

The Ahl Al-Bayt's Attitude To The Trend Of Ijtihad

The aforesaid texts substantiate the fact that the terms of *Ra'y* (opinion) and *Ta'wil* (interpretation) occupied a large area in the words and deeds of the Sahabah; therefore, Imam `Ali, during the age of his caliphate, tried to treat and fill this gap after it had been opened largely against the Islamic jurisprudence, history, and religion. He thus went on explicating the reasons for such inventions, classifying the peoples who disagree about the religious rulings, and proving the falseness of their course and arguments. Let us now exhibit some of such texts: In disparagement of the differences of view among the theologians, Imam `Ali says,

“When a problem is put before anyone of them he passes judgment on it from his imagination. When exactly the same problem is placed before another of them he passes an opposite verdict. Then these judges go to the chief who had appointed them and he confirms all the verdicts, although their Allah is One (and the same), their Prophet is one (and the same), their Book (the Qur'an) is one (and the same).

Is it that Allah ordered them to differ and they obeyed Him? Or He prohibited them from it but they disobeyed Him? Or (is it that) Allah sent an incomplete Faith and sought their help to complete it? Or they are His partners in the affairs, so that it is their share of duty to pronounce and He has to agree? Or is it that Allah the Glorified sent a perfect faith but the Prophet fell short of conveying it and handing it over (to the people)? The fact is that Allah the Glorified says:

‘... We have not neglected anything in the Book (Qur'an)... (Holy Qur'an: 6:38)’

And says that one part of the Qur'an verifies another part and that there is no divergence in it as He says:

‘... And if it had been from any other than Allah, they would surely have found in it much discrepancy. (Holy Qur'an: 4:82)’

Certainly the outside of the Qur'an is wonderful and its inside is deep (in meaning). Its wonders will never disappear, its amazements will never pass away and its intricacies cannot be cleared except through itself."¹

About those who sit for dispensation of justice among People but are not fit for it, Imam `Ali says,

“Among all the people the most detested before Allah are two persons. One is he who is devoted to his self. So he is deviated from the true path and loves speaking about (foul) innovations and inviting towards wrong path. He is therefore a nuisance for those who are enamored of him, is himself misled from the guidance of those preceding him, misleads those who follow him in his life or after his death, carries the weight of others' sins and is entangled in his own misdeeds. The other man is he who has picked up ignorance. He moves among the ignorant, is senseless in the thick of mischief and is blind to the advantages of peace.

Those resembling like men have named him scholar but he is not so. He goes out early morning to collect things whose deficiency is better than plenty, till when he has quenched his thirst from polluted water and acquired meaningless things.

He sits among the people as a judge responsible for solving whatever is confusing to the others. If an ambiguous problem is presented before him he manages shabby argument about it of his own accord and passes judgement on its basis.

In this way he is entangled in the confusion of doubts as in the spider's web, not knowing whether he was right or wrong. If he is right he fears lest he erred, while if he is wrong he hopes he is right. He is ignorant, wandering astray in ignorance and riding on carriages aimlessly moving in darkness. He did not try to find reality of knowledge. He scatters the traditions as the wind scatters the dry leaves.

By Allah, he is not capable of solving the problems that come to him nor is fit for the position assigned to him. Whatever he does not know he does not regard it worth knowing. He does not realize that what is beyond his reach is within the reach of others. If anything is not clear to him he keeps quiet over it because he knows his own ignorance.

Lost lives are crying against his unjust verdicts, and properties (that have been wrongly disposed of) are grumbling against him. I complain to Allah about persons who live ignorant and die misguided.

For them nothing is more worthless than Qur'an if it is recited as it should be recited, nor anything more valuable than the Qur'an if its verses are removed from their places, nor anything more vicious than virtue nor more virtuous than vice."²

About the admixture of right and wrong, he further says,

“The bases of the occurrence of evils are those desires which are acted upon and the orders that are innovated. They are against the Book of Allah. People co-operate with each other about them even

though it is against the Religion of Allah. If wrong had been pure and unmixed it would not be hidden from those who are in search of it. And if right had been pure without admixture of wrong those who bear hatred towards it would have been silenced.

What is, however, done is that something is taken from here and something from there and the two are mixed! At this stage Satan overpowers his friends and they alone escape for whom virtue has been apportioned by Allah from before.”³

Ra'y and *Ta'wil* were the first terms to enter the Islamic legislation. Yet a confusion has occurred between the two; by *Ra'y*, they have meant interpretation, and by both *Ra'y* and *Ta'wil*, they have meant Ijtihad. As for the other terms, such as *Qiyas* (analogy), *Istihsan* (Equitable Preference) and *Maslahah* (advantage), they have been modern terms that were rarely used in some texts.

Although their roots were practically existent in that age, these terms were not used as expansively as they are now. The matter attained climax when the Tabi'un (followers of the Sahabah) interpreted *Ta'wil* into alteration so largely that this signification became common in the Muslim community. For instance, they asked Imam al-Husayn to rest upon *Ta'wil* and stop his blessed march towards martyrdom. It has been narrated that `Umar ibn `Ali came to Imam al-Husayn and suggested, “You may rest upon *Ta'wil* and thus you can swear allegiance to Yazid!”⁴

Hence, the term of Ijtihad is equivalent to that of *Ta'wil* whose signification was increasingly distorted until it reached its climax during the ages of the Umayyad and `Abbasid dynasties.

Even `Abd al-Rahman ibn `Awf, who at the Shura (consultative) Committee tried to bind `Uthman and the Muslims with the adoption of the manners of Abu-Bakr and `Umar only, could not stop against the torrential trend of *Ra'y* and *Ta'wil* that continued expansion after it had been rooted by Abu-Bakr and `Umar.

Similarly, `Abd al-Rahman's attempt to restrict the Ijtihad to the deeds of Abu-Bakr and `Umar and ban the other Sahabah from practicing it failed, too. This is because the door of *Ra'y* and *Ta'wil* was wide open and thus it was unfeasible to close it causing each and every individual to demand with having his personal views accepted in the same way as the personal views of Abu-Bakr and `Umar were accepted.

It seems suitable in this respect to refer to the fact that `Abd al-Rahman ibn `Awf, by specifying the adherence to the Holy Qur'an and Sunnah and to the conducts of Abu-Bakr and `Umar as stipulation of holding the position of the leadership of the Islamic State, aimed at depriving `Uthman ibn `Affan of the right of legislation and the resting upon his personal views although `Uthman was seen as one of the foremost Muslims, the Holy Prophet's son-in-law, and the coming caliph (leader of the Muslims).

However, the most important issue in this regard is that the political and religious plan that was constituted by Abu-Bakr and `Umar in support of restricting the legislative circle to them in particular and depriving anyone else of issuing any decision concerning to this—this plan was aimed at making the

sayings of Abu-Bakr and `Umar as sacred as the Holy Sunnah although the reality rejected this restriction totally causing their plan to take a path other than what they had expected.

Imam `Ali was one of those who realized the objective of the political plot of Abu-Bakr, `Umar, and `Abd al-Rahman ibn `Awf and knew exactly what those individuals meant by emphasizing on the resting upon opinions, which was essentially aimed at deciding the personal views of Abu-Bakr and `Umar as true and valid.

From this cause, Imam `Ali rejected the stipulation of `Abd al-Rahman ibn `Awf during the Shura Committee since such stipulation stood for validating the innovated concept of resting upon personal opinions in the affairs of the religious rulings and also stood for the recognition of Abu-Bakr and `Umar's decisions some of which were in violation of the Holy Qur'an and Sunnah.

As Imam `Ali rejected this stipulation and accordingly `Abd al-Rahman ibn `Awf rejected him as the coming caliph, Imam `Ali confirmed that he was rejecting the conducts of Abu-Bakr and `Umar in general and their resting upon their personal opinions in the issuance of religious rulings in particular. This is because Imam `Ali, undoubtedly, understood and had full knowledge of the Islamic legislation in such an unmatched form that the Holy Prophet was reported as saying,

“Ali is the most knowledgeable.”

“Ali is the most acquainted with the religious rulings.”

“Ali is the most conversant with the judicial questions of the Muslim jurisprudence.”⁵

“The right is following `Ali wherever he would go.”⁶

In addition, the events of the so-called Shura Committee demonstrate clearly the features of the two trends; the trend of the Opinionists specified the acceptance of and the adherence to their trend as stipulation of holding the caliphate while the trend of thorough compliance with the sacred texts, represented by Imam `Ali and his faithful adherents, rejected this stipulation and called for thorough observance of the Holy Qur'an and Sunnah even if this situation would cause them to lose the practical leadership of the Muslim community.

Interpretations And Opinions

Abu-Bakr, the caliph, declared openly that he rested upon *Ra'y* and *Ta'wil* when he was asked about the meaning of Kalalah although the Holy Qur'an has comprised a clear-cut text in this respect. Abu-Bakr said,

“I will say my own opinion in this question. If it is true, this will be the guidance of Allah; but if it is not, this will be my fault as well as the whisper of Satan. Yet, Allah and His Messenger are released from my

misinterpretation. The Kalalah, in my conception, is anything other than the father and the son.”⁷

It is obvious that this opinion is awfully contradictory to the text of the Holy Qur'an that reads,

“They ask thee for a legal decision. Say: Allah directs (thus) about the Kalalah (those who leave no descendants or ascendants as heirs). If it is a man that dies, leaving a sister but no child, she shall have half the inheritance: If (such a deceased was) a woman, who left no child, Her brother takes her inheritance: If there are two sisters, they shall have two-thirds of the inheritance (between them): if there are brothers and sisters, (they share), the male having twice the share of the female. Thus doth Allah make clear to you (His law), lest ye err. And Allah hath knowledge of all things.” (Holy Qur'an: 4/176)

“If the man or woman whose inheritance is in question, has left neither ascendants nor descendants, but has left a brother or a sister, each one of the two gets a sixth; but if more than two, they share in a third; after payment of legacies and debts; so that no loss is caused (to any one). Thus is it ordained by Allah; and Allah is All-knowing, Most Forbearing.” (Holy Qur'an: 4/12)

It is worth mentioning that some scholars who defended the opinions of Abu-Bakr and `Umar have argued that when the Sahabah used the word *Ra'y* (opinion), they proposed the interpretation of the sacred texts. In this respect, Dr. Madkur, referring to the stages of the resting upon opinions in the Islamic history, says,

“The word ‘*Ra'y*’ was then used for the texts that were exclusively defined by the word *Ilm* (knowledge). We also can find some of the experts in the Fundamentals of the Muslim Jurisprudence (*Usul al-Fiqh*) interpreting *Ra'y* as specifically analogy while others have made it a comprehensive term that stands for the Holy Qur'an and Sunnah and consensus. As much as this very concept is concerned, *Ra'y* is more specific than *Ijtihad*, which is a kind of it. As has been previously cited, scholars have called this kind as *Ijtihad bil-Ra'y* (Exerting efforts through resting upon opinion), which is corresponding to the exerting of efforts (*Ijtihad*) in the circle of the interpretation of the sacred texts.

Hence, *Ra'y* can be defined as prudence and thinking through one of the means to which the Legislation (*Shari'ah*) has directed in the field of the inference of a ruling about which there is no sacred text. *Ijtihad* also includes the inference of a ruling from presumptive texts as well as the aforesaid *Ijtihad bil-Ra'y* (Exerting efforts through resting upon opinion).

Since *Ra'y* relies upon the rule that all the rulings of the Islamic legislation are reasonable, it has been commonly used in the field of the ordinary affairs that are aimed at the achievement of worldly interests; therefore, the rulings whose significances cannot be realized, such as the obligatory acts of worship, must be purely followed, not exposed to *Ra'y*.”⁸

Dr. al-Rudayniy says,

`Umar ibn al-Khattab, the lofty Sahabiyy and the leader of the Opinionists, restricted the general meaning of the verse that reads:

“And know that out of all the booty that ye may acquire, a fifth share is assigned to Allah, and to the Messenger, and to near relatives, orphans, the needy, and the wayfarer, if ye do believe in Allah and in the revelation We sent down to Our servant on the Day of Testing—the Day of the meeting of the two forces. For Allah hath power over all things.” (Holy Qur’an: 8/41).

This holy verse decided that one-fifth of the booty must be given to the categories mentioned therein, and the Holy Prophet himself followed this division when he distributed the booty of the Battle of Khaybar, and thus was the distribution of the booty on every occasion.

In the face of all these facts, `Umar ibn al-Khattab used his own opinion and violated the general and explicit meaning of the holy verse that decides the right of the looters in all the movables and the immovables when he restricted its significance and decided to give to the looters only the movable booty and deprive them of the immovable.

In such restriction, `Umar depended upon the public interest that can be inferred from his arguments with the other Sahabah who rejected this restriction. Moreover, `Umar made all those who rejected to his opinions to understand all the texts of the Islamic legislation in the light of the public interest and nothing else. Hence, the one and only evidence that `Umar betook in the restriction of the significance of the holy verse was the public interest or the so-called ‘spirit of the legislation’ since it has not been proven that `Umar rested upon a specific matter in this question.

As a matter of fact, the circumstances of the meaning and the public interest were taken into consideration in the application of the sacred texts. Yet, circumstances played a substantial role in the adaptation of the application that emanated from the understanding of the holy verse and in the restriction of the very purpose of the Holy Legislator under those very circumstances for a simple reason, which is that the outcome of this application under these circumstances influence greatly on the public interest itself.

From this cause, it was imperative to identify the Legislator’s very purpose of the text of the holy verse that can be extracted from its linguistic conception as well as the requisites of the general fundamentals of the legislation.

Only then can we understand `Umar’s insistence on a definite purport and saying, “This is my opinion.” `Umar then justified his personal opinion that he had relied upon an essential purpose, which is the public interest. In this respect, he said, “I see that I should detain the non-Arab disbelievers in their lands which I also decided to expose to taxes and that they should defray the *jizyah* (tributes) to the Muslims who fought and their descendants.”

