a state of making love. Abu Bakra said: "It is an ordeal that you are afflicted with! Look!" They looked until they became certain of what al-Mugheera and the woman had done.

Abu Bakra sat out waiting until al-Mugheera came out. He said to him: "Since you do so, then you have to retire from the emirate!" Al-Mugheera went to lead the people in offering Dhuhr Prayer and Abu Bakra went there too. Abu Bakra said to al-Mugheera: "By Allah, you do not lead us in the prayer after you have done your sin!" The people said: "Let him lead us in the prayer for he is the emir and you write to the caliph Umar about that." They wrote to Umar and he ordered them all; al-Mugheera and the witnesses to come to him.

When they came, Umar sat in his meeting and sent for the witnesses and al-Mugheera. Abu Bakra

advanced and Umar asked him: "Did you see him between her thighs?" Abu Bakra said: "Yes, by Allah, as if I saw clefts of smallpox on her thighs!" Al-Mugheera said to him: "You were very accurate in your look!" Abu Bakra said: "Yes, I wanted to be certain of what Allah would disgrace you with." Umar said to Abu Bakra: "No, until you witness that you have seen him inserting his (...) in her (...) like a stick in a kohl jar." Abu Bakra said: "Yes, I witness of that." Umar said: "O Mugheera, a quarter of you has gone!"

Then Umar called for Nafi' and asked him: "What do you witness of?" He said: "I witness of what Abu Bakra has witnessed of." Umar said: "No, until you witness that you have seen him doing with her as a stick in a kohl jar." He said: "Yes, until he reached the top." Umar (may Allah be pleased with him) said to al-Mugheera: "Your half has gone!" Then Umar called for the third witness and asked him: "What do you witness of?" He said: "Like the witness of my two companions." Umar said to al-Mugheera: "Three thirds of you have gone!"

Then Umar wrote to Ziyad who was absent. When Ziyad came, Umar held his meeting in the mosque. The heads of the Muhajireen and the Ansar attended the meeting. When Umar saw Ziyad coming, he said: "Come to me! I see a man that Allah will not disgrace a man of the Muhajireen via his tongue!" Then Umar (may Allah be pleased with him) raised his head towards him and said: "What do you have with you, O you droppings of bustards?"

It was said that al-Mugheera had got up to Ziyad and Ziyad said: "No cache for a perfume after a bride!" Al-Mugheera said to him: "O Ziyad, remember Allah and remember the Day of Resurrection. Allah, His Book, His Messenger and Ameerul Mo'mineen have spared my blood except if you say what you have not seen. Let not a bad scene lead you to say what you have not seen. By Allah, if you were between my abdomen and her abdomen, you could not see my (...) going into her (...)."

Ziyad's eyes began shedding tears and his face became reddish. He said: "O Ameerul Mo'mineen, I have not seen exactly what the others have seen but I saw a state of making love and I heard fast breathing and I saw him sleeping on her abdomen." Umar (may Allah be pleased with him) asked him: "Did you see him inserting it as a stick in a kohl jar?" He said: "No, I did not." It was said that Ziyad had said: "I saw him lifting her legs and saw his testicles swaying between her thighs then I saw strong motivation and I heard loud breathing." Umar said: "Did you see him inserting it like a stick in a kohl jar?" He said: "No." Umar said: "Allah is great! O Mugheera, get up and beat them!" Al-Mugheera whipped Abu Bakra eighty whips and then he whipped the rest.

Umar admired the saying of Ziyad and so he cancelled the legal penalty of al-Mugheera. Abu Bakra said after he had been whipped: "I wtness that al-Mugheera has done so and so." Umar intended to whip him again but Ali bin Abu Talib said to him: "If you whip him, then you have to stone your friend (al-Mugheera)." Umar left Abu Bakra alone and asked him to repent. Abu Bakra said: "You ask me to repent just to accept my witness." Umar said: "Yes." Abu Bakra said: "I will never witness between two persons as long as I live." When the witnesses were whipped, al-Mugheera said: "Praise be to Allah Who has disgraced you." Umar said: "Allah disgraced a place, in which they saw you."

Umar bin Shayba mentioned in his book *Akhbar al-Basra* (the news of Basra) that when Abu Bakra had been whipped, his mother slaughtered a sheep and put its skin on Abu Bakra's back because, as it was said, that he had been whipped too severely. Abdurrahman bin Abu Bakra said that his father, Abu Bakra, had taken an oath that he would never talk with Ziyad as long as he lived. When Abu Bakra was about to die, he recommended that no one would offer the prayer (after his death) for him except Abu Barza al-Aslami, whom the Prophet (S) had associated as a brother with Abu Bakra. When Ziyad heard of that, he left to Kufa. As for al-Mugheera bin Shu'ba, he was grateful to Ziyad and he did not forget his favor.

Once Umm Jameel came to Umar bin al-Khattab during the season of hajj while al-Mugheera was present. Umar asked al-Mugheera: "O Mugheera, do you know this woman?" He said: "Yes, she is Umm Kulthoom bint Ali." Umar said to him: "Do you confuse me? By Allah, I do not think that Abu Bakra has told a lie when he witnessed against you and I found that you were afraid that I would stone you with stones from the heaven!"

Sheikh Abu Ishaq ash–Shirazi said in his book *al–Muhaththib*: "...and three men witnessed against al–Mugheera; Abu Bakra, Nafi' and Shibl bin Ma'bad...Ziyad said: "I saw buttocks rising and two legs as if they were two ears of a donkey and I heard loud breathing but I did know what there was behind them." And then Umar whipped the three witnesses and he did not punish al–Mugheera. The jurisprudents discussed the saying of Ali (may Allah be pleased with him) to Umar "if you whip him, you have to stone your friend". Abu Nasr bin as–Sabbagh said: "He wanted to say to Umar that if this saying was as another witness then the number of witnesses would be completed (four witnesses) otherwise you have whipped him for his first witness) and Allah is more aware!"

This is the end of Ibn Khillikan's saying about this tragedy and its concerns. Refer to *Wafiyyat al–A'yan*, vol.2, biography of Yazeed bin Ziyad al–Himyari.

Al-Hakim mentioned this event in his *Mustadrak*, vol.3 p.448, biography of al-Mugheera. Ath-Thahabi mentioned it in his *Talkhees al-Mustadrak* and all the historians, who have mentioned the biographies of al-Mugheera, Abu Bakra, Nafi' and Shibl bin Ma'bad and the historians, who have recorded the events of the seventeenth year of hijra, mentioned the details of this event.

58. His severity to Jabala bin al-Abham

Once a delegation of five hundred knights from Akk and Jafna came on their trotting Arab horses wearing garments brocaded with gold and silver and at the head of them was Jabala, who had put on his head his crown on which was the earring of his grandmother Maria. They all became Muslims and the Muslims became too delighted and pleased with them and with their followers who would join them. Jabala and his companions attended the season of hajj with the caliph since their first year of being Muslims.

While Jabala was circumambulating the Kaaba, a man from Fazara trod on his loincloth and untied it. Jabala slapped the man. The man resorted to Umar. Umar ordered Jabala either to let the man slap him or to content the man. Umar was too strict in his order until Jabala became desperate. When the night came, Jabala and his companions left towards Constantinople and they all became Christians unwillingly. They found favor with Hercules and got honor and magnificence above what they wished.

In spite of all that, Jabala often cried regretting what he had missed of the religion of Islam. He had composed the following verses of poetry:

"The honorables became Christians because of a slap,
There would be no harm if you were a little patient!
I was encircled with obstinacy and zeal,
And I sold the sound eye for one-eyedness.
Would that my mother had not begotten me!
Would that I had gone back to the people that Umar said!
Would that I grazed cattle in a desert!
Or I was a captive in Rabee'a or Mudhar!"

I said: Would that the caliph had not driven this Arab emir and his people away even if he would have tried every means to content that man of Fazara whether the emir would know or would not know! It was too far that Umar would do such a thing!

Umar wanted to break the pride of Jabala from the first occasion! And this was his wont with every noble and honorable one! This is well known by the men of understanding who have studied his conducts.

You have seen above his severity to Khalid whereas he was from his relatives.

How much difference there was between his two days; his day with his friend al-Mugheera when he cancelled his due punishment for adultery and his day with Khalid when he insisted on stoning him and if Abu Bakr was not there Khalid would have been stoned. The strength and vanity of Khalid led Umar to be too severe to him. The same was with Jabala; the pride and nobility of him led Umar to be very severe to him too unlike al-Mugheera, who was more obedient to Umar than his shadow and who was meaner than his shoes in spite of his cunning and tricking; therefore Umar kept him despite his lewdness.

The policy of Umar required terrifying the citizens by being severe to the honorable and proud people like Jabala and Khalid. He might have terrified the citizens by punishing his close relatives as he had done to his son Abu Shahma and Umm Farwa, Abu Bakr's sister and he might have done that with those who had no benefit to him whether in politics or other things as he had done to Ja'da as–Salami, Dhabee' at–Tameemi, Nasr bin Hajjaj, his cousin Abu Thu'ayb, the poor Abu Hurayra and their likes.

He kept to austerity in his food, abode and sumpter. He was patient towards desires and he refrained from pleasures. He was satisfied with subsistence. He spread the booties among the umma openhandedly without preferring himself or his family to the others. He enriched the treasury. He was too strict in punishing his officials...and many things like that which helped him to drive the umma with his stick, to shut up the tongues and to bridle the mouths.

No one of his officials had escaped his punishment save Mo'awiya despite the differences between them. He had never punished Mo'awiya nor had he blamed him for anything. He had left him free doing whatever he liked. He said to him: "I neither order you nor I forbid you." He, who knew Umar, would know that he had preferred Mo'awiya for something in his mind!

59. His severity to Abu Hurayra

Umar had appointed Abu Hurayra as the *wali* of Bahrain in the year twenty-one of hijra. In the year twenty-three he deposed him and appointed Othman bin Abul Aas ath-Thaqafi instead of him. The caliph not only deposed Abu Hurayra but also he saved from him ten thousand dinars for the treasury, alleging that he had stolen them, which they were of the Muslims. It was a famous case.

Ibn Abd Rabbih al–Maliki mentioned (in his book *al–lqd al–Fareed*, in the first pages of vol. 1) that the caliph Umar had sent for Abu Hurayra and said to him: "You know well that I had appointed you as the *wali* of Bahrain and you were barefooted and now it came to my ears that you have bought horses for one thousand and six hundred dinars." Abu Hurayra said: "We had some horses that bore and gifts that cumulated". The caliph said: "I counted your livelihood and income and I found that it is over than yours and you have to return it". Abu Hurayra said: "You cannot do that". Umar said: "Yes, I can and I will beat you on the back."

Then Umar got up and beat him with his stick 225 until he wounded him and said to him: "Pay the money back." Abu Hurayra said: "Exempt me for the sake of Allah." Umar said: "That would be if it was halal (permissible) and that you paid it back obediently. Have you come from the farthest lap of Bahrain with people's taxes to be in your pocket, neither for Allah nor for the Muslims? Umayma 226 has begotten you just to graze donkeys."

Ibn Abd Rabbih mentioned that Abu Hurayra had said: "When Umar deposed me in Bahrain, he said to me: "O enemy of Allah and enemy of His Qur'an, did you steal the wealth of the Muslims?" Abu Hurayra said: "I am not an enemy of Allah or His book, but I am an enemy of your enemies. I did not steal the wealth of the Muslims." Umar said: "Then how did you get ten thousand dinars?" He said: "We had some horses that bore, gifts that cumulated and shares that multiplied." Umar took the money from me but when I offered the Fajr (dawn) prayer, I asked Allah to forgive him."

This tradition was also mentioned by Ibn Abul–Hadeed in his book *Sharh Nahjul–Balagha*, vol. 3, <u>227</u> and was mentioned by Ibn Sa'd in his book *at–Tabaqat al–Kubra* (Abu Huraya's biography) <u>228</u> narrated

by Muhammad bin Seereen that Abu Hurayra had said: "Umar said to me: "O enemy of Allah and enemy of his Qur'an, did you steal the wealth of the Muslims...etc." Ibn Hajar mentioned this tradition in his book *al-Isaba* but he modified it and changed the truth in a way dissented from all the others in order to purify the fame of Abu Hurayra. But he forgot that he defamed the man, who had beaten Abu Hurayra on the back, taken his money and deposed him.