Ta’wil, in the conception of the Sahabah, is then the core of *Ra’y* so long as `Umar relied upon the public

interest in restricting the general conception of the holy verse. From the very form, it was concluded that the holy verse's ruling should be restricted to a part of its general meaning, which is namely the movable, not the immovable, booty.⁹

It is now clear that to rest upon personal opinions that was adopted by the caliphs had been exposed to definite circumstances, be it political or social, and that the situation of Abu-Bakr in the issue of exempting Khalid ibn al-Walid from the doctrinal provision; and in the issue of the Kalalah; and in the issue of the confiscation of the "Near Relatives (*Dhawi'l-Qurba*)" share and the gift of Lady Fatimah al-Zahra'; and in the issue of prohibiting the recordation of the Holy Prophet's traditions; and in the issue of setting the records of the Hadith to fire; and in the issue of breaking the Holy Prophet's order of joining the phalanx of Usamah ibn Zayd; and in many other issues when he violated the sacred texts—all these issues prove that definite circumstances forced Abu-Bakr and `Umar to take such situations and rest upon their personal opinions in the issuance of religious rulings!

On this ground, a researcher must investigate thoroughly the texts that support the opinions of Abu-Bakr and `Umar; if such texts correspond to the Holy Qur'an and Sunnah, it will be acceptable to adopt them; but if they are based upon their personal opinions, they must be rejected because it is impermissible to depend upon personal opinions when it is possible to refer to the Holy Qur'an and Sunnah.

Besides, there are numerous matter that should be studied carefully from all angles, such as the claim that the Holy Prophet warned against recording his traditions and the claim that he said that a mujtahid would be rewarded doubly when he hits the target and would be rewarded one fold when he misses the target as well as the other narrations that convey the legality of Ijtihad, such as those reported by Mu`adh and others.

It has been previously proven that most, if not all, of these matters were issued by the ruling authorities' formal decisions. Likewise, the decision of the prohibition of reporting and recording the Hadith was issued by the ruling authorities since it has been proven that the Holy Prophet permitted to record his Hadith and thus some of the Sahabah kept some records of it.

Besides, many other evidences prove this fact; therefore, it is unnecessary to investigate the fabricated texts that claim the Holy Prophet's prohibition of recording his traditions.

Plurality Or Unity

Due to the aforesaid conclusion, the Hadiths that validate the Ijtihad must be studied carefully in order to prove whether they were actually said by the Holy Prophet or not; whether all the interpretations that have been depended in the Muslim jurisprudence were true or not; whether the Hadith that reads: "My nation's disagreement is mercy for them"¹⁰ is authentic or not; or whether its interpretation in the very common sense is true or not although it is contrary to many other Hadiths that read:

“Do not disagree with each other lest you all will be perishing just like the nations that preceded you; they perished because they were engaged in discrepancies.”¹¹

“My nation shall be separated into more than seventy parties one of which only will be saved while the others will be in Hellfire.”¹²

The disagreement among Muslim sects has reached a serious stage although their Book is one and their Prophet is the same. What is then the reason beyond such disagreement due to which a group of Muslims are extending their hands during the prayers while another group are hanging them to their bellies or chests; and a group of them are opening their legs wide while another group are lining them together; and a group of them are reciting the *Basmalah* audibly while another group are reciting it with low voice; and a group of them deem obligatory to say ‘Amen’ after the recitation of the Surah of al-Fatihah while another group are deeming this forbidden and so on? The most surprising matter is this issue is that all the groups are ascribing their deeds, in spite of their contrast, to the Holy Prophet!

We should then wonder whether the Holy Prophet adopted a certain act only or he did all these acts on different occasions! If he adopted a certain act, what is the origin of the other acts that caused such undeniable and irrefutable disagreements?

Why have two contradictory trends emerged concerning the Islamic legislation; one trend called for the plurality of opinions and the other called for unity? If the Holy Legislator allowed plurality in the religious rulings, why did the Holy Prophet inform that only one group among the seventy-two or three Islamic sects would be saved while the others would be in Hellfire?

And if unity was ordered by the Holy Legislator, why have the scholars adopted and argued the validity of plurality? Is it rationally acceptable to claim that the disagreement of a nation is a kind of mercy for it? If so, why has Almighty Allah emphasized on the unity among Muslims? Has He, the Almighty, ordered us to be united or to be separated? Again, if He has allowed us to disagree and separate, what will be the meaning of His sayings in the Holy Qur’an,

“Do they not consider the Qur’an (with care)? Had it been from other than Allah, they would surely have found therein much discrepancy.” (Holy Qur’an: 4/82)

“Verily, this is My way, leading straight! Follow it; follow not (other) paths: they will scatter you about from His (great) path: thus doth He command you. that ye may be righteous.” (Holy Qur’an: 6/153)

In order to answer all these questions, let us cite the following dialogue that took place between `Umar ibn al-Khattab and `Abdullah ibn `Abbas:

Al-Muttaqiy al-Hindiy, in *Kanz al-`Ummal*, has narrated the following on the authority of Ibrahim al-Tamimiy:

One day, `Umar ibn al-Khattab was alone thinking about a question. He therefore summoned `Abdullah ibn `Abbas and asked, “How come that this nation disagree with each other while their Book (namely, the Holy Qur'an) is one, the Prophet is the same, and their kiblah is also the same?”

Answering him, `Abdullah ibn `Abbas said, “When the Qur'an was revealed for us, we have read it and known what for it was revealed. Yet, the coming generation will read it but they will not know what for it was revealed. Hence, each group will rest upon their own opinion. When each group will have their own opinion, they will disagree with each other; and when they disagree with each other, they will fight each other.”

On hearing this, `Umar reproached `Abdullah ibn `Abbas who then left.

Afterwards, `Umar realized the meaning of `Abdullah's words; he therefore summoned him again and asked him to repeat his words. [13](#)

This narration and its likes can form a basis for investigating many of the inherited texts and concepts, especially those related to the text appertained to the disagreement among the Muslims. This matter will positively open the door of thorough investigation of the mystification of such texts before the objective researchers and, as a result, it will be unacceptable to adopt such confused texts before studying them carefully.

As a matter of fact, the thorough study of the confusables of the Muslim legislation, the time of the issuance of a text, the recognition of the backgrounds of a question, the caliphs' adoption of a question—the study of all these matters improve our capability to distinguish the right from the wrong and to discover historical facts that are helpful for the Muslims in the adoption of legislative situations in the matter. Finally, such studies will make us follow the trend of the thorough compliance with the Holy Prophet's instruction,

“May Allah have mercy upon him who understands my saying after listening to it and then conveys it to him who has not heard it.”

However, the trend of Ijtihad has adopted another opinion, which has been reported from `Umar ibn `Abd al-`Aziz who says,

“I like the disagreement of the Sahabah, for if they had rested upon one decision only, there would have been constraint in the question.” [14](#)

Al-Qasim ibn Muhammad is reported to have said a similar saying.

Even a simple look at this saying proves its inclination towards meekness that causes underestimation of the religion since it goes without saying that Almighty Allah has not aimed at creating contradiction or opposition.

Even if we accept `Umar ibn `Abd al-Aziz's opinion, Almighty Allah would have decided all the laws as optional and instructed us to adopt the easiest for us and to throw away the difficult. Moreover, it is unacceptable to consider the law of Almighty Allah as restriction! It is therefore imperative to search for the only law in the Muslim jurisprudence. In this respect, al-Shatibiy says,

“It is essential to refer to one opinion only in the investigation of the secondary laws of the Islamic legislation no matter how big is the discrepancy. In the same way, in the fundamentals of the Islamic legislation one law only must be adopted. In other words, the Islamic legislation does not comprise any contradiction or contrary laws at all since all of its evidences are in origin free from contradiction despite the existence of discrepancy.”[15](#)

By investigating the traditions that guide us to the necessity of testing the Sunnah through the Holy Qur'an and the necessity of following definite regulations for distinguishing the authentic Hadith from the fabricated and by the observation of the many narrations that confirm the obligation of making careful investigation about the reporter of a Hadith, we will find out that all these narrations and criteria on which all the Muslims agree unanimously support the fact that the laws of the Islamic legislation must be one and refute the arguments of the *Ijtihad bi'l-Ra'y*, the plurality of the laws, and the validity of discrepancy.[16](#)

As a matter of fact, the opinion of `Umar ibn `Abd al-`Aziz is no more than a step in the path of originating the Opinionism and inventing excuses for the rulers who depended upon their personal views and practiced Ijtihad.

It is thus inescapable to admit the necessity of studying the texts that were issued in the first age of Islam and not to neglect such studies for no reason other than that `U'ishah adopted this opinion or that `Umar, the Muslims' caliph, adopted that one or that al-Bukhari and Muslim accepted that one because its reporter is Abu-Hurayrah and the like!

A Muslim individual must be so enthusiastic and adhering to his religion that he must embrace Islam in such a sound and strong way that is free from feebleness or suspect. In this regard, Almighty Allah says,

“Take hold of that which We have given you with firmness.”

The required qualities of piety, honesty, fairness, and holding fast to the facts provoke us, the Muslims, not to show indifference in the investigation of the pure sources from which we must receive our religious duties and to neglect considering the inherited issues unquestionable facts.

Our criterion in this respect must be the Holy Qur'an that tells between the right and the wrong and the genuine and the fake and distinguishes what is an actual religious meaning from the irreligious indications that were inserted into the religion due to certain historical circumstances.

Yet, this mission requires religious courage and audacity that must be aimed at nothing other than

exploring the genuine indications that are as pure as the right so as to save from the wrath of Almighty Allah.

In this regard, it seems important to invite the attentions to the matter that some people have surrounded the men of the first generations of Islam with haloes of sacredness and committed themselves to the impermissibility of discussing their words and deeds since, as has been claimed, those men passed away bearing their deeds with them and it is thus improper for us to engage ourselves in their affairs.

This claim can be true when those men were such ordinary persons who had nothing to do with the religious issues; yet the truth is the opposite. Most of the religious issues were referred to those men who played big roles in the issuance of the religious laws.

It is thus very important to investigate their texts, conducts, and manners since they are connected to our religious affairs as well as our practical lives. Of course, in the study of the words and deeds of these men, we must rely upon the constant fundamentals of such studies, such as the Holy Qur'an, Sunnah, and reason.

From this cause, the Ahl al-Bayt, through many narrations that have been reported from them, have emphasized on making the Holy Qur'an as the criterion to which all the questions of discrepancy must be referred and have invited all the Muslims to release themselves from the complex of the fear from exposing everything to the Holy Qur'an for its being the prevalent distinguisher between the right and the wrong and thus everything that may oppose it or is not concordant with it must be thrown away.

In the course of teaching the Muslims and supplying them with the true religious responsiveness, the Ahl al-Bayt have declared openly that every matter that contradicts the Holy Qur'an is absolutely false and fabricated.

This invitation, however, is not opposite to the telling that Abu-Bakr and `Umar abstained from many worldly pleasures and contributed greatly in the expansion of the area of Islam and the promulgation for it throughout the globe, since these matters cannot be denied.

Yet, it must be understood that abstinence from worldly pleasures and leading campaigns and conquests are matters quite different from the issues of the divine law as well as its characteristics and the purity of its sources.

This fact is clearly understood by every individual who possesses an accurate mentality and capacity of discrimination between the fundamentals and the secondary issues and comprehension of the historical and social circumstances that have been intruded in the core of the religious affairs.

As a matter of fact, the prohibition of reporting the traditions of the Holy Prophet—although the Sahabah insisted on the necessity of recording the Hadith, as has been confirmed in the aforesaid report of `Urwah ibn al-Zubayr,[17](#) but `Umar, who himself established the foundations of the Shura (consult)

Committee in the matter of the next leadership, brushed their opinions aside—is an extremely serious matter that corroborates the fact that the recordation of the Hadith was a cultural and intellectual issue that was firmly linked up with the political affairs to such a great extent that `Umar could not neglect.

It is thus conclusible that the issue of prohibiting the reporting and recordation of the Holy Sunnah was not a pure cultural issue that `Umar excused his having feared for the Holy Qur'an to be mixed with the Holy Prophet's traditions or that the Muslims would be influenced by the past nations; rather the question was related to the scientific capacity of `Umar who did not enjoy a sufficient, shrewd view about the religious rulings and was not qualifiedly acquainted with the statements of the Holy Prophet.

However, Abu-Bakr and `Umar might have had capacities and sophistication in the military and political affairs; and it is known for the experts that one who enjoys a political sophistication can contain the authority of knowledge, not the opposite.

This fact makes it obligatory upon us to re-investigate the texts of Abu-Bakr and `Umar with a pure religious intention that provokes us to seek the right and to study them in such an objective manner that protects us against rashness and imperfect conclusions.

It is also not improbable that covering the words and deeds of Abu-Bakr and `Umar with haloes of sanctity causing the Muslims to fear discussing such words and deeds has created a sort of discommended intellectual terrorism that confiscates any attempt of conversation or discussion other than objection taking into consideration the fact that such haloes have been purposed for making Abu-Bakr and `Umar as holy as the Prophets or even holier.

Of course, this is unacceptable for everyone who respects his mind and religion, especially when we know for sure that the Sahabah were men of different degrees of knowledge, faith, and esteem as has been proven by historical events. Moreover, we notice that they, on many occasions, disagreed with each other, found fault with each other, and even criticized each other. Yet, these situations have been acceptable.

It is known for everyone who has acquaintance with the reports, Hadiths, and history of the first age of Islam that neither Abu-Bakr nor `Umar were sinless; rather reports have substantiated that most of their decisions and verdicts were reliant upon their personal views and conjectures rather than inferred from the Holy Qur'an.