60. His severity to Sa'd bin Abi Waqqas

Umar had appointed Sa'd bin Abu Waqqas as the emir of Kufa and then he had been informed that Sa'd concealed himself in his palace from people. Umar sent for Muhammad bin Maslama and said to him: "Go to Sa'd in Kufa and burn down his palace over him and do not do anything until you come back to me!" Muhammad went to Kufa and set fire to the palace in order to surprise Sa'd. Sa'd came out saying: "What is this?" Muhammad said: "This is the determination of the caliph." He left it until it was burnt down and then he left to Medina.

61. His severity to Khalid bin al-Waleed

When Khalid was the emir of Qinnisreen (by Umar), al-Ash'ath bin Qays asked him for some gift. Khalid gifted him with ten thousand (dirhams or dinars). Umar knew about that where nothing of Khalid's deeds was unknown by Umar. Umar sent for the mailman and he wrote with him to Abu Ubayda, his emir on Hims (in Syria): "Make Khalid stand on one leg, tie the other with his turban and put his cap off in public before the officials of the state and notable people until he tells you where from he has gifted al-Ash'ath. If it is from his own money, this will be wasting and Allah does not like the wasters and if it is from the wealth of the umma, this will be treason and Allah does not like the traitors. Depose him in any case and join his job to yours."

Abu Ubayda wrote to Khalid and Khalid came to him. Then he gathered the people and he sat on the minbar in the great mosque. The mailman got up and asked Khalid where he had gifted al-Ash'ath from. Khalid did not answer while Abu Ubayda was silent saying nothing. Bilal al-Habashi got up and said: "Ameerul Mo'mineen (Umar) has ordered of so and so..."

He took off Khalid's turban and cap, made him stand up and tied his leg with his turban and then he asked him: "Wherefrom have you gifted al-Ash'ath? Is it from your money or from the money of the umma?" He said: "From my money." He set Khalid free and put the cap and the turban on his head again with his hands saying: "We obey our guardians, glorify them and serve them."

Khalid remained confused. He did not know whether he had been deposed or not because Abu Ubayda did not tell him of that for he respeted him and glorified him. When Khaild's coming to Umar delayed, he gussed what had happened so he wrote to Khalid: "You are deposed. Withdraw from the emirate!" After that Umar had not entrusted Khalid with any position until he died.

62. Beating and exiling Dhabee'

One day a man came to Umar and said to him: "O Ameerul Mo'mineen, Dhabee' at-Tameemi met us and he began asking us about the interpretation of some verses of the Qur'an and he said to me: "O Allah, enable me to overcome him (Umar)!" One day while Umar was sitting during a banquet he had made for people, Dabee' came wearing good cloths and a turban. He sat eating with people. When he finished eating, he asked Umar: "O Ameerul Mo'mineen, what is the meaning of this saying of Allah:

"Weth-thariyat tharwa, wel-hamilat waqra"

"I swear by the wind that scatters far and wide, then those clouds bearing the load (of minute things in space" (Qur'an 51:1-2)

Umar said to him: "Woe unto you! It is you!" Umar got up, uncovered his arms and began whipping the man until his turban fell down. He had two plaits of hair. Umar said: "I swear by Him, in Whose hand Umar's soul is, that if I have seen you with a shaven head, I would have beheaded you." Then he ordered the man to be imprisoned in a house.

Every day he took him out to whip him one hundred whips. When he became well, Umar took him out to whip him another hundred whips. Then he carried him on a camel and sent him to Basra and wrote to his official there Abu Musa ordering him to forbid people from mixing with him. He ordered Abu Musa to make a speech for people telling them that Dabee' wanted to obtain knowledge but he went astray. After that Dhabee' became mean among people until he died whereas he had been the chief of his people before. 229

63. Exiling Nasr bin Hajjaj

Abdullah bin Burayd said: "One night while Umar was patrolling, he arrived at a house, inside which there was a woman singing for other women:

"Is there a way to get some wine to drink, or to be with Nasr bin Hajjaj?"

Umar said: "As long as she lives, she will not get that!" In the morning he sent for Nasr bin Hajjaj. 230 Umar looked at him and found him very handsome. He ordered him to collect his hair.

He did and when his forehead appeared he became more handsome. Umar asked him to put on a turban. He put on a turban and then his plentiful hair appeared from under the turban and he seemed more handsome. Umar asked him to cut his hair. He cut his hair and he seemed too handsome. Then Umar said to him: "O bin Hajjaj, you have charmed the women of Medina. Do not neighbor me in a town I live in!" Then Umar exiled him to Basra. After spending some days in Basra, Nasr sent a letter to Umar having some verses of poetry, in which he had showed his innocence and asked Umar to let him go back to his house.

Umar said: "Certainly not, as long as I am the ruler!" When Umar was killed, Nasr rode his sumpter and joined his family in Medina.

64. Exceeding the legal penalty with his son

Once Umar's son Abdurrahman, surnamed as Abu Shahma, drank wine in Egypt when Amr bin al-Aas was the *wali* there. The *wali* Amr bin al-Aas ordered Abu Shahma's hair to be cut and then he was whipped according to the legal penalty at the presence of his brother Abdullah bin Umar. When Umar was informed of that, he wrote to Amr bin al-Aas to send him Abu Shahma in *aba* and on a camel without a saddle. He stressed on that and ordered him with severe words.

Amr bin al-Aas sent Abu Shahma in the condition as Umar had ordered and wrote to Umar that he had punished Abu Shahma with the legal penalty; cutting his hair and whipping him in the courtyard and he swore by Allah that it was the place, in which the legal penalties were executed on the Muslims and (ahlul thimma) the Christians and the Jews. He sent the book with Abdullah bin Umar (Umar's son).

Abdullah bin Umar brought the book and his brother Abdurrahman and came to his father in Medina while Abdurrahman was putting on an *aba* and was unable to walk because he was ill and tired of sitting on the bare back of the camel all the way from Egypt to Medina. Umar became too severe with his son. He said to him: "O Abdurrahman, have you done this and that?" Then he cried: "Bring me the whips!"

Abdurrahman bin Ouff interceded with Umar saying to him: "O Ameerul Mo'mineen, he has been punished with the legal penalty and his brother Abdullah has witnessed that." But Umar paid no attention to him rather he rebuked him. Umar began whipping his son Abdurrahman (Abu Shahma), who was shouting at his father: "I am ill and you are going to kill me!" Umar did never pity him and gave a deaf ear to his son's crying until he finished the number of the legal whips. After that he imprisoned him and a month later Abdurrahman died. 231

If Amr bin al-Aas was trusted in the affairs of the Muslims (the legal penalties) and he was reliable near Umar, then he told Umar that he had punished Abu Shahma at the presence of his brother Abdullah, who was the most trusted one to his father from among the family of al-Khattab; hence Umar had no any evidence to punish his son again and if Amr bin al-Aas was not trustworthy and he was not truthful in his swear, then how had Umar appointed him as the *wali* of Egypt to execute the verdicts and penalties of Allah and how had he entrusted him with the bloods, honors and properties of the people?

According to the *Shari'ah* a sick person is not to be punished before recovering health and the punished one (with legal penalty) is not to be imprisoned especially if he is ill or that imprisonment may harm him but Umar was fond of preferring his own opinions to the legal verdicts.

65. Cutting the tree of al-Hudaybiya

It was the tree, under which the Prophet (S) had been paid homage by his companions to die for him. It was called the homage of ar–Radhwan. Among the results of this homage was the great conquest of Mecca. Some of the Muslims often offered prayers under this tree to get blessing and to thank Allah for the great victory they got after the homage under this tree.

When Umar knew that they offered prayers under this tree, he ordered the tree to be cut. He said: "Since this day if any one returns to offer prayer near this tree, I will kill him with the sword as an apostate is killed." 232

Glory be to Allah! Praise be to Allah! Allah is great!!! How amazing! Yesterday the Prophet (S) ordered him to kill Thul Khuwaisira, the head of the hypocrites, and he refrained from killing him respecting his prayer and today he draws his sword to kill the believers who offer prayers under this tree; the tree of ar–Radhwan!!

Woe! Who has made the bloods of the faithful prayers so cheap to him? This was the seed that grew and fruited in Najd (where the Satan would appear).

How many seeds like this Umar had such as his saying to the Black Rock (of the Kaaba): "You are just a rock; neither benefit nor harm. Unless I have seen the Prophet (S) kissing you, I would have never kissed you."

This word became as a principle due to which many ignorants prohibited kissing the holy Qur'an and glorifying the shrine of the Prophet (S) and the other sacred shrines. They lost by doing that many virtues as Allah has said:

- "... and whoever respects the sacred ordinances of Allah, it is better for him with his Lord" (Qur'an 22:30) and
- "... and whoever respects the signs of Allah, this surely is (the outcome) of the piety of hearts" (Qur'an 22:32);

and they did not love Allah sincerely as one of the poets has said:

"It is not the love of the country that has filled my heart, but it is the love of one who has dwelled in the country."

66. Umm Hani complains against him to the Prophet (S)

At-Tabarani mentioned in *al-Kabeer* a tradition narrated by Abdurrahman bin Abu Rafi' that Umm Hani bint Abu Talib had said to the Prophet (S): "O Messenger of Allah, Umar bin al-Khattab met me and said to me: "Muhammad will not avail you of anything." The Prophet (S) became angry. He made a speech

saying to the people: "Why do some ones pretend that my intercession will not benefit my family? My intercession will avail Ham and Hakam." 233

The Prophet (S) became angry in another occasion when a son of his aunt Safiyya died and he consoled her. When she went out, a man 234 met her and said to her: "Your kinship with Muhammad will not avail you of anything." She began crying until the Prophet (S) heard her voice and hurried to her. She told him of what happened. He became angry and asked Bilal to announce the azan.

The Prophet (S) got up to make a speech. He praised Allah and then he said: "Why do some people pretend that my kinship does not avail (my relatives)? Every kinship and means will be severed on the Day of Resurrection except my kinship and means. My kinship is connected in this life and in the afterlife." 235

67. The day of consultation (an-Najwa)

On that day all the people had missed goodness save Imam 'Ali (as). He was the winner of that goodness with no partner; neither Abu Bakr nor Umar nor any of the human beings. Here is the Qur'anic verse of that day and ponder on it and do not be among those whom Allah has meant when saying:

"Do they not then reflect on the Quran? Nay, on the hearts there are locks" (Qur'an 47:24)

This is the verse:

"O you who believe! When you consult the Messenger, then offer something in charity before your consultation; that is better for you and purer" (Qur'an 58: 12).

No one had ever acted according to this verse except Imam 'Ali (as). This has been confirmed by the consensus of the umma. Az–Zamakhshari in *al–Kashshaf*, at–Tabari in *at–Tafseer al–Kabeer*, ath–Tha'labi in *at–Tafseer al–Adheem*, ar–Razi in *Mafateeh al–Ghayb* and the other interpreters have said that in their books when interpreting this verse.

Al-Hakim mentioned in his *Mustadrak* 236 that Imam 'Ali (as) had said: "There is a verse in the Book of Allah that no one has acted according to before me and no one will act according to after me. It is the verse of (*an-Najwa*) consultation. I had a dinar and I sold it for ten dirhams. Whenever I consulted the Prophet (S) I offered a dirham before my consultation and then the verse was annulled by this one:

"Do you fear that you will not (be able to) give in charity before your consultation? So when you do not do it and Allah has turned to you (mercifully), then keep up prayer and pay the poor-rate and obey Allah and His Messenger; and Allah is Aware of what you do" (Qur'an 58: 13). 237

This scolding included Umar and the rest of the companions except Imam 'Ali (as) because he had never (feared that he would not be able to give alms in charity) nor had he opposed the order so that he

would need to repent.

Ar-Razi here arose as one who "...cannot arise except as one, whom the Satan has prostrated by (his) touch, does rise" (Qur'an2:275). He said: "This verse distresses the hearts of the poor and makes them sad because they cannot pay charities, it embarrasses the rich because it imposes on them heavy duty and it causes the Muslims to criticize each other. Acting according to this verse causes separation and gloominess and giving up acting according to it causes cordiality. What causes cordiality is worthier of being followed than what causes separation and gloominess..."

How odd his raving was! It contradicted the saying of Allah:

".. that is better for you and purer" and His saying "So when you do not do it and Allah has turned to you (mercifully), then keep up prayer".