Ibn Qayyim Al-Jawziyyah's Opinion

Ibn Qayyim al-Jawziyyah has argued that all the decisions of Abu-Bakr and `Umar were dependent upon one of the following six probabilities and nothing else,

First, they heard them directly from the Holy Prophet.

Second, they heard them indirectly (i.e. through a mediator) from the Holy Prophet.

Third, they understood a verse of the Holy Qur'an in a way that we cannot comprehend.

Fourth, these decisions were unanimously agreed upon by the advisories but only the saying of the issuer was reported for us.

Fifth, they issued such decisions due to their perfect acquaintance with the language and the indications therein in such a way that we cannot attain or due to nearby presumptions that were connected to the issue or due to the totality of matters from which they understood that decision owing to their long company with the Holy Prophet during which they noticed his deeds, manners, conducts, and words and thus they understood the indications and witnessed the Divine Revelations and how the Holy Prophet used to interpret. According to these five probabilities, the decisions of Abu-Bakr and `Umar must be considered sources of the Muslim legislation.

The sixth probability is that the caliph might have misunderstood what the Holy Prophet had meant; hence, his decision should not be betaken as acceptable source of legislation. Of course, five probabilities are more powerful than one only.”[18](#)

Ibn Qayyim al-Jawziyyah has not been accurate in the previous argument; rather he has been too far away from the right. We have previously cited many examples on Abu-Bakr and `Umar's clear-cut deliberate violations of the texts of the Holy Qur'an and Sunnah. Except for anticipation of accuracy and seeking excuses for the past generations, their verdicts should have been considered as challenge rather than Ijtihad!

The other part of the verdicts of Abu-Bakr and `Umar are also clear-cut violations of the Holy Qur'an and Sunnah rather they differ from the previous in the point that they had issued such verdicts while they had not known the actual ruling of the Holy Prophet; hence, they retreated and accepted the Holy Prophet's ruling when their attentions were invited to this point. Yet, this part of verdicts is the lesser evil.

Had Ijtihad been practiced according to its regulations and principles issued by the master scholars, the issuer of a verdict should have covered all the directives and fully checked the primary proof; and when despair crept into him, he would have decided according to his personal view.

However, neither `Umar nor did the majority of the scholars of the first generation follow such secure and trustworthy regulations in the course of the issuance of personal opinions because they were too hasty in delivering judgments before exerting any effort in investigation or because they were negligent in the comprehension of the whole subject when they did not ask the experts in the Holy Qur'an and legislation although such individuals were among them.

Undoubtedly, the avoidance of reference to the experts in the questions that they did not know sufficiently means carelessness and inattention, since the decisions of such experts are considered as

source of legislation. To this very point, Ibn Hazm, in the aforesaid quotation, has referred.

From this cause, the abovementioned probabilities of Ibn Qayyim al-Jawziyyah have not been covering all the causes beyond the Sahabah's resting upon personal views in the issuance of religious rulings; rather there must be other probabilities to be hereinafter cited:

First: They might have violated the words of the Holy Prophet; and when the Sahabah reminded them of such violation, they retreated. In most cases, one cannot find any extension of such violations of the Holy Prophet's words in the jurisprudence of the next generations because the caliph himself retreated from his decision.

Second: They might have insisted on their opinions that disagree with the texts of the Holy Qur'an and Sunnah although the Sahabah would remind them of such violation. Such rulings can be noticed in the Muslim jurisprudence. Moreover, the scholars have preferred Abu-Bakr and `Umar's opinions in this respect because the opinions of the Sahabah have been considered as sources of the Islamic legislation and thus they cannot be canceled.

Third: They might have issued verdicts opposite to the Holy Qur'an and Sunnah when the Sahabah were absent and thus none would remind them of the accurate ruling in this very question. Hence, the opinions of the caliphs in this regard are more than these of the Sahabah.

Fourth: They might have issued verdicts opposite to the Holy Qur'an and Sunnah but the Sahabah did not correct for them for fear of their authority or for anticipation of punishment or because such verdicts became too common to be canceled.

Hence, the trend of the caliphs in this regard would be more powerful than the previous probabilities since the Muslims acted upon them. It happens that we, through this study, meet texts of the Sahabah that are opposite to the caliphs' opinions, yet they are not taken into consideration.

Fifth: They might have issued verdicts on bases of individual or collective interests since the caliphs claimed that they were more knowledgeable than the other Sahabah were in this respect. Yet, they were imprecise in the conception of the public interests; therefore, their inaccuracy in the identification of advantage resulted in the inaccuracy of their verdicts. And because none noticed so, the verdict extended to the next generations.

Too many are the historical witnesses on these probabilities that Ibn Qayyim al-Jawziyyah has forgotten or pretended to have forgotten. However, some of such points have been previously cited in this book.

The Book Of Allah Is Sufficient For Us!

It is now clear that the resting upon personal views in the issuance of religious rulings, despite the existence of sacred texts, was widely practiced during the Holy Prophet's lifetime and the first Islamic

era. Under the same circumstances, the slogans of “The Book of Allah is sufficient for us!” and “The Book of Allah is the arbitrator between us!” were raised although the Holy Prophet warned against such, as has been previously proven.

However, not all the Sahabah practiced or acceded to this odd tone! `Ali ibn Abi-Talib, for instance, rejected these slogans. When `Abdullah ibn `Abbas decided to argue with the Khawarij, Imam `Ali advised him not to use the Holy Qur'an as his evidence, since it bears more than one meaning and the Khawarij also can use it in refuting `Abdullah ibn `Abbas's claims; rather Imam `Ali advised him to rest upon the Holy Sunnah in disputation, because they would not be able to refute. [19](#)

This is because the Khawarij adhered firmly, yet blindly, to the explicit meanings of the Holy Qur'an causing many misfortunes to the Muslims. Thus, it was sagacious to advance the words and deeds of the Holy Prophet as arguments against them because none can deny the Holy Prophet's practices and because the Khawarij would not commit the same mistake of misunderstanding of the texts.

As a consequence, `Abdullah ibn `Abbas advanced as his argument the Holy Prophet's action when he agreed to erase the statement “the Messenger of Allah” that he had used in his signature on the Hudaibiyah Truce with the polytheists. In the same way, Imam `Ali agreed to erase the statement “Amir al-Mu'minin” that he had used in his signature on the Truce with Mu`awiyah. [20](#) Because of this argument, the Khawarij could not object to `Abdullah ibn `Abbas's debate since he had used the best way of dealing with them.

Undoubtedly, the Holy Qur'an and Sunnah are completing each other; and it is unfeasible to rest upon one and reject the other. All Muslims have decided unanimously that these two sources of the Islamic legislation are not contradictory at all and they have also decided that to depend upon one and reject the other is definitely wrong. In this regard, Ibn Hazm, in *al-Ihkam fi Usul al-Ahkam*, says,

No contradiction can ever be found between the texts of the Holy Qur'an from one side and the words and deeds of the Holy Prophet from the other. Informing about His Messenger, Almighty Allah says:

“Nor does he say (aught) of (his own) Desire. It is no less than inspiration sent down to him.” (Holy Qur'an: 53/3-4) “Ye have indeed in the Messenger of Allah a beautiful pattern (of conduct) for any one whose hope is in Allah and the Final Day, and who engages much in the Praise of Allah.” (Holy Qur'an: 33/21) “Do they not consider the Qur'an (with care)? Had it been from other Than Allah, they would surely have found therein much discrepancy.” (Holy Qur'an: 4/82)

Hence, Almighty Allah has informed us that, exactly like the Holy Qur'an, the source of the words of His Messenger is nothing but the Divine Revelation. [21](#)

Nevertheless, immediately after the demise of the Holy Prophet, Abu-Bakr declared his famous statement, “The Book of Allah is the arbitrator between you and us.” By this statement, which has been narrated by Ibn Abi-Mulaykah in his famous piece of narration, Abu-Bakr wanted to declare that only

would the Holy Qur'an be accepted in arguments.

Yet, he was not the originator of this opinion, `Umar ibn al-Khattab, during the famous incident of the Disastrous Thursday, declared his famous statement, "The Book of Allah is sufficient for us!" while the Holy Prophet was suffering the pains of his final ailment.

As Abu-Bakr and `Umar committed themselves to the resting upon the Holy Qur'an alone, Lady Fatimah al-Zahra' advanced the Holy Qur'an alone as her argument against them in the issue of the confiscation of Fadak. She generally specified the holy verses of the laws of inheritance as well as the holy verses that confirm the Prophets having been inherited as her argument against them.

Ironically, Abu-Bakr answered her with a Hadith that reads, according to his claim, "We, the Prophets, do not leave inheritance." Hence, Abu-Bakr, who rejected the Holy Sunnah and claimed reliance on the Holy Qur'an alone, had to find himself an exit through the Holy Sunnah itself. This is of course a clear-cut contradiction!

It is now acceptable for us to wonder what Abu-Bakr and `Umar meant by such restrictions to the Holy Qur'an while they were the closest to the age of the Islamic Legislation. Did they, just like the Khawarij later on, aim at resting upon the Holy Qur'an alone in the understanding of all of the affairs and neglecting the Holy Sunnah? Or did they bear in their minds another purpose?

In fact, the invitation to the resting upon the Holy Qur'an alone and shunning the Holy Sunnah was no more than a political decision that was taken for the purpose of justifying the opinions of Abu-Bakr and `Umar. Although the Holy Prophet, as is in the famous Hadith of *Arikah* (the couch), declared openly that his words are actually the Words of Almighty Allah and that He is the expounder of the laws of Almighty Allah, Abu-Bakr and `Umar removed the Holy Prophet's words away and placed their personal opinions instead. Besides, they knew for sure that not all the laws can be derived from the Holy Qur'an merely.

Answering those who ordered him to depend upon the Holy Qur'an alone and neglect the Holy Sunnah, `Imran ibn al-Husayn said, "Supposing that you rested upon the Holy Qur'an merely, would you be skilled enough to recognize that the `Asr Prayer must be of four units (Rak`ah), the Maghrib Prayer be of three, the Fajr Prayer be of two? And would you know that the Circumambulation of the Holy Ka`bah must be repeated seven times... etc?"[22](#)

It is thus illogic to think that Abu-Bakr and `Umar did not have acquaintance with such matters; and if they had actually ignored them, why did they call people to satisfy themselves with the Holy Qur'an claiming that "the Qur'an is sufficient for us!"?

It is now obvious that the narrations that are forbidden are those comprising what the caliphs did not know and those comprising objects of embarrassment for them. In this fashion, it was allowable to report and record the traditions that comprised information known by the caliphs as well as everybody else.

Abu-Bakr, in the same speech in which he declared the decision of resting upon the Holy Qur'an alone and neglecting the Holy Sunnah, foretold that the people of the coming generations would be more discrepant. This prediction implied that the Muslims would follow inconsistent trends because each group would follow the opinion of a certain Sahabiy.

To this very fact, the Holy Prophet invited the attentions by saying on more than one occasion that his ummah would separate after him. Undoubtedly, the discrepancy in the reports of those Sahabah would contradict the personal opinions of Abu-Bakr and `Umar.

If truth be told, the replacing of the personal opinions of Abu-Bakr and `Umar with the Holy Sunnah—or the rising of their opinions to the level of the Holy Sunnah—that resulted in the coming caliphs' having entirely adopted these opinions and made them the course and constitution of the government is no more than an expression of the interest for which the caliph called and the clue that was used in solving all the problems.

We have previously discussed that `Umar, out of his fear from the reporters, restricted the activities of them and ordered them to decrease reporting the Hadith and detained them in the capital on the pretext that they reported excessively and contributed largely in the spread of the Hadith.

Such excessive reports and spread of the Hadith prejudiced `Umar since it showed the contradiction between his personal opinions and the traditions of the Holy Prophet. Such being the case, he had to order them to rest upon the Holy Qur'an alone so that he would be able to decide the substitute, which is his personal opinions and the claim that he, representing the ruling authority, was the most knowledgeable in this respect and thus all the matters must be, first and last, referred to him.

Of course, he did not believe that the Holy Qur'an could present solutions for all problems; rather he knew for sure that the Holy Qur'an needed the Holy Sunnah and that the Holy Prophet was ordered, by Almighty Allah, to explain the religious laws that are mentioned in the Holy Qur'an that reads,

“We have sent down unto thee the Message; that thou mayest explain clearly to men what is sent for them, and that they may give thought.” (Holy Qur'an: 16/44)

From this cause, some of the Sahabah did not accept the personal opinions of Abu-Bakr and `Umar since they knew the Holy Book and Sunnah, not Ijtihad, having been the main sources of the Islamic legislation.

Similarly, had those Sahabah known that the personal judgments of Abu-Bakr and `Umar were based upon these two sources, they would have accepted them and would not have declared resentfully “Will we follow `Umar or the Sunnah of the Holy Prophet?”²³ and “I see coming that you shall certainly perished! While I say to you that it was the Messenger of Allah who deemed it lawful, you answer me that Abu-Bakr and `Umar prohibited it!”²⁴

In order to throw dust in the eyes and confuse the matter, historians have added some names to the list of the Opinionists, such as `Abdullah ibn Mas`ud, Mu`adh ibn Jabal, `Abdullah ibn `Abbas and many others while it is evidentially known that these men rejected the resting upon personal opinions in the issuance of religious verdicts, adopted the course of thorough compliance with the sacred texts and practically wrote down many records that comprised the Hadith.

Some fabricated texts, corroborating the trend of Opinionism, have been ascribed to those Sahabah, although the series of narrations have been omitted, because of the exigent need of `Umar for supporters for his invention of Opinionism and because of the confusions that surrounded this trend.