Refer to this raving in his tafseer Mafateeh al-Ghayb, vol.8 p. 168.

Would that he had said: "Zakat and hajj distress the hearts of the poor and bring them sorrow because the poor cannot do them and they (zakat and hajj) embarrass the rich because they impose on them heavy duty; therefore carrying them out causes separation and gloominess and giving up carrying them out causes cordiality and friendliness and whatever causes cordiality and friendliness is worthier of being followed than what causes separation and gloominess; therefore according to the analogy of this (imam) giving up the zakat and the hajj is worthier.

In fact his analogy requires giving up all the religions in order not to lead to separation and disagreements. We resort to Allah to save us from the torpor of mind and the raving of tongue. There is no power save in Allah, the Mighty, the High!

68. His indulgence to Mo'awiya

Umar let Mo'awiya, who had been appointed by Umar as the *wali* of Sham, free to the full to do whatever he liked, to behave as his deviant mind led him, to rule however he wished. He lived at ease indifferent to anything other than what he chose to himself unlike what Umar had admired of his emirs.

Once Umar saw Mo'awiya in Sham surrounded with splendor like that of Kasra (the emperor of Persia) and wearing highly brocaded cloths that the nature of Umar disliked and hated but he did not say to him then except: "I neither order you nor I forbid you". He gave him permission and option to do whatever he liked and so he ravaged left and right and there was no one daring to stand against his vanity and corruption. One of the fruits of this seed that Umar had grown in Mo'awiya was his transgression against Imam 'Ali (as) in Siffeen and after that was what he did against Imam Hasan (as) in Sabaat.

Since then the Umayyads had seized the wealth of Allah, enslaved His people and taken the religion of Allah as a means to achieve their greed and tendencies. We are Allah's and to Him we shall return and those who do wrong will come to know by what a (great) reverse they will be overturned!

69. His illegal order

He often ordered of some things against the Shari'ah and then he gave up after being reminded.

First: Muhammad bin Mukhallad al-Attar mentioned in his *Fawa'id*: 238 "Once Umar has ordered a pregnant women to be stoned. Ma'ath bin Jabal denied that and said to Umar: "If you have an evidence against her, you have no evidence against the one in her abdomen." Umar annulled his judgment and said: "Women have become unable to beget one like Ma'ath. Were it not for Ma'ath, Umar would perish."

Second: al-Hakim mentioned in his *Mustadrak* 239 that Ibn Abbas had said: "Once a mad pregnant woman was brought to Umar and he decided to stone her. Ali said to him: "Have you not known that obligations are not imposed on three: a mad one until he becomes sane, a child until he becomes adult and a sleeping one until he awakes?" Then Umar set the woman free."

This woman was different from that woman. That one, about whom Ma'ath reminded the caliph, was not mad and the caliph could stone her but after giving birth to her child and then the caliph would have to ensure the nursing of the child after stoning his mother but as for the second woman, Umar could not stone her at all because she was mad.

The judge of the judges Abdul Jabbar in his book *al–Mughni* had a long speech about stoning a pregnant woman and this was a point of argument between him and Sharif al–Murtadha in his book *ash–Shafi*. Ibn Abul Hadeed mentioned the arguments of both of them in *Sharh Nahjul Balagha*, vol. 3 pp. 150–152.

Third: Ahmad bin Hanbal mentioned in his *Musnad* 240 that Abu Dhabyan al–Janbi had said: "One day a woman, who had committed adultery, was brought to Umar, who ordered her to be stoned. Ali took the woman away from Umar's men and prevented them from stoning her. They went back to Umar telling him that Ali bin Abu Talib had prevented them from carrying out the order of the caliph Umar. Umar said: "He (Ali) did not do that unless he knew something!" He sent for Ali. Ali came to Umar, who was somehow angry.

He said to Ali: "Why did you prevent these men from executing my order?" Ali said: "Have you not heard the Prophet (S) saying: "Three ones are free from being considered as sinful; a sleeping one until he awakes, a child until he becomes adult and a mad one until he becomes sane"?" He said: "Yes, I have." Ali said: "This woman is mad. The adulterer might have committed the sin with her while she was mad." Umar said: "I do not know!" Ali said: "I also do not know!" Umar set the woman free and he did not stone her." 241

Fourth: Ibn al-Qayyim mentioned in his book *at-Turuq al-Hakamiyya fee as-Siyasa ash-Shar'iyya* (the wise ways in legal politics) that once a woman had been brought to Umar and she confessed that she

had committed adultery. Umar ordered the woman to be stoned. All asked him to delay his order a little that she might have an excuse which might save her from the punishment.

He asked the woman: "What has led you to commit adultery?" She said: "There was a herdsman with me (in the pasture) who had water and milk among his camels but I had not. I became thirsty and I asked him for some water or milk. He refused to give me unless I would (give him my self). I refused to submit to him for three times but when I became too thirsty and I thought that I was about to die, I submitted to him and he gave me some water." Ali said: "Allah is great! "...but whoever is driven to necessity, not desiring nor exceeding the limit, then surely Allah is Forgiving, Merciful" (Qur'an 16:115).

Al-Bayhaqi mentioned in his *Sunan* that Abu Abdurrahman as-Sulami had said: "Once a woman had become too thirsty. She passed by a shepherd and asked him for some water but he refused to give her unless she would let him make love with her. She submitted to him. Umar consult the people about stoning her. Ali said: "She was obliged to do that and I think that she is to be set free." Umar set her free." 242

Fifth: Ibn al-Qayyim said: <u>243</u> "Another woman was brought to Umar and she confessed and confirmed that she had committed adultery. Ali was present then. He said: "She talks as if she has not known that it (adultery) is impermissible." He did not punish her."

Ibn al-Qayyim added: "This is accurate insight."

Sixth: Ahmad Ameen said in his book *Fajr al–Islam*: 244 "A case was offered to Umar that a man had been killed by his father's wife and her lover. Umar hesitated to kill two persons for one. Ali said to him: "If a group of people participate in a theft, will you cut the hands of all of them?" Umar said: "Yes, I will." Ali said: "It is the same here." He did as Ali said to him and he wrote to his official: "Kill them both! If all the people of Sana'a participated in killing him, I would kill them all."

Seventh: Ibn Abul Hadeed said: "Once Umar sent for a woman to ask her about something. She was pregnant and because of fearing him, she miscarried of her fetus. He asked the great companions to give him a fatwa about this matter. They said to him: "You are not to be blamed because you are discipliner." Ali said to him: "If they wanted to compliment you, they have cheated you and if this was their opinion after trying their best, they have mistaken. You have to free a (believing) slave (as a penance)." Umar and the companions referred to Ali's opinion." 245

Eighth: Umar was confused what to do to a man from the first Muhajireen, who had fought in the battle of Badr. He was Qudama bin Madh'oon. One day he was brought to Umar after drinking wine. Umar decided to whip him. He said to Umar: "Why will you whip me? The Book of Allah is between me and you." Umar said: "Where is it in the Book of Allah that I should not whip you?"

He said: "Allah says in His Book:

"On those who believe and do good there is no blame for what they eat, when they are careful (of their duty) and believe and do good deeds, then they are careful (of their duty) and believe, then they are careful (of their duty) and do good (to others), and Allah loves those who do good (to others)" (Qur'an 5:93).

"I am from among (those who believe and do good). I have attended with the Prophet (S) in Badr, al–Hudaybiya, al–Khandaq and other events". Umar did not know how to reply. He said to his companions: "Let any of you reply to him!" Ibn Abbas said: "These verses have been revealed as an excuse for the deceased Muslims and as a reminder to the remaining believers because Allah says:

"O ye who believe! Intoxicants and gambling, (dedication of) stones, and (divination by) arrows, are an abomination of Satan's handwork: eschew such (abomination), that ye may prosper" (Qur'an 5:90)

Then he recited the other verse among which was:

".. they are careful (of their duty) and believe and do good deeds, then they are careful (of their duty) and believe, then they are careful (of their duty) and do good".

He added: "Allah has prohibited drinking wine, then would he, who drank wine after it has been prohibited, be pious and God-fearing?" Umar said: "You are right. Then what do you see?" Ali gave a fatwa to whip Qudama eighty whips. The penalty of a winer has become such since that day.246

Ninth: Ibn al–Qayyim mentioned in his book *at–Turuq al–Hakamiyya*, p.27 a case of a woman, who had loved a young man from the Ansar but when he did not respond to her, she played a trick. She took an egg and poured its albumen on her dress and between her thighs and then she came to Umar crying. She said to him: "This (young) man has raped me and disgraced me among my family and this is the sign of what he has committed with me." Umar asked some women and they said that there was some sperm on her cloths and body.

Then Umar wanted to punish the young man, who was crying for help and saying: "O Ameerul Mo'mineen, make sure of the matter! By Allah, I have not committed any sin. I have never intended to do anything to her. She tried to seduce me to yield to her but I refused." Ali was present. Umar asked him: "O Abul Hasan, what do you think about them?" Ali looked at the woman's cloth and he asked for boiling water. He poured the hot water over the dress and the white became solid. He took it, smelt it and tasted it and he found that it had the taste of egg. He scolded the woman and she confessed the truth.

Tenth: Ibn al–Qayyim in his book *at–Turuq al–Hakamiyya*247 mentioned that two men from Quraysh had paid one hundred dinars to a woman as deposit and they said to her: "Do not give back the money to any one of us if the other is not with him." After a year one of them came and said to the woman: "My friend died and I want the money." She refused to give him the money and said: "You both have said to me not to give the money to any of you if the other was with him. I will not give it to you." He asked her relatives and neighbors to intercede with her until she agreed to repay him the money.

After another year the second man came to her and asked her to give him the money back. She said to him: "Your friend has come to me and he pretended that you had died and I gave him the money." They went to Umar to judge on their case. Umar wanted to judge against the woman. She asked him to send them to Ali bin Abu Talib to judge on their case.

Umar sent them to Ali, who perceived that the two men had deceived the woman. He said to the man: "Have you not asked the woman not to repay the money to any of you unless the other one would be with him?" The man said: "Yes, we have." Then Ali said to him: "Go and bring your friend and then the woman will give you the money; otherwise you have no right to ask her for anything."

Eleventh: Ahmad bin Hanbal mentioned in his *Musnad* 248 a tradition narrated by Ibn Abbas that once Umar had been confused about the doubt in prayer (being uncertain how many rak'as one has offered). He asked his servant: "O boy, have you heard from the Prophet (S) or any of his companions if one became uncertain in his prayer, what he should do?" After a moment Abdurrahman bin Ouff came and asked Umar: "What is the matter with you?" Umar said: "I asked this boy if he had heard from the Prophet (S) or any of his companions if one doubted in his prayer what he should do." Abdurrahman said: "I have heard the Prophet (S) saying: "If one of you becomes uncertain in his prayer..." Refer to this tradition; it has a fatwa from Abdurrahman which is opposite to what has been narrated from the Prophet (S) by the Shia.

The cases like these ones were many! They showed that Umar soon submitted to the truth in such matters since he recognized it and he submitted to whoever reminded him if he ignored; nevertheless he was too severe when determining his policies without paying any attention to anyone. He was too severe to his officials; whether to their bodies or their properties. He often confiscated some of their monies to the treasury and he often dealt with them with his stick severely!

He might burn down their houses over them as he had done to his emir of Kufa, Sa'd bin Abu Waqqass when he ordered to burn down his palace. Once again he beat Sa'd with his stick when Sa'd competed with people to reach him. Once again he (Umar) saw some people following Ubayy bin Ka'b in the street and then he raised his stick to hit Ubbay. Ubbay said to him: "O Ameerul Mo'mineen, fear Allah!" Umar said to him: "O Ibn Ka'b, what are these crowds behind you? Have you not known that it is conceit to the followed one and meanness to the followers?"

The *darrah* 249 of Umar was a whip of torment, which the great companions feared, until it was said that it was more frightening than the sword of al-Hajjaj.250

He had beaten Umm Farwa bint Abu Quhafa severely with his *darrah* when her brother Abu Bakr died and she with other women, at the head of whom was Aa'isha, began crying for him. He did pay no attention to her position that she was the aunt of Aa'isha and the sister of Abu Bakr. Hisham bin al—Waleed pulled her in a mean way to the street. Umar wanted to frighten the other women, who soon ran away here and there. How harshly he often behaved to achieve his policy without having any pity

towards anyone and without fearing any end!

He had said to Imam 'Ali (as) and his companions, who had refused to pay homage to Abu Bakr, when they were in the house of Fatima (sa): "I swear by Him, in Whose hand my soul is, either you come out to pay homage or I shall burn down the house over you." The daughter of the Prophet (S) went out crying and shouting. When she saw what Umar and his men had done to Imam 'Ali (as) and az–Zubayr, she said: "How soon you have attacked the family of the Messenger of Allah!" 251

And many many of such political situations which were as Imam 'Ali (as) had said when talking about entrusting Umar with the caliphate by Abu Bakr: "...he made it (the caliphate) in a harsh land, which was full of stumbles and which could not be avoided. A man in it was like a rider of a reluctant camel, if he tightened its noseband, he would tear its nose and if he loosened its noseband, it would insert him into difficulties. People were afflicted with confusion, fickleness and objection..." 252

70. Inventing the Shura

When Umar was about to die, he invented the Shura to choose the caliph after him. He appointed a committee of six persons pretending that Ali, the Prophet's brother and guardian, was one of them.

Ali, who was the best of the human beings after the Prophet, who was the very self of the Prophet (S).

Muhammad and Ali were the two eyes of the world; one was the right and the other was the left.

Muhammad was the city of knowledge and Ali was its gate and whoever wanted to come to the city, had to enter it from its gate.

O my Lord! What was the Shura invented for?! Had he (Ali) been compared with the first one (Abu Bakr) so that he would be compared with these ones and their likes?! Certainly not! But "...a man (Sa'd) listened to his rage and the other (Abdurrahman) sided with his kin (Othman) for this and that. 253

This Shura had many bad consequences and evil results that had caused great harm to Islam. Umar had in this Shura contradictories that he would have better not done!

When he (Umar) was stabbed <u>254</u> and he became desperate of remaining alive, he was asked: "Would that you have appointed the caliph after you!" He said: "If Abu Ubayda was alive, I would appoint him a caliph because he was the trustee of this umma <u>255</u> and if Salim, the mawla of Huthayfa was alive, I would appointed him a caliph because he was too sincere in his love to Allah." <u>256</u>

His son Abdullah was mentioned to him but he refused to appoint him as the caliph. The companions went out and then they came back to him saying: "O Ameerul Mo'mineen, Would that you have determined a decree!" He said: "I have decided, after my first saying, to entrust your affair with a man,

who is the best among you to lead you to the truth" meaning Ali (S). They said to him: "What prevents you from that then?" he said: "I cannot bear it (the caliphate) alive and dead."

Then he said: "You are to keep to these ones; Ali, Othman, Abdurrahman, Sa'd, az-Zubayr and Talha. They should consult to choose one from among them. If they choose that one as the caliph, then they have to support and assist him." Then he sent for those six men and said to them: "When I die, Suhayb should lead the people in offering the prayer. You have to deliberate for three days and when the fourth day comes you must have an emir from among you."

Then he ordered Abu Talha al-Ansari to select fifty men from the Ansar with their weapons to supervise these six men until they should choose one from among them within three days after Umar's death. He ordered Suhayb to lead the prayers during that time. He ordered the six men to be inside a house under the supervision of Abu Talha with his sword and his armed men.

He said to Abu Talha: "When five men agree on one opinion and the sixth one objects to them, you should split his head with your sword and when four of them agree and two refuse, you should behead them both and if each three of them had an opinion, the caliph should be from the group of Abdurrahman and then you should kill those three if they would refuse to submit but if the three days elapsed while they have not agreed on one yet, you should kill all the six 257 and let the matter of the caliphate to the Muslims to elect whoever they liked." This is the summary of the covenant of the Shura.

If Umar was unwilling to undertake the caliphate as he pretended, then why did he insert himself in what he had fled from and arrange in the worst and most harmful and dangerous way?! He chose six men out of the whole umma and described them with what prevented them from being chosen as caliphs that we have not mentioned here! 259

Then he arranged the matter in a way that it would lead to choose Othman as the caliph in any way and without a bit of doubt! 260 Which bearing (that Umar pretended to refrain from) was more than this?! What was the difference between appointing Othman openly and limiting the matter in a way that would lead to him alone and would kill the rejecters?

Would he have appointed Othman or any one else and not put the slave Suhayb over their heads with Abu Talha and his men with their drawn swords to kill them (Ali and the others) if they opposed that critical plan which Umar had planned to them!

If he had entrusted the caliphate to anyone he liked, the umma would not have seen him slight their (these six men's) bloods and be indifferent to shedding their bloods <u>261</u> nor would have the umma seen him despise them by preferring the slave Suhayb to them in offering the prayer of his (Umar's) funerals and the five daily prayers.

As if he was not satisfied with despising and disgracing them when he said: "If Abu Ubayda was alive, I

would appoint him a caliph and if Salim was alive, I would appoint him a caliph" preferring them to these six men, among whom was the Prophet's brother, guardian and heir, Aaron of the umma, the judge, the gate of the house of wisdom, the gate of the city of knowledge and the one who had had the knowledge of the Book; Imam 'Ali (as).

As for Salim, he was neither from Quraysh nor was he an Arab. He was a foreigner from Istakhr or Karmad. He was a slave owned by Abu Huthayfa bin Utba's wife, whose name was Thubayta bint Ya'ar bin Zayd bin Ubayd bin Zayd al-Ansari al-Ousi. 262 The umma had agreed unanimously due to the legal verdicts that imamate would not be permissible for one like Salim, 263 then how did Umar say: "If Salim was alive, I would appoint him a caliph?" 264

This *Shura* had caused competition and sedition between these six men that led to separation and disagreement among the Muslims for each one of these six men found himself as well–qualified for the caliphate and equal to the others whereas before the *Shura* (of Umar) they did not think in this way. In fact Abdurrahman was a follower of Othman, Sa'd was a follower of Abdurrahman and az–Zubayr was one of Imam Ali's followers, who had supported him on the day of the Sageefa.

It was him (az–Zubayr) who had drawn his sword 265 defending Imam 'Ali (as) and it was him who was among the few ones who had escorted Fatima (sa) to her tomb and offered the prayer for her where she had been buried under the darkness of night 266 according to the will of Fatima (sa) herself and it was him who had said during the reign of Umar: "By Allah, if Umar dies, I will pay homage to Ali" 267 but the Shura made him look forward to the caliphate and so he parted with 'Ali (as) as the others did. He went to fight against Imam 'Ali (as) in the battle of al–Jamal (the camel).

Abdurrahman bin Ouff himself regretted his doing when he had preferred Othman to himself in the matter of the caliphate and then he parted with him and tried his best to depose him from the caliphate but he did not succeed. And people knew well what Talha and az–Zubayr had done to incite people against Othman and then Aa'isha joined them assisting Talha and hoping that the caliphate might come back to Taym. 268 She often said: "Kill Na'thal (meaning Othman) for he has disbelieved!" 269

These ones and their followers activated their opposition against Othman until they encouraged the people of Medina and the other countries to revolt against him and then to kill him. When Othman was killed and the people paid homage to Imam 'Ali (as) to be the caliph, Talha and az–Zubayr were the first ones who had paid the homage but their position in the *Shura* raised their greediness to the caliphate and made them break their homage to Imam 'Ali (as) and then to wage a war against him. They (Talha and az–Zubayr) revolted against Imam 'Ali (as) and Aa'isha joined them hoping that Talha might be the caliph.

Blood was shed in Basra (the battle of al–Jama), Siffeen and an–Nahrawan, fatal seditions spread here and there and bloody wars were waged; all those horrible events were the consequences of Umar's *Shura*, which made opponents to Imam 'Ali (as) competing with him in his right and fighting him to extort

this right from him. Moreover, it was this *Shura* that had incited Mo'awiya to stretch his neck towards the caliphate. 270 Then Mo'awiya and each one of the men of the *Shura* became impassable obstacles in the way of Imam 'Ali (as), who had intended to show the truth and to restore what had been corrupted.

The *Shura* of Umar had incited the umma against Othman <u>271</u> and planted seeds that took roots and grew after the killing of Othman that was an opportunity seized by the people who had fought Imam 'Ali (as) in al–Jamal, Siffeen and an–Nahrawan.

How odd and wonderful the order of Umar was! He ordered the six men, whom he had nominated for the *Shura* so that one of them should be elected as the caliph after him, to be killed if they would not achieve his order before the end of the third day after his death!!!

Woe! Could we believe that it was permissible for him (Umar) to kill these six men or any one of them just because of delaying carrying out his order after the third day of his death?!

But indeed he had ordered to kill them while he was comfortable and tranquil with that. He had ordered Abu Talha al-Ansari and his men with this order and stressed on them and on Suhayb to execute it.

The Muslims saw and heard.

But none denied or felt pain!

This was the utmost persistence of Umar. He went on his exaggeration to the farthest point! He knew well the position of these six men more than any other one of the companions and he witnessed then that the Prophet (S) died while he had been pleased with them.

Among the six there was one, who was the brother of the Prophet (S) and who was to the Prophet (S) as Aaron was to Moses but he was not a prophet. He was the vizier and the guardian of the Prophet (S). He was the father of the two grandsons of the Prophet (S). He was the hero of Badr, Uhud and Hunayn and he was the one who had the knowledge of the Book.

Umar had better avoid exposing this great man and the rest of the six to this danger and to this meanness and disgrace! He could entrust the matter with no one and he would let the Muslims choose whomsoever they liked and then he would be truthful in his saying: "I cannot bear it alive and dead."

Or he could appoint Othman as the caliph openly as Abu Bakr had appointed him (Umar) before and so he would be frank in what he had intended to do with no deceit or trickery for he had arranged the matter of the Shura in a way that it must lead to the caliphate of Othman definitely. Umar had not preferred Abdurrahman to the other five ones, unless he knew that this would affect the matter and he knew that Sa'd would not object to Abdurrahman at all.

People knew this trick of Umar even if he thought that he had blinded the matter and said: "I do not bear it alive and dead."

What did the Muslims think if the Prophet (S) heard Umar ordering Abu Talha by saying to him: "When

five men agreed on one opinion and the sixth one objected to them, you should split his head with your sword and when four of them agreed and two refused, you should behead them both and if each three of them had an opinion, the caliph should be from the group of Abdurrahman and then you should kill those three if they would refuse to submit but if the three days elapsed while they have not agreed on one yet, you should kill all the six"? O Muslims, be liberal in your opinions and say what you think! We are Allah's and to Him we shall return!

- 1. The Prophet's death was on Monday; four days after this event.
- 2. In his Sahih, vol.1 chap. "Knowledge" and vol.4 chap. "The sick".
- 3. Vol. 1 p. 325.
- 4. As in Sharh Nahjul Balagha, vol. 2 p.20.
- 5. Vol.2 p. 118
- <u>6.</u> Definitely the third thing was the order which the Prophet (S) wanted to write down to his umma in order not to go astray after that at all but politics had forced the narrators to pretend that they had forgotten it as the mufti of the Hanafites (in Soor) Sheikh Abu Sulayman Haj Dawood ad–Dada has said.
- 7. This tradition with the same wording has been mentioned by Ahmad in his Musnad, vol. 1 p.355 and by other scholars of Hadith.
- 8. Kanzol Ummal, vol. 3 p. 138.
- 9. Sharh Nahjul Balagha, vol.3 p.114.
- 10. The Prophet (S) did not say: "I want to write the legal verdicts" so that one might say: "The book of Allah suffices us to understand the verdicts". If we supposed that the Prophet (S) wanted to write the verdicts, then writing them might be the cause to save the umma from deviation and hence no one would be excusable in neglecting that book and pretending to be satisfied with the Qur'an. In fact if that book had nothing except to save from deviation only, it would not be permissible to leave it depending on the Qur'an.

You know well that the umma is in necessary need of the sacred Sunna and it cannot do without it to depend on the Qur'an only because concluding the verdicts from the Qur'an is not easy for every one. If the Qur'an has sufficed without the Sunna, Allah would have not ordered the Prophet (S) to explain it to the people. Allah has said:

"and We have revealed to you the Reminder that you may make clear to men what has been revealed to them" (Qur'an 16:44)

- 11. The author addresses Sheikh al-Bishri.
- 12. Al-Hudaybiya is a village about nine miles from Mecca.
- 13. It was also mentioned that they were more and it was mentioned that they were less. The Prophet (S) took with him his wife Umm Salama (may Allah be pleased with her). Many of the nomads had not followed him. They were hypocrites whom Allah had dispraised in the Sura of al–Fath which had been revealed after this event: "and Allah is wroth with them and has cursed them and prepared hell for them, and evil is the resort" (Qur'an 48:).