To study such texts, one can obviously point out numerous contradictions, confusions, and objections. Likewise, Ibn Hazm and others have decided Mu`adh's narration about Ijtihad as doubtful and fabricated. In this regard, he says,

My evidence on the fabrication of this narration is that it is impossible for the Holy Prophet to put the probability of the nonexistence of a solution in the Holy Qur'an and Sunnah while Almighty Allah says:

“And follow the best of (the courses) revealed to you from your Lord.” (Holy Qur’an: 39/55) “This day have I perfected your religion for you, completed My favor upon you, and have chosen for you Islam as your religion.” (Holy Qur’an: 5/3) “And any who transgresses the limits of Allah, does verily wrong his (own) soul.” (Holy Qur’an: 65/1)

It is also authentic that the Holy Prophet prohibited resting upon personal opinions in religious matters.[25](#)

The investigation of such matters in the Islamic legislation will lead a searcher to look at them from a wider horizon and more scientific angle provided that a searcher throws away all passions and bears in mind freedom of thinking and deep study of the surroundings.

Only then will a searcher consider whether the Holy Prophet actually permitted the resting upon personal opinions in the issuance of religious verdicts while he was present or he only wanted the verdicts to be issued according to the authentic traditions and texts of the Holy Qur'an and Sunnah, not according to the Ijtihad that is based upon conjectures.

Views About Opinionism

It is said that Goldtzhair, the famous German Orientalist, argued that Opinionism was not founded during the Holy Prophet's lifetime; rather it was added to the sources of the Islamic legislation later on.

Discussing this argument, Dr. Muhammad Yusuf Musa says,

“This Orientalist researcher, who is well-versed in the Islamic studies, argues that Opinionism was used among the first generation of the Islamic history although it was, in that very stage, ambiguous, negative, and far away from its private belief and method. Only in the next generation did Opinionism acquire a

certain definition and identity and begin to move towards a constant trend obtaining the logic form of analogy.”[26](#)

Dr. Musa then launched an attack on Goldtzeir arousing doubts around the worth of his opinion that is also adopted by the Orientalists generally. He accused them of being far away from understanding the spirit of Islam since, in his view, the evidences submitted by Ibn al-Qayyim al-Jawziyyah being enough for proving the Opinionism. Ironically, he then agrees with the Orientalists by saying,

“It is true that Opinionism on that very period was unlike the analogy (*Qiyas*) as was defined during the Age of the Scholars (namely, the founders of the four major Sunnite Schools of Jurisprudence). Yet, the opinion that was used by some of the Sahabah was not very far from the analogy; rather it might have been the very analogy, although it has not been narrated whether those Sahabah used the bases of analogy, as a term, such as cause, method, and other bases that were commonly known during the Age of the Scholars.”[27](#)

No matter how much valuable the doubt of Dr. Musa is, what we need to know is the attitude of Abu-Bakr and `Umar from Opinionism and whether they rested upon it although they had known about the laws of Almighty Allah and the Holy Prophet in that very question or not since they believed that their opinions are as important sources of Islamic legislation as the Holy Qur'an and Sunnah.

The aforementioned texts have confirmed that both Abu-Bakr and `Umar decided their own opinions although they had known about the actual ruling decided by the Holy Qur'an and Sunnah. Although Abu-Bakr knew about the holy verse that reads,

“If any of you die and leave widows behind, they shall wait concerning themselves four months and ten days: When they have fulfilled their term, there is no blame on you if they dispose of themselves in a just and reasonable manner. And Allah is well acquainted with what ye do.” (Holy Qur'an: 2/234),

he violated this verse in the issue of Khalid ibn al-Walid who married the widow of Malik ibn Nuwayrah a few hours after he had killed her husband unlawfully. As `Umar asked him to punish Khalid for this violation of the Islamic laws, Abu-Bakr answered, “No, I will not kill him. He tried to infer the actual law in this issue, but he missed it!”[28](#) It is illogic to claim that Khalid, or Abu-Bakr, had never known about the aforesaid holy verse.

Was this case not a clear example on the resting upon personal opinion that is totally opposite to the sacred text?

Did Abu-Bakr really not know about the holy verse or did he know but he believed that interest necessitated resting upon his opinion and disregarding the holy text?

Are the anticipation of advantage and analogy practiced only when sacred texts are absent or is it

permissible to practice them even if sacred texts are available?

Let us now present the story of Khalid ibn al-Walid, yet in brief, as has been narrated by al-Tabariy,

... When Khalid came back and entered the Masjid, `Umar went towards him, took out the remains of arrows from his head, and smashed them, saying, “This is only for showing off! You have killed a Muslim individual then slept with his widow! I will certainly stone you.²⁹ I swear it by Allah!” Yet, Khalid kept silent as he thought that Abu-Bakr would have this very impression about his deed. But when he saw Abu-Bakr... etc.³⁰

Al-Tabariy narrated that `Umar, once, met a man who had provided his case to `Ali ibn Abi-Talib, and asked him what `Ali had decided for him. As the man told about `Ali’s decision, `Umar said, “Had you submitted your case before me, I would have decided another thing.”

The man wondered, “What prevents you from doing so while you are the authority?”

`Umar answered, “If I judged in your case according to the laws of the Book of Allah and the Sunnah of the Messenger, I would do so; rather I judge in it according to a personal opinion; and opinions are common. I thus cannot tell which one is more accurate.”³¹

Ibn Hazm, in *al-Ihkam fi Usul al-Ahkam*, says,

“Abu-Muhammad says: It has been proven that the Sahabah did not oblige people to act upon their personal opinions and did not claim their having been ultimately true; rather they decided them as conjecture and sought Allah’s forgiveness against them, or decided them for reaching at reconciliation between the two parties of a case.”³²

Ibn Hazm further says,

“There is no indication that `Umar’s having taught people the form of *Tashahhud* while he was on the minbar was a part of the Holy Prophet’s instructions; rather it was his own opinion. Similarly, everybody knows that `Umar, while he was on the minbar also, warned people against exaggeration in the values of the dowries out of his own opinion, not according to the instructions of the Holy Prophet.

Therefore, he canceled this decision afterwards when he was informed that the decision was in violation of the Holy Qur’an. The forms of *Tashahhud* that are reported from `Abdullah ibn `Abbas, `U’ishah, `Abdullah ibn Mas`ud, and Abu-Musa al-Ash`ariy must not be violated since their source was the Holy Prophet.

Although they witnessed `Umar using his own form of *Tashahhud* while he was on the minbar, `Abdullah ibn `Umar, `Abdullah ibn Mas`ud, `Abdullah ibn `Abbas, `U’ishah, and many other grand Sahabah disagreed with him.”³³

Trying to deny the reports that when `Umar could not find a ruling in the Holy Qur'an or Sunnah, he would investigate whether Abu-Bakr had issued a judgment in that regard; and when he would find such a thing, he would follow it, Dr. Nadiyah al-`Umaryi says:

“Although he had great regard for Abu-Bakr, `Umar would not commit himself thoroughly to the opinions of Abu-Bakr unless such had been inferred from the Holy Qur'an and Sunnah; and such a commitment was in fact to the sacred text rather than Abu-Bakr's opinion. An example on this commitment is the incident when, immediately after the demise of the Holy Prophet, Abu-Bakr reminded `Umar of a holy verse from the Holy Qur'an.

However, when the case is exposed to the Shura or to personal opinions, opinions would be, in the word of `Umar himself, common. In the case of the cessation of the shares of *al-Mu'allafah Qulubuhum*, `Umar disagreed with Abu-Bakr who, then, accepted `Umar's view. Similarly, In the case of the appointment of the coming leader, `Umar violated Abu-Bakr's opinion and ordered of the establishment of the Shura Committee.

In plain words, although `Umar acceded to Abu-Bakr's opinions, he did not commit himself to them in the same way as he had committed himself to the texts of the Holy Qur'an and Sunnah. The evidence on this claim is `Umar's having violated Abu-Bakr's opinion on more than one occasion.”[34](#)

Let us now put the following questions:

How is it possible to take in the manners of both Abu-Bakr and `Umar while they disagreed on many points concerning their reports and personal judgments?

How can we believe that the Holy Prophet did order us to follow those who would come after him[35](#) so firmly[36](#) while they disagreed with each other on more than one occasion and one issue?

Concerning the aforementioned issue of Khalid ibn al-Walid; whose decision was the more accurate—Abu-Bakr or `Umar?

Is it logic that the Holy Prophet imposed upon us to follow a person subjectible of making mistakes although this very person had attempted to rest upon his personal opinions and judgments as regard the religious issues during the lifetime of the Holy Prophet?

How can we justify `Umar who canceled the share of the *al-Mu'allafah Qulubuhum*[37](#) while we read in the Holy Qur'an Almighty Allah's saying,

“Alms are for the poor and the needy, and those employed to administer the (funds); for al-Mu'allafah Qulubuhum (those whose hearts have been recently reconciled to truth); for those in bondage and in debt; in the cause of Allah; and for the wayfarer: thus is it ordained by Allah, and Allah is full of knowledge and wisdom.” (Holy Qur'an: 9/60)

What is the appropriate justification for `Umar's too many judgments that he issued out of his personal opinions, such as in the case of the grandfather's share of the inheritance with the existence of brothers;[38](#) the three-time divorce;[39](#) the sale of bond mothers;[40](#) the shortage in the shares of inheritance;[41](#) the non-obligatoriness of practicing the Dry Ablution (*Tayammum*) for the obligatory prayers when water is missing;[42](#) the warning against offering supererogatory prayers after the `Asr Prayer;[43](#) the four prayers in the funerals[44](#)—and in all of these issues, the Holy Prophet had issued rulings that were disagreeing `Umar's judgments?

How is it feasible to find excuses for Abu-Bakr and `Umar and consider their opinions validly acceptable while `Umar himself declared openly that the *Salat al-Tarawih* had been a heresy; an excellent heresy?

Despite of everything, some of the so-called scholars have interpreted the word “heresy” said openly by `Umar in this issue as bearing a linguistic rather than a terminological meaning. They have then cited as evidence a report telling that the Holy Prophet, once, went to the Masjid for a prayer and people followed him; on the next day, the number of people increased and on the third day, the number was too large to be contained by the Masjid; therefore, the Holy Prophet had to leave the Masjid to the courtyard.

On the fourth night, he refrained from going to the Masjid; yet he did not warn people against such collective prayers! Accordingly, the *Salat al-Tarawih* is legal!

If the *Salat al-Tarawih* is legal and the Holy Prophet did not warn people against participating in it, why have those scholars interpreted `Umar's word of “heresy” as bearing a linguistic, not terminological, meaning? The likes of such ironies and contradictions in the field of finding acceptable excuses for individuals are unfortunately very numerous; yet, a fair researcher can identify them easily.

Should we believe the texts that came to us from our ancient heritage or should we believe the scholars' justifications for the violations of Abu-Bakr and `Umar?

Has Allah preserved Abu-Bakr and `Umar from making mistakes and instead given them exclusively the right to act upon their personal views as regards the religious laws?

Has he commissioned the Muslims to comply with the opinions of Abu-Bakr and `Umar other than the other Sahabah according to the claim that the Holy Prophet said, “You have to adhere to my Sunnah as well as the Sunnah of the orthodox caliphs who will succeed me?”[45](#)

Is it rational that the Holy Prophet decided the “sunnah” of the caliphs who came after him as the equivalent of his Holy Sunnah while he knew for sure that his ummah would be engaged in discrepancies after him according to the holy verse that reads,

“Muhammad is no more than a messenger: many were the messenger that passed away before him. If he died or were slain, will ye then Turn back on your heels? If any did turn back on his heels, not the least harm will he do to Allah; but Allah (on the other hand) will swiftly reward

those who (serve Him) with gratitude. (Holy Qur'an: 3/144)

Even if we accept the aforementioned “Hadith”, although it is subjected to many contradictions, we will face another problem, which is the contradictory words and deeds of the caliphs who came after him. Which opinion should we then accept and which should we reject? Who are the caliphs whom have been described as orthodox? Are they exclusively the first four ones; or does the “Hadith” involve every one who came to power and was entitled “caliph”?

Again, if we accept the “Hadith”; why do we not choose the Twelve Successors who defended the Holy Sunnah and worked on spreading the Holy Prophet’s words and deeds as the intendeds? Imam `Ali has narrated that the Holy Prophet said,

“O Allah! Have mercy upon my successors who will come after me, reporting my Hadith and Sunnah and teaching them to the people.”⁴⁶

About those successors, the Holy Prophet also ordered us not to precede them, lest we will perish, and not to fall behind them, lest we will perish too, and not to claim being more knowledgeable than they are, for they are always more knowledgeable than we are.⁴⁷ He has also said about them, “If you adhere to them, you shall never be led astray,”⁴⁸ “The Ahl al-Bayt preserve my ummah against discrepancy,”⁴⁹ as well as many other Hadiths.

In his famous Hadith of “The Divine Pool”, the Holy Prophet warned us that a group of his Sahabah should be prevented from joining him on the Resurrection Day.

Those who have claimed the authenticity of the Hadith of the adherence to the “sunnah” of Abu-Bakr and `Umar must explain to us why the Holy Prophet did not define the Holy Qur'an and his Sunnah as the only sources of the religion! Have these two sources needed the “sunnah” of Abu-Bakr and `Umar because they are inadequate? Can we accept the claim that the Holy Sunnah is incomplete; therefore, it required the “sunnah” of Abu-Bakr and `Umar?

The statements of “the sunnah of the caliphs who will come after me” and “follow those who will come (to power) after me” reveal the emergence of new opinions, opposite to the Holy Prophet’s Sunnah, in the scientific lives of the Muslims and thus these statements were fabricated against the Holy Prophet so that the opinions of Abu-Bakr and `Umar would be acceptable.

On both levels of reason and Muslim legislation, the adherence to the “sunnah” of the caliphs are unacceptable since it is ironic to accept both the Holy Prophet’s Sunnah and `Umar’s sunnah because they are at odds. For instance, the temporary marriage is either legal, according to `Umar’s declaration that it was legal during the lifetime of the Holy Prophet, or illegal, according to `Umar’s decision of prohibiting it. A simple look in the history of the Islamic legislation leads to tens of examples on such contradiction.