Among those, who went with him, were al-Mugheera bin Shu'ba and Ibn Salool, who had paid homage to him under the tree in al-Hudaybaiya.

- 14. Umar said to the Prophet (S): "O Messenger of Allah, you fear Abu Sufyan and his companions. Why do you not take weapons with you?" The Prophet (S) said: "I do not take weapons with me while I am going to offer the haji."
- 15. A place near al-Hudaybiya.
- 16. It was one of the impenetrable forts in Yemen. Marching towards that fort did mean that they would face inevitable death because the fort was very strong and defended. The fort, whose inhabitants were polytheists, was surrounded by mountains and the ways leading to it were very rough.
- 17. Al-Halabi said in his Seera: "The historians, who had recorded the history of the battle of al-Hudaybiya, mentioned that Quraysh had sent a message to Ibn Salool while he was with the Prophet (S). They said to him: "You can enter Mecca, if you like, and circumambulate the Kaaba." His son Abdullah (may Allah be pleased with him) said to him: "O father, for the sake of Allah, do not shame us everywhere. How will you circumambulate the Kaaba while the Prophet (S) will not?" Then

he refused to do that and said: "I will not circumambulate the House until the Prophet (S) will do." When the Prophet (S) knew of that, he thanked Ibn Salool and asked Allah to be pleased with him. So bn Salool was one of those who had paid homage to the Prophet under the tree. Hence no one of those, who were with the Prophet (S) in al-Hudaybiya, had refrained from paying homage to the Prophet (S) except al-Jadd bin Qays al-Ansary according to all of the historians."

- 18. Al-Halabi said in his Seera that Salama bin al-Aqwa' had said: "We have promised the Prophet (S) to die for him and none of us has refrained from that save al-Jadd bin Qays. He has stuck to the armpit of his camel to hide himself.
- 19. This homage had been paid to the Prophet (S) under a tree; therefore it had been called the homage of the tree and it also had been called the homage of ar–Radhwan (pleasure of Allah with the believers) due to the saying of Allah:
- "Certainly Allah was well pleased with the believers when they swore allegiance to you under the tree" (Qur'an 48:18) and His saying at the end of the sura: "Allah has promised those among them who believe and do good, forgiveness and a great reward" (Qur'an 48:29).

Blessed were those who had kept to faith and good doings until they met their Lord Who had been pleased with them and praised them in His Book and promised them with forgiveness and great reward. Allah said:

"And if you desire Allah and His Messenger and the latter abode, then surely Allah has prepared for the doers of good among you a mighty reward" (Qur'an 33:29) and "(As for) those who say: Our Lord is Allah, then continue in the right way, the angels descend upon them, saying: Fear not, nor be grieved, and receive good news of the garden which you were promised (Qur'an 41:30). The sincere believers are far above all the false traditions the fabricators have fabricated against them for the holy verses of the Qur'an refute all these false traditions.

- 20. As in Halabi's Seera and other books of history.
- 21. Woe! As if Umar doubted the prophethood of the Prophet (S)!
- 22. Vol.2 p.81
- 23. The Prophet's saying "I do not disobey Him" confirms what we have said that the Prophet (S) has been ordered by Allah to carry out the truce as it has been taken place.
- 24. In the year of al-Fath (the conquest) when the Prophet (S) took the key of Mecca, he sent for Umar. When he came, the Prophet (S) said to him: "O Umar, it is this that I have said to you." In the farewell hajj (al-wada') when the Prophet (S) stopped at Arafa, he sent for Umar too and said to him: "It is this that I have said to you.
- 25. Abu Bakr's saying "he does not disobey his Lord" showed that Abu Bakr was aware that the Prophet (S) had been ordered by Allah to conclude the agreement of peace.
- <u>26.</u> This word of Umar showed clearly the great doings he had done to spoil the peace and because of that Umar and his followers did not obey the Prophet when he ordered them to slaughter the sacrifices until he repeated his order for three times. You will see the details later on inshallah.
- 27. This saying of the Prophet (S) has been considered by all of the Muslims as one of the signs of prophethood and one of the signs of Islam. The details have mentioned in al-Halabi's Seera, ad-Dahlani's Seera and other books of history.
- 28. Due to other traditions mentioned by the historians the period of the truce was two years or four years.
- 29. The tribe of Khuza'a concluded a treaty with the Prophet (S). They had been before the allies of the Prophet's grandfather Abdul Muttalib. The tribe of Bakr allied with Quraysh. Then a war took place between Khuza'a and Bakr, in which Quraysh supported their ally (the tribe of Bakr) against the Prophet's ally (the tribe of Khuza'a) and hence Quraysh broke the treaty of al–Hudaybiya with the Prophet (S) and then the Prophet (S) declared to invade Quraysh. The result of that invasion was the great victory and the significant conquest of Mecca.
- 30. The Muslims began weeping for him.
- <u>31.</u> If Suhayl had been killed on that day, sedition would have occurred between the Muslims and Quraysh the evil of which would have spread everywhere.
- 32. No doubt that when Umar tempted Abu Jandal to kill his father, he objected to the Prophet (S), who had ordered Abu Jandal to be patient and to expect the deliverance of Allah.
- 33. This was another objection to the Prophet (S), who had forbidden his companions from killing Suhayl and other than Suhayl but Umar had tempted Abu Jandal to kill Suhayl.
- 34. Abu Jandal had a brother called Abdullah, who had become a Muslim before Abu Jandal. Abdullah had gone with the polytheist to the battle of Badr but he had been a Muslim before that but he had concealed his faith. When he arrived at the

place of the battle, he joined the Prophet (S) and fought with him in Badr and in all the battles of the Prophet (S) after that. As for Abu Jandal, the first battle he participated in was the conquest of Mecca.

- 35. In his Sahih, vol.3 chap. The battle of al-Hudaybiya.
- 36. How! Allah, the Almighty, said: "Surely We have given to you a clear victory..." and the Prophet (S) recited it as it had been revealed to him by Allah but this man said: "This is not a victory!" Do you know who this man is?!
- 37. Refer to the story of al-Hudaybiya in ad-Dahlani's Seera and the other books of history.
- 38. Al-Halabi's Seera and others.
- <u>39.</u> His name was Utba bin Asad bin Jariya bin Usayd ath-Thaqafi. Ibn Abdul Birr mentioned his biography in his book al-Istee'ab. Ibn Ishaq and other historians have mentioned this story in their books of biographies. Here we quoted it from al-Halabi's Seera.
- 40. Vol.4 p.18 and vol.3 p.92. It has also been mentioned by Ahmad in his Musnad and by others.
- 41. It has been mentioned by al-Bukhari, Muslim, at-Tarmithi, Ahmad bin Hanbal, Ibn Jareer, Ibn Abu Hatim, Ibn Mardwayh and others. Refer to Kanzol Ummal by al-Muttaqi al-Hindi, vol.1 p.247.
- 42. Mentioned by Ibn Abu Hatim from ash–Shi'bi from Umar and mentioned in Kanzol Ummal and Muntakhab Kanzol Ummal printed on the margins of Ahmad's Musnad.
- 43. Refer to Muslim's Sahih.
- 44. Sharh Sahih Muslim, vol. 1 p. 404.
- 45. During offering the umra (minor hajj) and the great hajj together (in the same year), the Muslims, after carrying out some rituals of the hajj, may sleep with their wives or practice temporary marriage. This is called "the pleasure of the hajj".
- 46. Umra is the minor hajj.
- 47. Sharh Sahih Muslim by an-Nawawi, vol.7 p.46.
- 48. Ihram is the sacred state into which a Muslim must enter before performing a pilgrimage, during which sexual intercourse, shaving, cutting one's nails, and several other actions are forbidden.
- 49. Musnad of Ahmad, vol. 1p. 50.
- 50. He means the pleasure during the hajj.
- 51. Musnad of Ahmad, vol. 1 p. 49.
- 52. By Allah, I do not know what to say! Has the Prophet (S) offered the hajj and umra unlike what Allah has ordered him? Was Umar more aware of the orders and verdicts of Allah than the Prophet (S)?!
- 53. Sahih of Muslim, vol. 1 p. 467.
- <u>54.</u> This famous saying of Umar has been mentioned by most of the historians. Refer to Tafseer of ar–Razi when interpreting the verse no. 196 of the sura of al–Baqara (2) and the verse no. 24 of the sura of an–Nisa' (4).
- 55. Come on to the best of deeds! It is a part of azan.
- 56. Sharh at-Tajreed by al-Qoushaji.
- 57. Vol. 1 p. 472-475.
- <u>58.</u> He meant Mo'awiya bin Abu Sufyan, who had forbidden people from practicing the pleasure of umra following the same way of Umar and Othman.
- 59. He means Umar.
- 60. Vol. 1, p. 130.
- 61. Refer to Sharh Muwatta' Malik by az-Zarqani, vol.2 p. 178 to see the explanation of the author about this tradition.
- 62. Refer to Jami' Bayan al-Ilm by Ibn Abdul Birr and Mukhtasar Jami' Bayan al-Ilm by al-Muhammisani p.226.
- 63. Ibid.
- 64. Vol. 1, p. 479.
- 65. Vol. 1, p. 157.
- 66. Vol. 1, p. 157.
- <u>67.</u> Ar–Razi protested, in his book at–Tafseer al–Kabeer when talking about the verse (Then as to those whom you profit by, give them their dowries as appointed) against prohibiting temporary marriage by Umar.
- 68. Vol. 1 p. 467
- 69. This saying shows clearly that prohibiting temporary marriage has not been determined before Umar.

- <u>70.</u> Would that someone knows if this word could justify a way to prohibit temporary marriage! Had Umar thought that this matter concerned the Prophet (S) especially or concerned his time only? Certainly not! Lawful things of Muhammad are lawful until the Day of Resurrection and his unlawful things are unlawful until the Day of Resurrection.
- <u>71.</u> Stoning is one of the punishments of the Heaven which cannot be legislated except by a prophet. One, who believes in the permissibility of temporary marriage, has concluded its decree from the Book and the Sunna. If he is right in his conclusion, he cannot be blamed and if he is mistaken unintendedly, he is considered to be in obscurity and so he cannot be punished.
- 72. Among them was Abdul Melik bin Abdul Aziz bin Jurayj Abu Khalid al-Mekki who was one of the famous scholars among the companions' successors. Ibn Khillikan mentioned his biography in his book Wafiyyat al-A'yan, Ibn Sa'd in his Tabaqat, vol.5 p.361, Ibn al-Qaysarani in his book al-Jam' Bayna Rijal as-Sahihayn, p.314 and ath-Thahabi in his Mizan and he said about him: "He is one of the reliable scholars, who has been trusted by the all. He has got married to ninety women in temporary marriage. He thought that temporary marriage was permissible. He was the jurisprudent of Mecca at his time."

Al-Ma'moon also during his reign has denied prohibiting temporary marriage (by Umar) and ordered his officials to announce its permissibility – as mentioned by Ibn Khillikan in his book Wafiyyat al–A'yan when talking about the biography of Yahya bin Aktham. Muhammad bin Mansoor and Abul Ayna' once came to al–Ma'moon. They found him brushing his teeth and saying angrily (repeating the saying of Umar): "Two pleasures were practiced at the time of the Messenger of Allah and at the time of Abu Bakr but I (Umar) prohibit them! Who are you (this is the complement of al–Ma'moon) O you scarab, so that you prohibit what the Messenger of Allah and Abu Bakr have practiced?" Muhammad bin Mansoor wanted to talk with al–Ma'moon but Abul Ayna' made a sign to him and said: "A man saying so about Umar bin al–Khattab, how can we talk to him?!" They did not talk to him. Then Yahya bin Aktham came to him and warned him that sedition might take place (if he permitted temporary marriage)..."

- 73. Azan is the call for the prayers (in their times).
- 74. Vol. 1 p. 25.
- 75. Hayya alal falah.
- 76. When the Muslims conquered Mecca, the Prophet (S) forgave the polytheists and set them free.
- 77. Refer to al-Isaba, Abu Mahthoora's biography.
- 78. Refer to Samra's biography in al-Istee'ab, al-Isaba and other books.
- 79. As it is well-known by whoever studies their affairs after this threat.
- 80. Some historians said that Samra had died in the year fifty-eight of hijra and Abu Hurayra in fifty-nine whereas other historians said that Abu Hurayra had died in fifty-seven of hijra and so on for the three of them. As for the alike dates, some historians said that the three of them had died in fifty-nine of hijra without referring to the time, the day or the month in which they had died.
- 81. A prerequisite call to the prayer.
- 82. It has been mentioned by Abu Dawood in his Sunan, vol.1 chap. Start of Azan and it has been mentioned in many other books of Hadith. The Sunni scholars have considered it as a true tradition.
- 83. This azan as the narrators, who had narrated this tradition from Abdullah bin Zayd, claimed was the first azan in Islam. As you see, it does not have "prayer is better than sleeping" although it was for Fajr prayer. Then wherefrom has it come to be a part of the azan, O you Muslims?!
- 84. Mentioned by Abu Dawood as-Sajistani in his Sunan, at-Tarmithi in his Sahih, Ibn Hayyan in his Sunan, Ibn Khuzayma in his Sunan, Ibn Maja in his Sunan and other scholars of Hadith.
- <u>85.</u> Az–Zarqani said in his book Sharh al–Muwatta' when commenting on this tradition: "It is the bell; a long piece of wood that is beaten with a smaller one to produce sound." Az–Zarqani here has a noticeable comment on the tradition of Abdullah bin Zayd. I ask the researchers to refer to Sharh al–Muwatta', vol. 1 p. 120–125.
- 86. For details, refer to Sharh al-Muwatta' by az-Zarqani.
- 87. Sharh al-Muwatta' by az-Zarqani.
- 88. In his Seera, vol.2, chap. Azan.
- 89. Al-Mustadrak, vol.4 p.348.

- 90. Sahih of al-Bukhari, vol.3 p. 127
- 91. Da'iy as-Sama' (the caller of Heaven) by Professor al-Aqqad, p. 136-142.
- 92. Al-Hakim's Mustadrak, vol.3 p. 171.
- 93. Mushkil al-Aathar by at-Tahawi, Kanzol Ummal by al-Muttaqi al-Hindi, vol.6 p.277.
- 94. The name of al-Qoushaji was Ala'uddeen Ali bin Muhammad. He was one of the scholars of the Ash'arites. This has been mentioned by Tash Kubri Zada in his book ash-Shaqa'iq an-Nu'maniyya. His biography has been mentioned by other historians. He has written many books such as Sharh at-Tajreed, ar-Risala al-Muhammadiyya, ar-Risala al-Fat~hiyya and other books.
- 95. Mentioned by Abul Faraj al-Isfahani in his book Maqatil at-Talibiyeen and mentioned by all the historians who had talked about the revolution of the martyr of Fakh against the tyrants and injustice.
- 96. Vol.2 p. 110.
- 97. Either to repeat this statement "You are divorced" three times in one occasion or to say "you are divorced thirdly".
- 98. Sahih of Muslim, vol.1 p.575, Sunan of al-Bayhaqi, vol.7 p.336, Sunan of Abu Dawood.
- 99. Sahih of Muslim, vol. 1 chap. Divorce.
- 100. Al-Mustadrak and Talkhees al-Mustadrak, vol.2 p. 169. These two books are printed together and the numbers of their pages are the same.
- 101. Musnad of Ahmad, vol. 1, p. 314.
- 102. Al-Bayhaqi in his Sunan, vol.7 p.336, al-Qurtubi in his Tafseer, vol.3. p.130.
- 103. Vol.4 p.210.
- 104. Seera of Ibn Ishaq, vol.2 p. 191.
- 105. Qassim Ameen al-Misri has mentioned this tradition in his book Tahreer al-Mar'a (liberating woman) p. 172, from an-Nassa'iy, al-Qurtubi and az-Zayla'iy narrated by Ibn Abbas.
- 106. Democracy, p. 150.
- 107. P.246.
- 108. Glory be to Allah! If the mujtahids had had the right to change the verdicts, like this fatwa, according to the change of time even in that short time between the rule of Abu Bakr and Umar, then the verdicts and the texts of the Book and the Sunna would have vanished. Woe! How dangerous it will be if the mujtahids follow such a rule, which Allah has never revealed!
- 109. Had they had any proof on that?!
- 110. Time had no change and the change of time did not require changing the legal verdicts determined by the Book and the Sunna but Ibn al–Qayyim did what he thought that it was the verdict of Allah.
- 111. Glory be to Allah! What is this playing with the Shari'ah of Allah?!
- 112. No! But owing to the verdicts of the Book and the Sunna!!
- 113. Nightly prayer during Ramadan.
- 114. Supererogatory practice (prayer).
- 115. Nafila is a prayer offered in the nights of Ramadan. The Sunni offer it congregationally while we, the Shia, offer it individually as the Prophet (S) has offered and as he has ordered: "Offer prayers as you see me offering them."
- 116. Sahih of al-Bukhari, vol. 1 p.233, Sahih of Muslim, vol. 1 p.283.
- 117. Abdul Qarriy was the official of Umar over the treasury. He narrated traditions from Umar, Abu Talha, Abu Ayyoob and Abu Hurayra. His son Muhammad, az–Zuhri and Yahya bin Ja'da bin Hubayra narrated traditions from him. He died in the year eighty of hijra.
- 118. In the fourth page of his book Irshad as-Sari fee Sharh Sahih al-Bukhari, vol.4.
- 119. He was al-Hasan bin Abdullah bin Suhayl bin Sa'eed bin Yahya surnamed as Abu al-Laghawi. He had written a book called al-Awa'il (the firsts or the initiatives).
- 120. Vol.4 p.370.
- 121. Habta was his mother.
- 122. Mentioned by Ahmad in his Musnad, vol.5 p.406, and by ath-Thahabi in his Mizan al-l'tidal from Jareer ad-Dhabbi from Yahya al-Jabir.

- 123. The lexicons of the Arabic language prove this matter clearly. Allah says: "Allah enjoins you concerning your (sons) children: The male shall have the equal of the portion of two females" (4:11). When an Arab man begets a girl he may say: By Allah, it is not a good son! In Arabic "son" refers to either a boy or a girl.
- 124. Mustadrak of al-Hakim, vol.4 p.339 and it has been mentioned by many other scholars of Hadith.
- 125. People at the time of Imam 'Ali (as) usually supposed everything to be of six parts as people nowadays suppose twenty–four carats. Imam 'Ali (as) wanted to say: would that you know the solutions of the shares when they conflict with each other! They do not exceed six shares. Since you do not perceive the ways of (distributing) the six shares, you add to the six inasmuch as the shortage. For example if the heirs are two parents, two daughters and a husband, the parents have two shares of the six, the two daughters have four (and so the six shares are complete) and then you add one and a half to the husband and so the shares exceed the six and become seven and a half shares and this is impossible to be imposed by Allah at all.
- 126. Vol.4 p.340.
- 127. Al-Hakim said, after mentioning this tradition: "This is a true tradition according to the conditions of Muslim but they (al-Bukhari and Muslim) did not mention it in their Sahihs." Ath-Thahabi has mentioned it confessing its truthfulness. We have accurate researches on this subject in our book The Answers of Musa Jarullah, let them be referred to.
- 128. And mentioned by al-Muttagi al-Hindi in Kanzol Ummal, vol. 6 p. 15.
- 129. Mentioned by Ibn Shayba and al-Bayhaqi in their Sunan and Ibn Sa'd in his Tabaqat and al-Muttaqi al-Hindi in Kanzol Ummal, vol. 6 p. 15.
- 130. Kanzol Ummal, vol. 6 p. 15 from al-Bayhaqi in Shu'ab al-Eeman.
- 131. It means to be treated as a father concerning the matter of inheritance.
- 132. Hayat al-Haywan (animal life) by ad-Dimyari, chap. (Hayya-snake). He, who wants to see the confusion of Umar in this matter, can refer to the books of Hadith, the matter of inheritance. For example, let refer to Kanzol Ummal and Mustadrak of al-Hakim when talking about inheritance.
- 133. Mentioned by al-Bayhaqi and Ibn Abu Shayba in their Sunan and by Abdurrazaq in his Jami' as in Kanzol Ummal, vol. 6 p.7, and mentioned by ash-Sharqawi in his Hashiya printed with al-Tahreer by Sheikh Zakariyya al-Ansari. The author of Majma' al-Anhur fee Sharh Multaqa al-Abhur said: "Firstly Umar believed in not participating all the brothers in the inheritance of their mother and then he changed his mind. The reason behind changing his mind was that he had been asked about the case and he answered according to his own opinion concerning the matter of inheritance and then one of the full brothers said to him: "O Ameerul Mo'mineen, if we suppose that our father is a donkey, are we not from one mother?" Umar pondered a little and then he said: "You are right. You all are from one mother." Then he spread the third of the inheritance among all of them." This event has been mentioned in this way by Ahmad Ameen in his book Fajr al-Islam, p.285.
- 134. For more details refer to Taj al-Aroos by al-Wasiti.
- 135. Refusing to give the non-Arabs their inheritance might be because that it had not been proved to Umar that those people were legal heirs or that the dead was a Muslim and the heirs were unbelievers or that it had not been proved to Umar that they were among the relatives of the dead who would have deserved to inherit him. Allah is more aware!
- 136. Muwatta' of Malik, vol.2 p.11.
- 137. Four months and ten days.
- 138. Kanzol Ummal, vol. 5 p. 166
- 139. Sunan of al-Bayhaqi, Sunan of Ibn Abu Shayba and Kanzol Ummal, vol. 5 p. 166.
- <u>140.</u> Mentioned by az–Zamakhshari in his Kashshaf when interpreting this verse (and (as for) the pregnant women, their prescribed time is that they lay down their burden). This is the opinion of Ahlul Bayt (as) and it is the most cautious opinion.
- 141. When a woman's husband dies.
- 142. In his book Usool al-Fiqh, p.241.
- <u>143.</u> Tayammum is performing ritual ablution, before offering prayers and other obligations, with earth when there is no water.
- 144. Irshad as-Sari fee Sharh Sahih al-Bukhari by al-Qastalani, vol.2 p. 131.
- 145. Ammar said that out of his fear from Umar because the saying of Umar "We will see how to deal with you" was as a

threat to Ammar.