The most acceptable probability in this regard is that all the texts in which the names of the caliphs or their chronological order (Abu-Bakr, `Umar, `Uthman, and `Ali) are mentioned were later on fabricated in order to justify the Opinionism invented by `Umar and followed by his fans. Later on in this book, we will provide many evidences on this claim.

Developments And Modifications

Let us now bring up the manners of the Islamic ummah in the later ages as regards the religious legislation. In *al-Ijtihad fi'l-Islam*, Dr. Nadiah al-`Umaryi says,

“It has been proven that the later jurists modified many of the religious laws that they had received from their masters when exigency demanded so. When he moved to Egypt and left Iraq and Hijaz, al-Shafi`iy modified his whole sect into a new one. He then wrote his famous books of *Kitab al-Umm* and *al-Risalah*. The same thing was done by Ibn al-Qayyim al-Jawziyyah.”[50](#)

Dr. Turkiy says,

“Istihsan (Equitable Preference), which is in fact a method of escaping analogy for personal reasons, emerged in the third century. Ibn Hazm has reported this piece of information.”[51](#)

Al-Wafi al-Mahdiy also says,

“In the age of the establishment of the (Sunnite) Schools of jurisprudence, the Islamic legislation was greatly influenced by the social customs. As a result, many master jurists decided the social customs as restricting the sacred texts. For instance, the Islamic legislation has prohibited the contracts of sale of what is not possessed (in Muslim jurisprudential terminology: *istisna`*), that is to agree on selling a thing that is not within the hand or not currently available; rather the purchaser will agree on such a contract according to the descriptions of the stock before seeing it. Yet, this sort of sale has been deemed legal according to the social customs.”[52](#)

It has been reported that Mr. Rashid Rida says,

“To argue that hundreds of the verses of the Holy Qur'an were repealed, to invalidate positive contentions through hypothetical arguments, and to prefer personal opinions to sacred texts—all these rules are irresponsible *Qiyas* (analogy) and challenge to Almighty Allah. Al-Shafi`iy says that *Qiyas* must not be used except in emergency, such as the necessity of eating the meat of an animal that is not slaughtered according to the religious laws.”

Shafiq Shahatah, an Egyptian researcher, says,

“*Qiyas* has been elevated to a level due to which it has been a source of Islamic legislation. The reasons beyond this must be purely historical.”[53](#)

It is regrettable to end up this discussion with a text said by one of the extremists, namely al-Sawiy, in his commentary on *Tafsir al-Jalalayn*,

“It is impermissible to act upon any school other than the Four Schools (of Sunnite jurisprudence) even if such schools agree with the Sahabah’s words, the authentic Hadiths, and even the holy verses. One who exceeds the acting upon the Four Schools is definitely straying (from the right path) and misleading. Perhaps, such thing may lead to infidelity, because to act upon the external manifestations of the Book (i.e. the Holy Qur'an) and the Sunnah are among the principles of infidelity.”⁵⁴

The previously mentioned summary of the history of the Islamic legislation and the confusive issues of Muslim jurisprudence has been presented for purpose of giving the gentle readers an idea about the topic discussed herein and to acquaint them with some of the principles that were invented during the first age of Islam as well as the roots of discrepancy among the Muslims due to which multiplicity of religious opinions have been validated while the Lord is One, the Messenger is one, and the Holy Book is one although Almighty Allah has called us to be united in laws and doctrines and warned us against discrepancy and disunity; and the Holy Prophet has confirmed that only one sect shall be saved.

Back To The Main Topic

It is known for everybody that the Holy Prophet managed the legislative and political affairs of the Islamic State; therefore, his successor must be qualified in these two aspects. Yet, Abu-Bakr and `Umar were rulers rather than versed in religious knowledge; and because the authority in Islam requires knowledge in addition to administration, they had to make some changes to the principles of the religious laws so that they would be able to legalize their words and deeds and to take them out of the circle of personal views that would be criticized in the coming ages.

As previously cited, neither Abu-Bakr nor did `Umar, in the beginning of their reign, claim that they had full acquaintance with the knowledge of the Holy Prophet; rather they used to consult and ask the Sahabah about the question that they had not known, such as in the issue of grandmothers’ shares of inheritances and many others.

In addition, when their opinions violated the Holy Prophet’s decisions, they would retreat their personal decisions, as took place on many occasions. Yet, in the last period of his reign, `Umar increasingly refused to retreat his opinions, and claimed his having been the first and last criterion of discriminating the authentic from the untrue until he detained some of the Sahabah who could not release themselves before `Umar’s death.

Abu-Bakr and `Umar, as well as all the Muslims, knew that only Almighty Allah and the Holy Prophet had the right to legislate; and when a ruling is issued by the Holy Qur'an and Sunnah, none else would have the right to repeal or violate; yet, the others’ mission would be no more than inferring rulings from these two sources of legislation.

As a result, as Abu-Bakr and `Umar had retreated their decisions when they were informed of the actual ruling of the Holy Qur'an and Sunnah as regards a certain question, this means that they knew for sure that the source of the Islamic legislation had been the Holy Sunnah, not their personal judgments.

However, they then went on emphasizing on their personal judgments and opinions even if they would violate the Holy Prophet's words or their past judgments. For instance, `Umar, in one of the issues, stated "That decision was for that case and this decision is for this case!"⁵⁵

He knew for sure that if the demonstration of the contradiction between the Sahabah's reports from the Holy Prophet continued, it would certainly lead to the detachment of the political leadership from the religious; and this would not be admitted by `Umar under any circumstance.

As an undeniable fact, the allowance of reporting the Holy Prophet's Sunnah would lead to the raising of the levels of cognizance and perceptiveness of the Muslims as they would have acquaintance with the Holy Prophet's decisions; and because `Umar did not know all these decisions and rulings, he would certainly issue verdicts that are in violation of the Holy Prophet's; and this would put him in an embarrassing situation before the Sahabah and would cause their opinions as regards the religious issues to be contradictory.

In order to stop all these results, he summoned all the Sahabah and said to them, "You have spread the Hadith of the Messenger of Allah," or "You have reported extremely much the Hadith of the Messenger of Allah." This is because he knew that the spreading and reporting of the Hadith would make his conflict with them more complicated.

He therefore confirmed on analogy (*Qiyas*) and the resting upon individual opinions in the issuance of religious rulings as has been previously cited in his message to Abu-Musa al-Ash`ariy and Shurayh the judge. The same thing can be said about the Hadiths of *Ijtihad* that have been narrated on the authority of Mu`adh, `Amr ibn al-`As, and others that were invented for the purpose of justifying `Umar's decisions.

Our assertion that `Umar ibn al-Khattab suggested *Ijtihad* more than Abu-Bakr does not oppose the arguments that *Qiyas*, as a term, was originated in later ages because of temporal necessities experienced by the ruling authorities and their jurisprudents. The first seeds of *Ijtihad* were sowed by `Umar, as has been proven in the previous discussions.

Yet, that sowing and origination was not perfect in aspects and fundamentals; rather it stumbled and was hindered by many of the Sahabah and their disciples. However, its final picture was displayed in later ages, precisely in the beginning of the second century of Hijrah, after it had taken definite principles and structure that discriminated it from the other sources of Muslim jurisprudence. From this cause, we can notice the emergence of other titles and terms, such as *Istihsan* and *Masalih* (advantage), beside it.

Exposition Of Imam `Ali

As a result of the above, not all the religious rulings were decided according to sacred texts and authentic reports from the Holy Prophet; rather personal opinions and analogy were inserted into the Islamic legislation.

For that reason, some of the Sahabah, as has been previously cited, did not accept Ijtihad in matters about which sacred texts are not available because they were close to the age of the direct legislation and also because they knew the very persons who had texts from the Holy Prophet concerning the new issues.

However, it is not justifiable for `Umar to open wide the doors of Ijtihad just because he had not known such sacred texts, since his act would cause danger to the Islamic jurisprudence and doctrine. Imam `Ali unquestionably identified the actuality of the Islamic nation in general and the situation of the first age of Islam, which was indeed critical, through a section of his famous sermon of *al-Shaqshaqiyyah* as he said,

“It is strange that during his lifetime he (Abu-Bakr) wished to be released from the caliphate but he confirmed it for the other one (`Umar) after his death. No doubt, these two shared its udders strictly among themselves. This one put the Caliphate in a tough enclosure where the utterance was haughty and the touch was rough.

Mistakes were in plenty and so also the excuses therefore. One in contact with it was like the rider of an unruly camel. If he pulled up its rein, the very nostril would be slit, but if he let it loose, he would be thrown. Consequently, by Allah people got involved in recklessness, wickedness, unsteadiness and deviation. Nevertheless, I remained patient despite length of period and stiffness of trial... etc.”

Expanding on this sermon, Ibn Abi'l-Hadid says,

“Imam `Ali wanted to say that the path to which they led people were not easy; rather it is so rough that a walker will certainly stumble. By ‘mistakes were in plenty and so also the excuses therefore,’ Imam `Ali meant that `Umar very frequently repealed the decisions that he had decided concerning religious laws.

Similarly, he very frequently apologized for having issued inaccurate verdicts. Another meaning may be cited for this very statement is that the people’s deeds and movements might be excused for it... etc.”

This statement reveals the actual situation of the ummah during the reign of `Umar ibn al-Khattab who made many changes and modifications due to which people had to experience such a chronic disease that took them away from the right path, which they should have taken in their religious, political, and social lives.

Describing this stage, Imam `Ali says that people were certainly involved in recklessness, wickedness,

unsteadiness, and deviation. After the departure of the Holy Prophet, it became clear that those who held his position and came to power after him were too weak to represent him as regards the religious, cultural, educational, and even political affairs when they could not discriminate the apostates from others for purpose of annihilating all the enemies of Abu-Bakr. For instance, the murder of slaying Malik ibn Nuwayrah passed without punishment or even reproach.

However, the short period of Abu-Bakr's caliphate covered some of his mistakes and concealed the actual appearance of confusion, unlike the period of `Umar's caliphate that took long time during which all the matters and incidents that had been veiled were unveiled.

As a result, Imam `Ali emphasized on the reign of `Umar for it carried the greatest share of changing and distortion. In addition, because their caliph ignored many of their affairs, the people correspondingly ignored these affairs since a caliph is the ruler and reformer of the subjects; and because the reformer confessed of his need for reformation since he was incompetent, confusion prevailed on the situation and caused the people to take a path other than the one sketched by the Holy Prophet and the Muslims.

As a consequence, opinions and personal views seized the lion's share of the Islamic legislation and each individual claimed accurateness of his opinion and inaccuracy of the others' views.

Furthermore, the caliph himself issued certain judgments and then repealed or canceled them claiming all these opinions having been true even if they opposed each other because all of his opinions, for his having been the highest authority of Islam, were true. Consequently, the right path was missed and nothing remained other than a rough one. The people therefore had to take wrong paths.

To this very point, Imam `Ali referred by saying,

“He sits among the people as a judge responsible for solving whatever is confusing to the others. If an ambiguous problem is presented before him he manages shabby argument about it of his own accord and passes judgment on its basis. In this way he is entangled in the confusion of doubts as in the spider's web, not knowing whether he was right or wrong.

If he is right he fears lest he erred, while if he is wrong he hopes he is right. He is ignorant, wandering astray in ignorance and riding on carriages aimlessly moving in darkness. He did not try to find reality of knowledge. He scatters the traditions as the wind scatters the dry leaves.”

Having demonstrated the feature of the first stage, Imam `Ali described the second stage as wickedness since the natural result of neglecting the right path and taking other paths without guidance was alienation and sorts of unintentional reactions.

Hence, wicked incidents emerged among the Muslims who unfortunately acquired unprecedented manners, which were the natural result of missing the right path. In that period, many masters killed their slaves; therefore, `Umar, having tried to stop this event, violated the Holy Prophet's decision of the

impermissibility of retaliating upon masters who kill their slaves⁵⁶ although this decision was known by every Muslim.⁵⁷

Unnatural conducts were obviously noticed from both the caliph and the subjects because the earlier caused the latter to miss the right path and because the latter misused the Islamic law because of the absence of the religious awareness that are inspired from the sacred texts that prohibited intensely suicide and mistreatment of others.

This is the very “wickedness” mentioned by Imam `Ali. It is also a serious danger suffered by the communities on which complexes and states of revenge, quarrel, and social disorder prevail.

Other examples are the emergence of states like women’s calling at men (Nasr ibn al-Hajjaj) and the state of people’s detestation towards definite jurisprudential terms that are unfitting to their tastes disregarding the sacredness of the Holy Legislator, such as the forbiddingness of the temporary marriage that leaves a great effect on the stability of communities, especially in cases of war, fewness of men... etc.

A little ponderation over the aforementioned conducts of `Umar and the Sahabah’s objections to his decisions although a group of them supported him causing secession and irregular states that were not found during the Holy Prophet’s lifetime—a little ponderation over these things proves that `Umar could not do anything about them or took negative decisions, such as in the issue of seizing the half of the fortunes of his officials.

During the Holy Prophet’s lifetime, there was not any disloyal official who would appropriate the public treasury; and the Holy Prophet never seized any part of those officials’ fortunes. Even if such officials had stolen a part of the public treasury, `Umar should have investigated the matter and seized the very stolen part, not all or half of their fortunes. Hence, the state of wickedness existed in the Muslim community because people had followed a path other than the right one.

Then, Imam `Ali refers to a third stage of change, which is modification or distortion. In the reign of `Umar, the conversion of the religious laws became a natural state since the caliph was considered having the right to issue a law, to cancel another, to restrict a general religious law, to generalize a restricted law, to repeal a holy verse, to invalidate an act of the Holy Prophet, to exile anyone, to detain others, to punish, and to forgive!

All these actions would be taken for nothing other than the claim that a caliph is a mujtahid who has his own opinion that must be regarded since he would identify what is good for the religion more than others would.