- 146. Sahih of al-Bukhari, vol. 1 p.50.
- 147. Vol. 1, p.309
- 148. At the end of the chapter (prohibiting praying [two rak'as] before Fajr prayer and after Asr prayer).
- 149. Ibn Muhammad bin al-Mukandar al-Qarashi at-Taymi al-Madani, as in Sharh al-Muwatta' by az-Zarqani.
- 150. He meant the time of sunset that the Prophet (S) had forbidden from offering prayers in. The true prophetic traditions about this matter have been mentioned in the books of Hadith. Malik in his Muwatta' mentioned a tradition from Ibn Umar that the Prophet (S) had said: "Do not offer prayers at the sunrise nor at the sunset." The wisdom behind this was that the umma shouls not imitate the Magi in their worshipping the sun when rising and when setting. But the caliph Umar became cautious to prevent the Muslims from offering prayers after Asr prayer at all and not only the time of the sunset. And so he contradicted the Shari'ah even if he intended to do good. Would that he had been satisfied with prohibiting offering this prayer without beating the servants of Allah while offering their prayers before their Lord!
- 151. Tabaqat of Ibn Sa'd, vol.3 p.204, Tareekh al-Khulafa' of as-Sayooti, p.53, Sharh Nahjul Balagha of Ibn Abul Hadeed, vol.3 p.113, Kitab al-Haywan of ad-Dimyari, Tareekh Umar by Abul Faraj al-Jawzi p.60.
- 152. Mentioned by Ibn al-Atheer in Al-Kamil, the events of the 17th year of hijra and by other historians.
- 153. A tradition narrated by Ibn Abbas and mentioned by Ahmad in his Musnad, vol.1 p.335.
- 154. Al-Istee'ab by Ibn Abdul Birr, biography of Hamza bin Abdul Muttalib.
- 155. She was the Prophet's aunt.
- 156. Sharh Nahjul Balagha, vol. 3 p.387.
- 157. Sahih of al-Bukhari, vol. 1 p. 148, vol. 3 p. 39.
- 158. Sahih of al-Bukhari, vol. 1 p. 154.
- 159. Sahih of al-Bukhari, vol. 1 p. 152, Sahih of Muslim, vol. 1 chap. Crying for the dead.
- 160. Sahih of al-Bukhari, vol. 1 p. 155, Sahih of Muslim, vol. 1 p. 341.
- 161. In this tradition the Prophet (S) has approved crying for the dead and ordered of it. In fact the crying of Fatima (sa) only could be enough evidence on the subject.
- 162. Vol.2 p.40.
- 163. Al-Bukhari's Sahih, vol. 1 p.255
- 164. Vol. 1 p. 335.
- 165. Vol.2 p.333.
- 166. One day during his caliphate, Umar heard some women crying inside one of the houses. He came into the house and began beating the crying women until their veils fell down of their heads. Then he said to his servant: "Beat the weeping women...beat them. They have no sanctity..." Refer to Sharh Nahjul Balagha, vol.3 p.111.
- 167. It may be Rawdat Khakh, which is a place between Mecca and Medina.
- 168. Imam 'Ali (as) threatened to disrobe her of her outer garment in which the book was.
- 169. Al-Bukhari's Sahih, vol. 4. chap. Forgiving the apostatized.
- 170. As in Hayat al-Haywan by ad-Dimyari, chap. "luqha" she-camel.
- 171. Vol. 1, p.20.
- 172. Suffa means shed, in which the neediest people lived at that time. It was erected beside the mosque of the Prophet (S).
- 173. Al-Bukhari's Sahih, Vol. 1, p. 19.
- 174. Tareekh Falsafatul Islam (history of the philosophy of Islam) by Muhammad Lutfi, p.301.
- <u>175.</u> Refer to Tafseer al-Kashshaf by az-Zamakhshari and the other books of Tafseer to see the interpretation of this verse. Refer to Asbab an-Nuzool by al-Wahidy, p.33 for this tradition.
- <u>176.</u> Al-Mustatraf fee Kulli Fanin Mustadhraf by Shihabuddeen al-Absheehi, vol.3 chap.74. It has also been quoted by some scholars from Rabee'ul Abrar by az-Zamakhshari. Al-Fakhr ar-Razi has referred to some of this event in his Tafseer al-Kabeer, vol.3 p.446 when interpreting the Qur'anic verse "The Shaitan only desires to cause enmity and hatred to spring in your midst by means of intoxicants and games of chance".

He said: "It has been narrated that when Allah has revealed "O you who believe! Do not go near prayer when you are

intoxicated", Umar said: "O Allah, declare to us a full declaration about wine! And when this verse "The Shaitan only desires to cause enmity and hatred to spring in your midst by means of intoxicants and games of chance, and to keep you off from the remembrance of Allah and from prayer. Will you then desist" was revealed, Umar said: "O our Lord, we desist!" 177. The Prophet (S) had forbidden from killing al-Abbas (the Prophet's uncle). It has been mentionen in many true traditions and the books of Hadith are full of such traditions. All the historians, who have recorded the history of the battle of Badr, have mentioned this and mentioned that the Prophet (S) had forbidden from killing any one of the Hashemites. 178. Al-Bidayeh wen-Nihayeh by Ibn Katheer, vol.3 p.284 and other books of history like Seera of Ibn Ishaq. The Prophet (S) has forbidden his companions from killing Abul Bukhturi because he was one of those who had broken the bond (as-Saheefa) of the blockade against the Hashimites and he was among those who had not harmed the Prophet (S) or showed him what he disliked. The Prophet (S) intended to keep him alive so that Allah might guide him to the right path one day. In the thick of the battle al-Mujthir bin Ziyad al-Balawi met Abul Bukhturi and said to him: "The Messenger of Allah (S) has forbidden us from killing you." Abul Bukhturi had a companion with him. He was Junada bin Maleeha from bani Layth who had come with him from Mecca. Abul Bukhturi said to al-Mujthir: "Will my friend not be killed too?" Al-Mujthir said: "No by Allah, we will not leave your friend. The Messenger of Allah has ordered us about you alone." Abul Bukhturi said: "Then I will die with him. I do not let the women of Quraysh in Mecca say that he has left his friend alone for the sake of his own life." They fought each other until al-Mujthir killed him. Then al-Mujthir came to the Prophet (S) and said to him: "I swear by Him, Who has sent you with the truth! I have insisted on him to be as prisoner to bring him to you but he refused except to fight me. We fought each other until I killed him."

- 179. It has been mentioned by the historians who have recorded the events of the battle of Badr.
- 180. Kanzol Ummal, vol. 5 p.272, also mentioned by Ibn Asakir.
- 181. Al-Bidayeh wen-Nihayeh, vol.3 p.285.
- 182. Ahmad Zayni Dahlan, the Mufti of the Shafiites, said in his book as-Seera an-Nabawiyya, vol. 1 p.504 when mentioning al-Abbas during the battle of Badr: "Al-Abbas, according to what the scholars and historians had said, had become a Muslim a long time ago but he had concealed his faith. He became delighted when the Muslims obtained victory. The Prophet (S) often told him of his secrets when he was in Mecca and he always accompanied the Prophet (S) when going to invite the different tribes to believe in Islam. Al-Abbas always encouraged the tribes to support the Prophet (S). He had attended the homage of al-Aqaba which was between the Prophet (S) and the Ansar. All that showed that he was a Muslim. The Prophet (S) had ordered him to stay in Mecca in order to write to him the secrets and news of Quraysh. When Quraysh wanted to go to the war in Badr and called upon people to fight (against the Muslims) he could not but to go with them; therefore the Prophet (S) had said on the day of Badr: "He, who meets al-Abbas, has not to kill him because he has gone to the war unwillingly." This did not contradict the Prophet's saying when he asked him for redemption: "Apparently you were against us" because his being apparently against them did not contradict his being with them in his innerness. The Prophet (S) treated him according to his apparent condition to please the hearts of the companions where he had treated their fathers, sons and tribes in the same way. Al-Abbas had properties and monies near the people of Quraysh and he feared that if he had announced his being a Muslim, his properties would have been lost among them. He had concealed his faith according to the order of the Prophet (S). The Prophet (S) himself had not told his companions about the faith of his uncle out of his kindness to his uncle and because he had feared that his uncle's monies would have been lost. The Prophet (S) had had another aim in concealing his uncle's faith. He wanted him to be as a spy to bring him the news of Quraysh. But then when Islam prevailed over Quraysh on the day of conquering Mecca, al-Abbas declared his faith openly. He had not declared his faith until the conquest of Mecca. Al-Abbas often asked the Prophet (S) to permit him to immigrate to Medina to be with the Prophet (S) but the Prophet (S) wrote to him: "Your stay in Mecca is better to you." In another tradition the Prophet (S) had written to him: "O uncle, stay in the place where you are. Allah will complete the hijra (emigration) with you as he has completed prophethood." And it was so because al-Abbas was the last emigrant for he had met the Prophet (S) in al-Abwa' where he had not known that the Prophet (S) had gone to conquer Mecca and then he went back with him..."Al-Halabi in his Seera has had clearer speech about the preceding faith of al-Abbas and his wife Umm al-Fadhl, who had immigrated to the Prophet (S) too early. Refer to that and to the sayings of the other scholars about this subject.

183. Ad-Dahlani in his as-Seera an-Nabawiyya, vol. 1 p.512.

- 184. As-Seera an-Nabawiyya by ad-Dahlani, vol.1 p.512, other traditions having somehow the same meaning mentioned in as-Seera by al-Halabi and al-Bidayeh wen-Nihayeh quoted from Ahmad bin Hanbal, Muslim, Abu Dawood and at-Tarmithi all narrated from Umar bin al-Khattab.
- 185. Al-Halabi's Seera, ad-Dahlani's Seera and other books of history.
- 186. Chap.8.
- 187. Sheikh al-Mufeed's Irshad, chap. the battle of Hunayn.
- 188. Ibid.
- 189. Al-Bidayeh wen-Nihayeh by Ibn Katheer, chap. The battle of Hunayn.
- 190. These details have been mentioned by all the historians who have talked about the Battle of Uhud.
- 191. This story has been mentioned by the historians who have detailed the events of the battle of Uhud.
- 192. Vol.3 p.46. Al-Bidayeh wen-Nihayeh by Ibn Katheer, vol.4 p.329 from al-Bukhari, Muslim and others.
- 193. Mustadrak of al-Hakim, vol.3 p.37, Talkhees al-Mustadrak by ath-Thahabi.
- 194. Mustadrak of al-Hakim, Talkhees al-Mustadrak of ath-Thahabi.
- 195. Vol.3, p.38.
- 196. Mustadrak of al-Hakim, who said it was a true tradition according to the conditions of al-Bukhari and Muslim. So was said by ath-Thahabi in his Talkhees.
- 197. Refer to al-Irshad by Sheikh al-Mufeed for more details.
- 198. Vol. 3, p.43.
- 199. Once al-Hasan al-Basri was asked about Imam 'Ali (as) and he said: "What shall I say about one, who has obtained the four aspects; being entrusted with the sura of Bara'a, what the Prophet (S) has said about him in the battle of Tabook... if he missed any thing of virtues other than prophethood, the Prophet (S) would exclude him, the saying of the Prophet (S): ... the two weighty things; the Book of Allah and my family and that no emir has ever been appointed over him at all whereas the emirs have commanded other (companions) than him..." Refer to Sharh Nahjul Balagha, vol. 1 p.369

 200. As he had done in the battle of Khaybar when he appointed Abu Bakr and then Umar as the leaders but he was not under their leaderships but when he appointed Imam 'Ali (as) as the leader, they both were under his leadership. Praise be to Allah for all of that!
- 201. Ahmad bin Hanbal mentioned in his Musnad, vol.5 p.356 that Burayda had said: "The Prophet (S) had sent two armies to Yemen; one of them was under the leadership of Ali bin Abu Talib and the other was under the leadership of Khalid bin al-Waleed. He said to them: "If you meet together, Ali will be the leader of the two armies and if you separate, each one of you will lead his army." We met the tribe of Zubayda and we fought each other. The Muslims defeated the polytheists. We killed the warriors and captured the women. Ali chose a woman from among the captives to himself. Khalid sent a letter with me to the Prophet (S) telling him about that. When I came to the Prophet (S), I gave him the book. It was read to him. The sign of anger seemed on the face of the Prophet (S). I said: "O Messenger of Allah, you have sent me with a man and ordered me to obey him and I did as I was ordered." The Prophet (S) said: "Do not involve yourself with Ali in any problem! He is from me and I am from him and he is your guardian after me." This tradition has been mentioned by other scholars of Hadith. Refer to our book al-Muraja'at, no.36.
- 202. As in the battle of Khaybar and the battle of Thaat as-Salasil mentioned above.
- 203. We have written a good research on this subject in our book Abu Hurayra. Please refer to p. 157-188, tradition no. 18.
- 204. That the enemy might hear him and might attack the Prophet (S) again.
- 205. Thul Fagar was the name of the famous sword of Imam 'Ali (as).
- <u>206.</u> After that Fatima (sa) burnt a piece of a straw mat and put some of the ash on the wound and then the bleeding stopped. She had attended the event. She embraced her father while he was wounded and she was crying.
- 207. Ibn Jareer's Tareekh, Ibnul Atheer's Tareekh, Ibn Sa'd's Tabaqat, al-Halabi's Seera, ad-Dahlani's Seera, al-Bidayeh wen-Nihayeh by Abul Fida' and all the books of history that have recorded the events of the battle of Uhud.
- 208. As if the Prophet (S) was not safe from Abu Sufyan and his men to attack him if they knew that he was still alive; therefore he ordered his companions not to answer Abu Sufyan and as if Umar, when answering Abu Sufyan, was not afraid and did not think that the caution of the Prophet (S) was justifiable!
- 209. Makarim al-Akhlaq by al-Khara'ity, Kanzol Ummal, vol. 2 p. 167, Sharh Nahjul Balagha, vol. 3 p. 96, Ihya'ul Uloom by