Unfortunately, this idea was gradually concentrated in the mentalities of the publics who were not at the required level of knowledgeability with the general rules of the religion as well as those who were influenced by the Sahabah who had acted upon their personal opinions during the Holy Prophet’s

lifetime.

As a result, all the religious laws were changed or distorted. It became recommended to beat a Sahabiy on bases of “disciplining the deviants” and it became naturally that the caliph forbids a lawful matter or deems lawful an unlawful matter since he, not anyone else, had the competence to identify what is good for the Muslims.

Similarly, to have numerous decisions in a single issue became a familiar thing since all the verdicts of a “mujtahid” must be decided as the laws of Allah. In the age of `Umar too, each decision as regards the religious laws became acceptably valid since the caliph himself said, “That decision was for that case and this decision is for this!” Likewise, the share of the *al-Mu'allafah Qulubuhum* was canceled because Islam became powerful and thus it no longer needed for others... etc.

All these examples of modification and distortion of the religious laws influenced the Muslims who had to accept incorrect jurisprudence and wrong beliefs that the Holy Prophet rejected, such as the case in the weeping for the deceased and other personal baseless inferences.

The greatest catastrophe came about in the fourth stage, which is the stage of objection; the stage of getting lost in floundering paths, in this stage, a taker of a path is going astray; hence, the more he walks, the remoter from the target he becomes. Imam `Ali has described this stage very accurately. His word “deviation” comprises many indications that can be understood with a little ponderation.

In the previous stages, people took paths other than the right one; yet, it was hoped that they would see the right path and follow if they were shown the evidences on the right one, but because of the nonexistence of a guide who leads to the right path, people's walking became aimless and thus it became impossible to lead them to the right one.

This is because they believed in those wrong paths as the right and their taking them became a rule, not an irregular state that could be treated under certain circumstances.

A ponderation over the meaning of “deviation” proves that the walking in the wrong paths increased the state of deviation and the keeping on this path would cause aloofness from the right path. If the right path is sketched as a straight line and the wrong path is sketched as a curved one then the two lines are extended in the same direction, the right line will take one original path while the curved line will keep on going away from the right one although its followers believe that they are taking the right path.

The current expansion of the abyss among the Muslims to such a degree that it has become impossible to bring them together to the same path or unite their viewpoints in a certain question has been the result of following curved lines.

A group of Muslims has argued *Qiyas* being a source of legislation while another group has declared it as an act of Satan. A group has claimed that the temporary marriage is lawful while another group has

claimed that `Umar's words invalidated it.

A group has believed that the leadership of the ummah must be nominated by sacred texts and divine commission while another group has rested upon the Shura principle and validated the leadership of the one that is selected by experts and so on. Hence, "deviation" has covered all the affairs of the Divine Legislation that has been conveyed by the same Prophet.

In an excellent statement, Imam `Ali has described that stage along with its disagreeing opinions. Ijtihad and Opinionism invented by `Umar have been too stretchy to be stopped:

"One in contact with it was like the rider of an unruly camel. If he pulled up its rein, the very nostril would be slit, but if he let it loose, he would be thrown."

For instance, as `Abd al-Rahman ibn `Awf put `Uthman ibn `Affan under the pledge that he would act upon the manners of the two caliphs, Abu-Bakr and `Umar (*Sirat al-Shaykhayn*), he could not later on oblige him to stop his personal decisions, such as offering complete, not shortened, prayers at Mina, since `Uthman actually acted upon the manners of the two caliphs who established Opinionism.

Hence, neither `Abd al-Rahman ibn `Awf nor could anyone else blame `Uthman for a deed because he, just like Abu-Bakr and `Umar, acted upon Ijtihad although he knew for sure that the Holy Prophet, Abu-Bakr and, `Umar offered shortened prayers at Mina.

As a consequence, it was unacceptable to object to the deeds of the Sahabah or caliphs that violated the Holy Prophet's instructions since they, including Mu`awiyah ibn Abi-Sufyan, Yazid and `Abd al-Malik ibn Marwan, acted upon Ijtihad and Opinionism.

Imam `Ali is also reported to have said,

"Know, O creatures of Allah, that a believer should regard lawful this year what he regarded lawful in the previous year, and should consider unlawful this year what he considered unlawful in the previous year.

Certainly, people's innovation cannot make lawful for you what has been declared unlawful; rather, lawful is that which Allah has made lawful and unlawful is that which Allah has made unlawful. You have already tested the matters and tried them; you have been preached by those before you. Illustrations have been drawn for you and you have been called to clear fact. Only a deaf man can remain deaf to all this, and only a blind man can remain blind to all this."[58](#)

He is also reported as saying,

"Verily, Allah has not created you in vain nor left you unbridled nor left you alone in ignorance and gloom. He has defined what you should leave behind, taught you your acts, ordained your death, sent down to you

'The Book (the Holy Qur'an) explaining everything' (Holy Qur'an: 16:89)

and made His Prophet live among you for a long time till He completed for him and for you the message sent through the Qur'an namely the religion liked by Him, and clarified through him His good acts and evil acts, His prohibitions and His commands. He placed before you His arguments and exhausted his excuses upon you. He put forth to you His promises and warned you of severe retribution.”[59](#)

Confirmation

On the authority of a true series of narrators, Al-Bayhaqi has narrated that after he had been nominated as caliph, Abu-Bakr isolated himself to his house as he was depressed. As soon as he was visited by `Umar ibn al-Khattab, he began to blame him saying, “It is you who involved me with this matter.”

He also complained about the difficulty in issuing judgments among people. Answering him, `Umar ibn al-Khattab said, “You should have known that the Messenger of Allah said that a ruler who succeeds in inferring the actual judgment as regards the religious laws will be rewarded twice; but if his inference is proven as inaccurate, he will be rewarded once only.”[60](#)

It has been also narrated that even the Sahabah who had not been versed in the religious laws, such as Bilal and Suhayb, used to object to some of Abu-Bakr's judgments, which were inaccurate.[61](#)

A commentary on this narration is left to the dear readers who will certainly compare it to the aforementioned arguments that Abu-Bakr and `Umar faced many scientific problems that caused them great embarrassment.

Dr. Muhammad Rawwas Qal`achiy says in the introduction of the book entitled *Min Mawsu'at al-Salaf: Ibrahim al-Nakha`iy*,

“The founder of the school of Opinionism is actually `Umar ibn al-Khattab; he had to face many affairs of the Islamic legislation that had never been faced by any other caliph. At the hands of `Umar, many countries were conquered, new cities were established, and many civilized nations, such as Persia and Rome, were subjugated to the ruling of Islam.”

Ahmad Amin, in *Fajr al-Islam* says,

“It seems to me that `Umar acted upon Opinionism in its largest meaning. Since Opinionism is generally used only in issues about which there is no sacred text from the Holy Qur'an and Sunnah, `Umar exceeded this principle and rested upon Ijtihad in order to identify the advantage (*Maslahah*) on bases of which a sacred text was revealed or said. He then used that advantage in issuing religious laws. This is very close to the so-called the reliance upon the spirit, not literalism, of the law.

In any event, Opinionism was created; and many of the grand Sahabah have been reported to have issued verdicts depending upon their own opinions, such as Abu-Bakr, Zayd ibn Thabit, Ubayy ibn Ka`b and Mu`adh ibn Jabal. Still, the carrier of the slogan of Opinionism, in my conception, was `Umar ibn al-Khattab.”[62](#)

Dr. Nadiyah al-`Umariy, in *Ijtihad al-Rasul*, says,

“Resting upon personal views, acting upon analogy, and observation of the advantage were not innovative sources invented by the Tabi’un who lived in Iraq; rather they were continuation of a trend followed by a number of the Sahabah on the top of whom was `Umar ibn al-Khattab.”[63](#)

In *Manahij al-Ijtihad*, Dr. Muhammad Madkur says,

“Because of the successive Islamic conquests during the age of the Sahabah, new questions originated from the nature of the conquered countries and others originated from the events of the warfare came out to force the Sahabah to act upon their personal opinions. The sacred texts were finite while the events were not. Besides, the Sunnah was not recorded yet.”[64](#)

He also says,

“A saying of a Sahabiy that is issued on bases of his personal view in questions that are object to reason while other Sahabah oppose it is the object of discrepancy among the jurisprudents. A group of scholars have decided the acceptability of such sayings as sources of the Islamic legislation even if they oppose *Qiyas*, while others have decided such sayings as acceptable only when they are issued by Abu-Bakr and `Umar and none else.

Yet, the Shi`ite scholars, al-Shafi`iy in one of his opinions,[65](#) Ahmad ibn Hanbal in one of two narrations that are reported from him,[66](#) and al-Karkhiy, representing the opinion of the Hanafiyyah School of law—all these have decided the unacceptability of such a saying.

On the other hand, Malik ibn Anas, al-Shafi`iy in another opinion, and Ahmad ibn Hanbal in one of the two narrations that are reported from him have decided that such a saying is an acceptable source of legislation that is preferred to *Qiyas*.

Al-`Imudiy has decided the unacceptability of such a saying and also al-Ghazzaliy, in his book entitled *al-Mustasfa*, has justified the unacceptability of such a saying by confirming that evidence is not available on such sayings and that those Sahabah have not been proved as inerrant; rather it has been narrated that they disagreed with each other on various questions and that they declared that it is permissible not to act upon their opinions.

Al-Shawkaniy, too, justifies the unacceptability of such sayings by saying that as Almighty Allah has sent for this nation one Prophet only, and all the peoples are commissioned to carry out the instructions of the Holy Qur'an and Sunnah, there will be no difference between the Sahabah or any others as regards the

question of the religious instructions.”[67](#)

Al-Karkhiy says,

“Originally, each holy verse (آyah) that is opposite to the opinion of any scholar must be decided as having been repealed or not preferred. Preferably, such verses must be interpreted on bases of identification of the advantage.

Originally, each tradition that is opposite to the opinions of our scholars must be decided as having been repealed or opposed by another tradition of the same credence. Hence, the evidences used by our scholars must be preferred to any other proof or must be regarded as compatible to the other proofs.”[68](#)

Shaykh `Abd al-Wahhab Khallaf says,

“During the age of the Sahabah, the Muslims had to face new events that they had not faced during the age of the Holy Prophet. As a result, the adopters of Ijtihad acted upon their personal views in these issues; they therefore issued verdicts and judgments and enacted new laws out of their personal opinions that were added to the first group of religious laws.

From this cause, the collection of the jurisprudential laws in the second stage consisted of the laws of Almighty Allah and His Holy Messenger in addition to the verdicts and judgments of the Sahabah whose sources were the Holy Qur'an, Sunnah, and Ijtihad.”[69](#)

From the previous quotations, we understand that Opinionism was not an innovative course that was invented by the Hanafiyyah or others; rather it was `Umar ibn al-Khattab, the caliph, who founded the principles of this course. Again, the previous quotations prove the inaccuracy of the claim that `Umar used to reject Opinionism. In fact, he was the originator and legislator of Opinionism in the Muslim jurisprudence.

However, if the narrations that report his having warned against Opinionism are decided as true, such warning must have been said by him in the earlier or the final period of his reign after he had realized the impossibility of stopping the Sahabah's common dependence upon their personal opinions in the religious issues that developed after `Umar's personal judgments.

Yet, the most acceptable argument in this respect is that `Umar believed that the others should have complied with the sacred texts as well as his judgments while he along had the right to use his personal views because he was the most knowledgeable of all!

It has been narrated that when he heard about the discrepancy among the Sahabah, he ascended the minbar and declared, “If two of you, the Sahabah, issue disagreeing verdicts about religious issues, whose verdict will the Muslims follow? Stop issuing disagreeing verdicts otherwise I will punish severely.”[70](#)

The principles of the two trends are now clearly revealed; a group of the Sahabah decided Opinionism and *Qiyas* as sources of Islamic legislation while the other group rejected these two totally claiming that the Holy Qur'an and Sunnah are too perfect to need personal opinions and analogy since the Islamic legislation had never been imperfect.

Nevertheless, the adopters of these two trend were always at variance; one who called for thorough compliance with the Holy Prophet's words and deeds (Sunnah) forbade the issuance of personal judgments and declared the necessity of acting upon the Holy Sunnah completely confirming that the Holy Qur'an had never been imperfect since it contained the explanation of all things. The followers of this trend used to report the Holy Prophet's words and deeds even if this would cause them to face death.⁷¹

On the other hand, the adopters of Opinionism rejected the reporting and recordation of the Hadith and opened as widely as possible the door of personal opinions in all issues.

Personalities Of Ijtihad And Caliphate

It is noticeable that those who adopted as acceptable facts the words of Abu-Bakr and `Umar, including these which openly opposed the sacred texts, did not accept the reporting from the Holy Prophet as they also rejected the reporting of Hadith.

A political fact can be easily concluded from a deep investigation of the pledges of the Shura Committee and the reason beyond `Umar ibn al-Khattab's having given preference to the choice of `Abd al-Rahman ibn `Awf and submitted the members of that Committee to any decision taken by `Abd al-Rahman. Reaching at this conclusion,

Dr. Ibrahim Baydun says,

“The sudden emergence of `Abd al-Rahman ibn `Awf immediately after the incident of the assassination of `Umar ibn al-Khattab to stand in the line of the caliph who, in the proper time, ordered him to represent him in the congregational prayer requires a little discussion! `Abd al-Rahman ibn `Awf, the aristocratic Sahabiy, was suddenly presented as a star in the show of the political events after he had spent all his previous life away from the lights. He thus became the first nominator of the coming caliph!”⁷²

As a final conclusion, it has been proven that policy was the originator of some principles of the Islamic legislations that have been adopted up to now. One of these principles is the application of the laws that were enacted during the reigns of Abu-Bakr and `Umar. The source of this principle was the Shura Committee⁷³ during which the stipulation of accepting the laws enacted by Abu-Bakr and `Umar was specified as sources of the Islamic legislation.