- al-Ghazali, p. 137.
- 210. Al-Qat' wes-Sariqa (cut and theft) by Abu al-Sheikh, Kanzol Ummal, vol.2 p. 141.
- 211. Kanzol Ummal, vol. 2 tradition no.3694.
- <u>212.</u> Narrated by Abdurrazaq, Abd bin Hameed and al-Khara'ity in Makarim al-Akhlaq, Kanzol Ummal, vol.2 tradition no.3693, Mustadrak of al-Hakim, vol.4 p.377, Talkhees of ath-Thahabi.
- 213. Kanzol Ummal, vol. 2 p. 141.
- 214. Ibid.
- 215. According to the value of that time.
- 216. Sharh Nahjul Balagha, vol. 3 p.96 and mentioned by other historians and scholars of Hadith.
- 217. Az-Zamakhshari in his Kashshaf when interpreting the mentioned verse.
- 218. At-Tafseer al-Kabeer by ar-Razi, vol.3 p. 175. Ar-Razi had a stumble in his speech when talking about this verse. He said: "I think that the verse has no evidence showing that exceeding in dowries is permissible...to the last of his crooked speech, in which he wanted to refute the woman in order to defend Umar but he complicated the situation unknowingly. Refer to Tareekh Umar bin al-Khattab by Abul Faraj al-Jawzy, p. 150. it has a tradition narrated by Abdullah bin Mus'ab and another one narrated by Ibn al-Ajda' showing the speech of Umar, in which he has decided to prohibit the exceeding dowries and the refutation of the woman which has led Umar to give up his decision after confessing that the woman was right.
- 219. Al-Bukhari's Sahih, vol. 1 p. 19.
- 220. A'lam al-Muwaqqi'een, p.32, Fajr al-Islam by Ahmad Ameen, p.287, al-Isaba by Ibn Hajar, vol.2 biography of Abdurrahman bin Hatib.
- 221. Al-Istee'ab by Ibn Abdul Birr, Hayat al-Haywan by ad-Dimyari, chap. of "snake".
- 222. Vol.3, p.205.
- 223. Not Abu Bakr.
- 224. Al-Iqd al-Fareed by Ibn Abd Rabbih al-Andalusi, vol.1 p.187, Arabic Lessons for secondary schools, vol.1 p.62 edition of al-Kashshaf Press, Beirut, quoted from al-Aghani by Abul Faraj al-Isfahani.
- 225. A dry bunch of dates he was used to hold in his hand.
- 226. Umayma was Abu Hurayra's mother. This word of the caliph was among the worst words of abuse.
- 227. P. 104, edition of Egypt.
- 228. Vol.4, p.90.
- 229. Sharh Nahjul Balagha, vol. 3 p. 122.
- 230. He was Nasr bin Hajjaj bin Alabit al-Bahzi as-Salami.
- 231. This was one of the famous events in the history of Umar. It has been mentioned by the most of the historians. Refer to Sharh Nahjul Balagha, vol. 3 p. 123. Ibn Abul Hadeed mentioned in the same volume of his book that Umar had whipped one of his sons for drinking wine until he died. All the historians, who have talked about Abu Shahma, mentioned this case such as Ibn Abdul Birr in his Istee'ab, ad–Dimyari in Hayat al–Haywan and Ibn al–Jawzi in his book Tareekh Umar, chap.77.
- 232. Sharh Nahjul Balagha, vol. 1 p.59.
- 233. Ham and Hakam were two tribes of Yemen, which had no any kinship with Quraysh, the Prophet's tribe.
- 234. He was Umar bin al-Khattab undoubtedly.
- 235. Thakha'ir al-Uqba by Muhiuddeen at-Tabari.
- 236. Vol.2, p.842.
- 237. Al-Hakim after mentioning this tradition in his Mustadrak said: "It is a true tradition according to the conditions of the two sheikhs; al-Bukhari and Muslim but they have not mentioned it." The same has been said by ath-Thahabi after mentioning it in his Talkhees al-Mustadrak.
- 238. Al-Isaba by Ibn Hajar, biography of Ma'ath bin Jabal.
- 239. Vol.4, p.389.
- 240. Vol. 1, p. 154.
- 241. Mustadrak of al-Hakim, vol.4 p.389, Talkees al-Mustadrak by ath-Thahabi. Al-Bukahri has summarized the tradition

in his Sahih, vol.4 p.117 saying: "Ali said to Umar: "Have you not known that three are free from being considered as sinful; a mad one until he becomes sane, a child until he becomes adult and a sleeping one until he awakes."

- 242. At-Turuq al-Hakamiyya fee as-Siyasa ash-Shar'iyya by Ibn al-Qayyim, p.53
- 243. Ibid., p.55.
- 244. p.285, quoted from the book A'lam al-Muwaqqi'een.
- 245. Sharh Nahjul Balagha, vol. 1, p. 58.
- 246. Mustadrak of al-Hakim, vol.4 p.376, Talkhees al-Mustadrak by ath-Thahabi.
- 247. P.30
- 248. Vol. 1, p. 190.
- 249. Darrah is a dry bunch of dates (after losing its fruits).
- 250. Sharh Nahjul Balagha, vol. 1 p.60. Al-Hajjaj was a tyrant emir of the Umayyad state.
- 251. Sharh Nahjul Balagha, vol. 1 p. 134.
- 252. Sharh Nahjul Balagha, vol. 1.
- 253. Referring to horrible event that Imam 'Ali (as) disliked to mention openly.
- 254. On Wednesday, four days before the end of Thul Hijja, 23 A.H. and he died three days after that and then he was buried on Sunday.
- 255. If Abu Ubayda was the trustee of this umma, then Imam 'Ali (as) was worthier of the umma than itself as they had known well. Umar himself had congratulated him of that on the day of al-Ghadeer.
- 256. I do not think that he has forgotten his coming back with the banner after the coming back of his friend (Abu Bakr) from Khaybar defeated and sorrowful and I do not think that he has forgotten the good news of the Prophet (S) to Imam 'Ali (as), who has obtained the great victory, nor has he forgotten the saying of the Prophet (S) on that day: "By Allah, I will give the banner tomorrow to a man, whom Allah will grant victory. He loves Allah and His Messenger and Allah and His Messenger love him."
- 257. Umar's slighting the bloods of these men might encourage the killers of Othman to slight his blood and might encourage the Kharijites to slight the bloods of Imam 'Ali (as) and his companions on the days of al–Jamal, al–Basra, an–Nahrawan and Siffeen when fighting him and killing him later on and encouraged Yazeed to slight the blood of the master of the martyrs Imam Husayn (as) in Kerbala for Umar was the example especially for those people with no doubt!
- 258. Umar's covenant of Shura in this way as we have summarized is proved by the recurrent traditions that have been mentioned by all the historians and scholars of Hadith. Refer to al-Kamil by Ibn al-Atheer, vol.3, the events of the year 23 of hijra, Tareekh al-Umam wel Mulook by by Ibn Jareer, the events of 23 A.H., Sharh Nahjul Balagha, vol. 1 p.62 and the rest of the books of history.
- 259. To see how Umar has described them, refer to Sharh Nahjul Balagha, vol.1 p.72 and you will find wonders!
- 260. Therefore Imam 'Ali (as) said: "It (the caliphate) gone away from us." His uncle al-Abbas said as in al-Kamil by Ibn al-Atheer and Tareekh al-Umam wel Mulook by Ibn Jareer: "...how did you know?" Imam 'Ali (as) said: "Othman has been compared to me...they are with the majority; if two men will choose a man and the other two men will choose a man, then they will be with the group of Abdurrahman and Sa'd will never object to his uncle Abdurrahman at all and Abdurrahman is the kin of Othman; they will never disagree at all. Even if the other two are with me, they will not avail me."
- <u>261.</u> In spite of that Allah has strongly prohibited shedding blood in the clear verses of the Qur'an and it has been prohibited by the prophetic traditions and by the consensus of the umma.
- 262. Al-Istee'ab by Ibn Abdul Birr, biography of Salim.
- <u>263.</u> Many scholars have declared the consensus on this matter such as an-Nawawi in his book Sharh Sahih Muslim, chap. of Imamate.
- <u>264.</u> They justified that by saying that Umar had said that as an ijtihad by him due to his own opinion. Among those who have mentioned this excuse was Ibn Abdul Birr in his book al–Istee'ab. Refer to that to see that they were indifferent to the legal verdicts and the clear texts of Allah and His Messenger.
- <u>265.</u> Abu Bakr Ahmad bin Abdul Aziz al–Jawhari mentioned in his book Kitab as–Saqeefa a long tradition which also has been mentioned by Ibn Abul Hadeed in Sharh Nahjul Balagha, vol. 2, saying: "Umar with a gang, among whom were Usayd bin Khudhayr and Salama bin Aslam, went to the house of Fatima (sa). Umar said to them (to Ali and the companions who

were with Ali inside the house): "Come out to pay homage." They refused to do that and az-Zubayr came out to them with his sword. Umar said: "Arrest the dog!" Salama bin Aslam jumped to him (to az-Zubayr) and took the sword from his hand and threw it against the wall..."

<u>266.</u> Imam 'Ali (as) had lead his few companions in offering the prayer of funerals for Fatima (sa) and Abu Bakr had not been allowed (or even informed) to offer the prayer for her. Refer to Sahih of al–Bukhari, vol.2 p.39 and Sahih of Muslim, vol.2 p.72.

267. Once Umar said from above the minbar in a long speech he made: "...I have been informed that someone of you has said: "by Allah, if Umar dies, I will pay homage to so-and-so." Let no one be deceived to say such a thing. By Allah, the homage of Abu Bakr was a slip...but Allah has saved (the umma) from its evil..." Refer to Sahih of al-Bukhari, vol.4 p.119. Al-Qastalani said in his book Irshad as-Sari when explaining this tradition that az-Zubayr bin al-Awwam often said: "If Umar dies, I will pay homage to Ali. The homage of Abu Bakr was a slip but it was accomplished." This saying reached Umar, who became very angry and then he made that speech. Such was what all the scholars, who had explained Sahih of al-Bukhari, mentioned in their books.

268. Taym was the tribe of Abu Bakr, the father of Aa'isha.

<u>269.</u> All the historians have mentioned that she had incited people against Othman. One of her coevals blamed her by reciting the following verses of poetry:

The outset is from you and the vicissitudes of time is from you,

Storm is from you and rain is from you.

You have ordered the emir to be killed, And said to us that he has disbelieved!

Refer to al-Kamil by Ibn al-Atheer, vol.3 p.8.

270. Abu Othman mentioned in the book of as–Sufyaniyya as in Sharh Nahjul Balagha, vol. 1 p.62 that Ma'mar bin Sulayman at–Tameemi narrated from his father from Sa'eed bin al–Musayyab that Ibn Abbas had said: "I have heard Umar saying to the men of the Shura: "If you cooperate, support each other and become loyal to each other, you will eat (obtain) it (the caliphate), you and your progeny but if you envy each other, disagree with each other and hate each other, then Mo'awiya bin Abu Sufyan is to be the caliph over you." Mo'awiya was the emir of Sham, appointed by Umar, at that time. It is clear that this word has nominated Mo'awiya and encouraged him to ask for the caliphate with all his power and as possible as he could use deceit and trick. When the fate of the caliphate after Umar became in Othman's hand, it meant that it would become in Mo'awiya's hand after Othman; therefore Umar had arranged the Shura in a way that it would consequently drive the caliphate to Othman as we have said. In short, Othman, before facing his fate, he had made five persons compete with Imam 'Ali (as) and fight him to extort his legal right. Othman was not satisfied with this until he incited Mo'awiya to stretch his neck towards the caliphate as it has been clear to the men of understanding.

271. On the day of the Shura, Umar had said to Othman: "As if I see that Quraysh has entrusted you with this matter (the caliphate) and then you will make Bani Umayya (the Umayyads) and Bani Ma'eet over the necks of people and will prefer them to the others with the wealth and then a group of the Arabs will come to you to slaughter you in your bed. By Allah, if they do, you will do, and if you do, they will do." Then Umar grasped the forelock of Othman and said: "When that occurs, remember my saying. It will take place." Ibn Abul Hadeed said in Sharh Nahjul Balagha, vol. 1 p.22 after mentioning this tradition: "Our Sheikh Abu Othman has mentioned this tradition in his book as—Sufyaniyya and it has been mentioned by others when talking about the insight of Umar." This confirms our saying that Umar has intended, out of the caliphate of Othman, to pave the way for Mo'awiya because he knew that Othman would be killed and then the way would be opened for Mo'awiya to reach the caliphate. In fact the very caliphate of Othman would take Mo'awiya to the throne!

The outset is from you and the vicissitudes of time is from you,

Storm is from you and rain is from you.

You have ordered the emir to be killed, and said to us that he has disbelieved!

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