If the candidate accepted this stipulation, he would be nominated as the new caliph otherwise his name

would be erased from the list. On that day of Shura, `Abd al-Rahman ibn `Awf said to Imam `Ali: “Ali: Do you accept to swear that you, when being the caliph, will act upon the Book of Allah, the Sunnah of His Messenger, and the acts of Abu-Bakr and `Umar?” Answering him, Imam `Ali said: “As for the Book of Allah and the Sunnah of His Messenger, I do; but as for the acts of Abu-Bakr and `Umar, I do not.”[74](#)

It is now acceptable for every righteous person who seeks the truth to ask how such a nomination of the new caliph can be decided as based upon consultation while the future trend of the caliph was previously planned by a group of people who also identified the obligations that the caliph would carry out during his reign.

Is the so-called Shura (consultation) Committee compatible with the decision that the members of that committee should be beheaded if they would not make a decision in a period of three days? Is it compatible with the decision that if four or three of the six members should be beheaded if they would oppose the choice of `Abd al-Rahman ibn `Awf? Can such a confusing formation that is surrounded by violence and threat be harmonious with the spirit of Islam or even the modern democracy?

How is it acceptable to restrict a grand Sahabiy to such brutal constraints while he is chosen as one of the six members of the Shura Committee and one of the highly regarded Sahabah? How can those six grand Sahabah whom were chosen on bases of their having been supreme authorities of Islam (Ahl al-`Aqd wa'l-Hall) be incapable of making any decision except according to the pre-decided regulations? Can such an election be regarded as honest and free?

How can the title of free election be given to the decision of that committee while swords were unsheathed on the heads of the members of it and they were forced to decide the matter in a period of three days and forced to accept the personal conducts of Abu-Bakr and `Umar in face of the Holy Qur'an and Sunnah?[75](#)

If truth be told, that Shura (consultative Committee) lacked its meaning that is currently known for everybody and lacked the spirit of democracy and freedom. Besides, it was afflicted by the negativity of legislating the conducts of Abu-Bakr and `Umar in face of the Holy Sunnah while it is familiar for everybody that the imposing of this restriction reveals that this very restriction was the one and only purpose beyond its formation even if such required compulsion and violence since the Holy Qur'an and Sunnah are not subjected to discrepancy or rejection and those grand Sahabah would not require such a big amount of insistence and threat to adopt them in the practice of decisions.

However, when `Abd al-Rahman ibn `Awf understood that Imam `Ali rejected the additional stipulation of the caliphate that had been intended to be intruded in the field of the Islamic law, he turned his face to `Uthman and said, “Do you accept to swear that you, when being the caliph, will act upon the Book of Allah, the Sunnah of His Prophet, and the conducts of Abu-Bakr and `Umar?” `Uthman immediately answered: “Yes, I do.” Hence, he pointed to his shoulders and said, “If you wish.” They then left the place towards the Masjid when a caller summoned people to a congregation... etc.[76](#)

The last stipulation (i.e. the commitment to the conducts of Abu-Bakr and `Umar) and `Abd al-Rahman ibn `Awf's confirmation on it indicate that the conducts of Abu-Bakr and `Umar were dissimilar to the Holy Prophet's Sunnah, at least, from the viewpoint of Imam `Ali and the adopters of the trend of thorough compliance with the sacred texts.

Had the conducts of Abu-Bakr and `Umar and the Sunnah of the Holy Prophet been the same, it would have been meaningless for `Abd al-Rahman ibn `Awf to put Imam `Ali under the obligation of observing them and, similarly, Imam `Ali would not have differentiated between the two declaring that he would bind himself to the Holy Prophet's Sunnah but he would not observe the conducts of Abu-Bakr and `Umar.

Besides, if the conducts of Abu-Bakr and `Umar had been the same as or correspondent with the Holy Prophet's Sunnah, `Abd al-Rahman ibn `Awf would have accepted to nominate Imam `Ali as the caliph.

In plain words, the facts that Imam `Ali refused to declare that he would commit himself to the conducts of Abu-Bakr and `Umar and that `Abd al-Rahman ibn `Awf refused to nominate him as the caliph because of such prove that there has been a clear-cut contradiction between the conducts of Abu-Bakr and `Umar from one side and the Holy Prophet's Sunnah from the other.

Since the trend of the thorough compliance with the sacred texts opposed the other trend of Ijtihad and Opinionism, which was invented and supported by Abu-Bakr and `Umar, `Abd al-Rahman ibn `Awf through the confirmation on the observance of the conducts of Abu-Bakr and `Umar attempted to put Ijtihad and Opinionism on application and to give a legal color to the personal decisions that were issued during the reigns of the two in order to enforce the judgment of the impermissibility of violating the two caliphs' opinions due to others' Ijtihad or personal views.

However, the adopters of the thorough compliance with the sacred texts did not consider the legality of the two caliphs' personal judgments since they had not been inferred from sacred texts; rather they violated obviously the divine texts and the Holy Prophet's decisions. They (the adopters of thorough compliance with the sacred texts) therefore tried their bests to report the Holy Prophet's words and deeds that were opposite to the judgments and personal decisions of Abu-Bakr and `Umar.

On the other side, the fans of the caliphs used to forge fabricated sayings against the Holy Prophet in an attempt to support the opinions of the two caliphs. This was the main reason beyond the unambiguous contradiction in the Hadith that are reported from those individuals.

The contradiction in Hadith and the existence of many traditions that support the opinions of the School of the Ahl al-Bayt in the Sunnite reference books of Hadith does not mean that these traditions were foisted by the "Rafidah" or the "miscreants" as has been claimed by some scholars;⁷⁷ rather these traditions are indicators on the existence of a genuine course believed by the Sahabah who reported these traditions from the Holy Prophet although valves were put in their throats. `Umar ibn al-Khattab feared that such Sahabah would hold positions of authority and administration of justice after him, since

if such authorities were given to such individuals, the big difference between them and him would be clear and thus his standing would be weakened since he would be vituperated.

Because of this obsession, `Umar ibn al-Khattab had to adopt the course of opening wide the door of Opinionism and Ijtihad and attempt to decrease the reporting and recordation of the Hadith in order to enact Opinionism and Ijtihad as irrefutable law. This obsession can also be noticed from the following narration of al-Muwaffaq ibn Ahmad on the authority of Muhammad ibn Khalid al-Dabbiy,

`Umar ibn al-Khattab, once, delivered a sermon in which he said, "If we force you to deem wrong the right that you know, what will you do?" As the attendants kept silent and nobody answer him, `Umar repeated the question three times.

Then, Imam `Ali answered, "`Umar: if you do so, we will ask you to repent from this act; and only if you do, we will accept you (as Muslim)." "What if I will not do," asked `Umar. "We will certainly behead you," answered Imam `Ali. `Umar then commented, "Praise be to Allah Who has made in this ummah persons who are ready to amend us when we go astray."[78](#)

From the previous text, the following points can be inferred:

- 1) Instead of saying "If we force you to deem wrong in my conception the right that we know" `Umar ibn al-Khattab said, "If we force you to deem wrong the right that you know." To ponder over this statement, a careful reader will discover many things.
- 2) The silence of the Muslims, although the caliph repeated his question three times, bears an obvious indication to the policy of violence and intellectual persecution that was practiced by `Umar on the Sahabah. This fact is correspondent to the procedures of detaining the Sahabah in the capital of the State and prohibiting them from reporting and recording the Hadith.
- 3) The statement proves clearly that the adopters of the trend of thorough compliance with the sacred texts would never accept the issuance of decisions based upon personal opinions and Ijtihad; rather those Sahabah adhered to "the right that they knew" as inferred from the Holy Qur'an and Sunnah, not personal opinions and Ijtihad.
- 4) The concept of asking those who deviate from the religion to repent, and if they reject, they would be sentenced to death penalty, has been an Islamic concept that was adopted by the trend of thorough compliance with the sacred texts.

Moreover, this concept would not be changed or misinterpreted. Hence, the claim of "missing the actual interpretation", as well as the attempts to find justifiable excuses for everyone who makes mistakes as regards the issuance of religious judgment, was not acceptable at all.

The Muslims applied this concept to `Uthman, during his reign, but they stopped carrying it out when `Uthman declared repentance. Yet, it was again carried out when `Uthman, again, repeated the same

mistakes by issuing personal judgments concerning the religious affairs and ordering to kill the followers of the trend of thorough compliance with the sacred texts.

It has been also said that if `Umar had lived for a longer life committing the same mistakes of issuing religious judgments inferred from his personal views, the Muslims would have killed him in the same way as they killed `Uthman.

In order to avoid the falling of the authority in the hands of the compliers with the sacred texts, `Umar made the words, or decision, of `Abd al-Rahman ibn `Awf the criterion in the selection of the coming caliph in case the members of the Shura Committee would disagree in order, first of all, that he would be able to guarantee the happening of what he (`Umar) desired as regards the next caliphate and, secondly, that `Abd al-Rahman ibn `Awf would lead the matter to the preferred outcome.

This fact can be more obvious if we ponder over his sighs and regrets when he missed very much Abu-`Ubaydah ibn al-Jarrah and Salim, the manumitted slave, and hoped that they had been alive so that he would have appointed one of them as his successor! In this respect, it is worth mentioning that Salim was a slave⁷⁹ while `Umar, on the day of Saqifah, insisted on the stipulation that a caliph must be from the tribe of Quraysh.⁸⁰

Ironically, in his final hours, he wished Salim were present⁸¹ so that he would make him the caliph! Beyond dispute, this situation means that `Umar did not want the caliph to be held by those whom he disliked and those who disagreed with him in ideas.

In other words, `Umar did not want to deliver the position of caliphate to the promulgators of the spread of Hadith and the reporters from the Holy Prophet, such as `Ali ibn Abi-Talib, Abu-Dharr, `Abdullah ibn `Abbas, `Abdullah ibn Mas`ud, or `Ammar ibn Yasir, because these persons and their likes would certainly find fault with his course and conducts and would support the adversary course.

`Abdullah ibn `Umar Disagrees With His Father

It is now clear that the secret beyond making the final decision in the issue of the Shura Committee in the hands of `Abd al-Rahman ibn `Awf was to guarantee the happening of what `Umar desired as regards the next caliphate. Besides, a deeper ponderation over the matter demonstrates, too, the secret beyond `Umar ibn al-Khattab's having not selected his son, `Abdullah, as his successor and having not chosen him as one of the six members of the Shura Committee.

`Umar's excuse in this regard was in fact directed to the scientific personality of `Abdullah, his son; he claimed that his son did not have acquaintance with the Muslim jurisprudence and religious laws. Answering him who suggested that he would choose his son `Abdullah for the coming caliphate, `Umar said,

“May Allah be your rival! By suggesting so, you have never sought the pleasure of Allah! Woe to you;

how do you ask me to nominate for the caliphate a person who even did not know how to divorce his wife?"[82](#)

Had this justification been true, `Umar should have said that it would not be feasible to choose `Abdullah with the existence of grand personalities such as Imam `Ali, `Abd al-Rahman ibn `Awf, `Abdullah ibn Mas`ud, Sa`d ibn Abi-Waqqas, and others. As a matter of fact, the question had nothing to do with this justification; rather it referred to the existence of disagreement between the father and the son in notion and course.

`Umar said such about his son because the latter found fault with his father on many occasions. For instance, it has been previously cited that `Abdullah ibn `Umar, about the legality of the temporary marriage, said about a judgment issued by his father, "Will I follow the Sunnah of the Holy Prophet or the judgment of `Umar?" He also said, "I accept the reporting of `Umar and neglect his view."

In, *Mawsu`at `Abdullah ibn `Umar*, Muhammad Rawwas Qal`achiy has listed the questions about which `Abdullah ibn `Umar disagreed with his father:

- 1) `Umar decided the permissibility of using or sitting under a shadow for a *Muhrim* for the Hajj or the `Umrah, while `Abdullah decided the impermissibility of such.
- 2) `Umar decided the permissibility of singing, yet lawful songs, for a *Muhrim* for the Hajj or the `Umrah, while `Abdullah decided the impermissibility of such.
- 3) `Umar decided that it is permissible for a *Muhrim* to eat the meat of a game that is hunted by a non-*Muhrim* person provided that the *Muhrim* has not ordered that person to hunt that very game or that the hunter has not hunted that game for the *Muhrim* personally, while `Abdullah decided the impermissibility of such.
- 4) `Umar decided that it is unlawful to sell a land that is subjected to land tax, while `Abdullah decided the permissibility of such.
- 5) `Umar decided that it is obligatory upon both the seller and the purchaser of a bondmaid to seek her acquittance, while `Abdullah decided that only the purchaser is obligatorily required to seek such acquittance.
- 6) `Umar decided that it is lawful to kill the prisoners of war, while `Abdullah decided the impermissibility of such.
- 7) `Umar decided that a person who, during a journey, intends to reside for three days should offer his prayers in the complete, not shortened, form, while `Abdullah decided that such a person, in order to offer the complete form of prayers, must intend to reside for twelve days.
- 8) `Umar decided that it is allowable to drink water from a cup that is decorated with silver by putting the

- mouth on the parts where there is no silver, while `Abdullah used to break any cup that is decorated with silver whenever it was offered to him.
- 9) `Umar decided that it is unlawful to sell the impurified things that can be useful, while `Abdullah decided the permissibility of such.
- 10) `Umar decided that it is obligatory to gift one's sons equally, while `Abdullah permitted preference in such a matter.
- 11) `Umar decided the forbiddingness of relations by marriage due to *Tasarriy*, while `Abdullah did not consider such.
- 12) `Umar decided that it is discommended to offer the Prayer of Circumambulation at the times in which it is discommended to perform the ritual Circumambulation, while `Abdullah did not consider such as discommended.
- 13) `Umar decided that it is possible to offer, as an offering for the Hajj of Tamattu` and Hajj of Qiran, a sheep, while `Abdullah decided that the offered animal must be either a cow or a camel.
- 14) `Umar decided that the jewelry of women is subjected to the Zakat, while `Abdullah decided that the Zakat of jewelry is to borrow it.
- 15) `Umar decided that *Khul`* (a kind of divorce) is as same as clear divorce, while `Abdullah decided it as revocation (of the matrimonial contract), not divorce.
- 16) `Umar decided that the term of waiting (*`Iddah*) of a woman that is subjected to *Khul`* is as same as the term of waiting of a divorcee, while `Abdullah decided that a woman that is subject to *Khul`* must practice *Istibra*, not *`Iddah*.
- 17) `Umar decided that it is lawful for a lady who practices the ritual ablution (*Wudu`*) to pass her hand over her head cover, while `Abdullah decided the impermissibility of such.
- 18) `Abdullah ibn `Umar decided that a fetus of a slaughtered animal must be slaughtered (in order that its meat be decided as lawfully eatable) provided that it has taken the form of an animal and hair has grown on its body, while `Umar decided that it is lawful to have the meat of a fetus (of a slaughtered animal) if that fetus has gone out of its mother's womb dead or its movement has been as same as the movement of a slaughtered animal. Yet, if such a fetus has gone out of its mother's womb alive, it is impermissible to have its meat unless it is slaughtered (legally).
- 19) `Umar decided that a single or two sucks are not considered ritual suckling, while `Abdullah decided that even a single suck is considered ritual suckling.
- 20) `Umar decided that a *mudabbar* is manumitted from the capital, while `Abdullah decided that a

mudabbar is manumitted from the one-third share of an inheritance since it is considered as the will of the legator.

21) `Umar decided that a person who marries a divorced lady for a short period in order that, after he divorces her, it will be lawful for her ex-husband to marry her again is not subjected to the doctrinal provision of fornication (that is lashing), while `Abdullah considered such a person fornicator that has to be sentenced to the doctrinal provision of fornication.

22) `Umar decided that a slave who marries before he obtains his master's permission is a minor breach that does not put him (the slave) under the undergoing of the doctrinal provision, while `Abdullah decided such a marriage as fornication due to which the slave has to undergo the doctrinal provision of fornication.

23) `Umar decided that it is not obligatory to prostrate oneself on the hearing of the Verses of Prostration unless one has recited these verses or listened to them deliberately, while `Abdullah decided that it is obligatory upon everyone who recites or listens to these verses to prostrate himself.

24) `Umar decided that it is lawful to sing or listen to songs with certain conditions, while `Abdullah decided singing and listening to songs as unlawful in all cases.

25) `Umar decided that it is not compulsory to observe fasting on the days that are doubted being from the holy month of Ramadan (the Doubt Day; the last day of Sha`ban or Ramadan), while `Abdullah decided that to observe fasting on such days must be done when it is cloudy.

26) `Umar decided that a traveler must offer the single prayers on the ground, not on the backs of the riding animals, while `Abdullah decided that it is allowable for travelers to offer such prayers on the backs of their riding animals.

27) `Umar used to practice *Qunut* (raising the hands for supplication in the second Rak`ahs of the obligatory prayers) in the Fajr Prayers, while `Abdullah decided such *Qunut* in the Fajr Prayers as innovated heresy.

28) `Umar decided that a late from a congregational prayer may catch the first part of the prayer, while `Abdullah decided that such a late person can catch the last part of the prayer only.

29) `Umar decided that the most preferred person in the offering of the Deceased Prayer for the body of a dead is his heir, while `Abdullah decided that the most preferred person in such a case must be the ruling authority.

30) `Umar decided that the commencement of the holy month of Ramadan can be proved due to the testimony of two witnesses, while `Abdullah decided that a single witness can prove (legally) the commencement of Ramadan.

- 31) `Umar decided that it is discommended to observe fasting ceaselessly (all the days of one's age), while `Abdullah observed such.
- 32) `Umar decided that the metonymic expressions of divorce, when the intention of divorce is present, are considered one divorce only, while `Abdullah decided that the explicit metonymic expressions of divorce legalize it, and the implicit metonymic expressions also legalize it according to the intention of the sayer.
- 33) `Umar decided that the clear divorcee must enjoy alimony during her term of waiting, while `Abdullah decided that such a divorcee does not deserve alimony.
- 34) `Umar decided the avowal of the son of the bondmaid whose master evidentially copulated with her, while `Abdullah decided that such a son is not the master's unless the latter avows him.
- 35) `Umar decided that the (legal) guardian of a lost husband must divorce the lady when the term of waiting terminates, while `Abdullah decided that when the term of waiting terminates, the lady is automatically considered divorcee without the need for the guardian's divorcing.
- 36) `Umar decided that the dead body must be coffined with three robes, while `Abdullah decided five robes for the dead.
- 37) `Umar decided that the penance of the breach of vow and the penance of the breach of oath are both obligatory in the same degree, while `Abdullah decided that only the penance of the confirmatory oath is obligatory.
- 38) `Umar decided that the penance of all kinds of oath is the same, while `Abdullah decided that the oath is of two categories—confirmatory and non-confirmatory, and each category has a definite kind of penance.
- 39) `Umar specified the presence of witnesses as stipulation of the validity of matrimonial contracts, while `Abdullah did not decide such.[83](#)

Because of the aforesaid points of disagreement between `Umar ibn al-Khattab and his son, `Abdullah, the father accused the son of jurisprudential incompetence and mental ineptitude as regards the simplest religious laws. Now, what is the actual motivation beyond `Umar's statement?

The actual motivation is that `Umar did not accept his son's objections, and his son did not agree to most of the father's opinions, especially in the issue whether the three-time divorce is decided one divorce that requires two others to be valid or decided valid. `Umar used to insist on his opinion that such a divorce is decided valid for purpose of preventing the Muslims from divorcing their ladies, while `Abdullah, the son, decided that the law of the Holy Qur'an and the Sunnah must be regarded in this respect.

From this cause, `Umar rejected to nominate his son as member of the Shura Committee confirming his rage by saying, “`Abdullah did not even know how to divorce his wife.”

Moreover, the rage of `Umar can be seen obviously through his statement that he addressed to the one who suggested that his son might be one of the members of the Shura Committee, “May Allah be your rival! By suggesting so, you have never sought the pleasure of Allah! Woe it you; how do you ask me to nominate for the caliphate a person who even did not know how to divorce his lady?”

`Abdullah's disagreement with his father manifested itself very clearly when `Umar (in his final ailment) said to him: “`Abdullah: Give me that paper! Had Allah wanted for this question (the final judgment in the question of the share of grandfathers from inheritances) to be valid, He would have done it.”

When his son suggested to him to tear that paper himself, the father said: “No, you will not! None should erase it save me.”

Hence, `Umar erased the writing of that paper himself.[84](#)

Despite Dr. Qal`achiy has listed a record of `Abdullah ibn `Umar's decisions in the issuance of which he had followed his father's opinions, it is clear that these decisions are less than those about which `Abdullah disagreed with his father. This fact also proves that `Umar took his son away from the position of caliphate because of such disagreement on the issuance of religious laws.

Yet, this discussion does not corroborate that `Abdullah ibn `Umar stood with the trend of thorough compliance with the sacred texts or he was right in the finding faults with his father's personal opinions. In fact, some of the decisions of `Umar that `Abdullah rejected were acceptable as they were deduced from the Holy Qur'an and Sunnah.

Hence, we do not criticize `Umar for the issuance of such decisions; rather we criticize him for the issuance of religious rulings that were contradictory to or violating the Holy Qur'an and Sunnah and for his insistence on the compliance with such rulings while the Holy Qur'an and Sunnah say another thing.

Like his father, `Abdullah permitted Ijtihad, yet with restrictions more than these issued by his father. In the issuance of many questions, `Abdullah ibn `Umar acted upon his personal views violating the Holy Sunnah or acted upon the course of severe abstinence that took him away from thorough compliance with the sources of legislation. Despite everything, the predominant color of `Abdullah ibn `Umar's religious decisions was the inspecting and the compliance with the Holy Sunnah, not Ijtihad and Opinionism.

Ibn Khallakan, as well as other historians, has stated that `Abdullah ibn `Umar followed the tradition of the Holy Prophet noticeably. The Sahabah, including `U'ishah who is reported to have said that none exerted all efforts in the pursuance of the Holy Prophet's tradition more than `Abdullah ibn `Umar did, testified this fact.[85](#)

Nafi` also narrated that `Abdullah ibn `Umar used to track the places where the Holy Prophet had sit to offer prayers therein. Whenever he found a tree under whose shadow the Holy Prophet had rested, he watered it so that it would not die.[86](#)

Malik ibn Anas narrated on the authority of somebody that `Abdullah ibn `Umar used to follow the tradition and traces of the Holy Prophets very carefully. Because of such, his intellect was affected.[87](#)

Previously, we have cited the biography of `Abdullah ibn `Umar saying that before he died, he had agreed to the majority and followed the general cause of the caliphate and submitted to the decisions that were taken during his father's reign out of his personal views.

Furthermore, in my book entitled *Wudu' al-Nabiy*, I have discussed in details all these affairs confirming that although he had argued that the feet in the ritual ablution must be rubbed, not washed, and thus had disagreed with those who validated the rubbing on sandals, he changed this opinion and agreed to the general course that deemed obligatory to wash, not rub, the feet in the ritual ablution.

In this respect, al-Fakhr al-Raziy has narrated on the authority of `Ata' that `Abdullah ibn `Umar, finally, agreed with the publics in the question of rubbing the sandals during the ritual ablution while he had objected such before.[88](#)

It is worth mentioning that some historians have confirmed that `Abdullah ibn `Umar converted to Islam before his father. It is narrated on the authority of Ibn Shihab that Hafsa and `Abdullah ibn `Umar had converted to Islam before their father.[89](#)

This text and its likes may indicate that `Abdullah ibn `Umar's opinions must be preferred to his father's on account of precedence to Islam, since the more preceding to Islam the more pious and the nearer to the Holy Prophet.

In conclusion, some of `Umar ibn al-Khattab's personal judgments in religious questions contradicted the Holy Sunnah while others agreed with it. On the other hand, Imam `Ali ibn Abi-Talib had full acquaintance with all the traditions of the Holy Prophet.

This distinctive characteristic was testified by `Umar himself as well as grand Sahabah and Tabi`un. In this regard, Ibn Hajar al-`Asqalaniy, in *Fath al-Bari Sharh Sahih al-Bukhariy*, has recorded that `Umar ibn al-Khattab said,

“If the bald (Imam `Ali ibn Abi-Talib) holds it (the position of caliphate), He shall lead them to the very way (Sunnah).”

Consequently, his son `Abdullah asked him, “Why do you then not nominate him for it?” The father answered, “I do not want to burden its responsibility after my death as well as in my lifetime!”[90](#)

[1.](#) Nahj al-Balaghah 1:50 Sermon No. 18.

2. Nahj al-Balaghah 1:50 Sermon No. 17.
3. Nahj al-Balaghah 1:50 Sermon No. 50.
4. Ibn Tawus: al-Lahuf fi Qatla al-Tufuf 12.
5. Al-Mawardi: l'lam al-Nubuwwah 1:174; al-ʿImudiy: al-Ihkam 4:244; Tafsir al-Qurtubiy 15:162, 164; Tabaqat al-Hanafiyah 524; Muqaddimat Ibn Khuldun 197; Kashf al-Ghita' 1:184.
6. Abu'l-Husayn al-Basriy: al-Mu'tamad 2:368-369 where he records that the Holy Prophet prayed to Almighty Allah, saying, "O Allah! Make the Right follow `Ali wherever he goes." Also, al-Ghazzaliy: al-Mustasfa 170; al-Raziyy: al-Mahsul 6:181; al-Gharnawiy al-Hanafiy: al-Ghurrah al-Munifah 51; al-Haythamiy: Majma' al-Zawa'id 7:235. Al-Khatib al-Baghdadiy, in Tarikh Baghdad 14:320, has recorded on the authority of Ummu-Salamah that the Holy Prophet said, "Ali is being with the Right, and the Right is being with `Ali; and they shall not separate from one another until they join at the Divine Pool on the Resurrection Day."
7. Musannaf `Abd al-Razzaq 10:304; Tafsir al-Tabariy 6:43; al-Bayhaqiy: al-Sunan al-Kubra 6:223 H. 12043; Ibn `Abd al-Barr: al-Tamhid 5:196; Tafsir al-Baghawiy 1:403; Tuhat al-Muhtaj 2:323 H. 1350; Talkhis al-Hubayr 3:89; Kitab al-Taqrir wa'l-Tahbir 3:412; al-Durr al-Manthur 2:756.
8. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 343.
9. Dr. al-Rudayniy: al-Manahij al-Usuliyah 171.
10. Al-Jassas: Ahkam al-Qur'an 2:314; Sharh al-Nawawiy `Ala Sahih Muslim 11:91; al-Suyutiyy: al-Jami' al-Saghir 1:48 H. 288. However, al-`Ajaloniy, in Kashf al-Khafa' 1:66 H. 153, says that many master scholars have decided this Hadith as baseless.
11. Sahih al-Bukhariy 2:349 H. 2279, 3:1282 H. 3289; Musnad Ahmad ibn Hanbal 1:411 H. 3907, 3908; Musnad Ibn al-Ju'd 1:83 H. 464; Musnad Abu-Ya'liy 9:234 H. 5341.
12. Musannaf `Abd al-Razzaq 10:156; Musnad Ahmad 3:145 H. 12501; Sunan al-Darimiyy 2:314 H. 2518; Sunan Abi-Dawud 4:198 H. 4597; Sunan Ibn Majah 2:1322 H. 3993.
13. Al-Muttaqiy al-Hindiyy: Kanz al-Ummal 2:333 H. 4167.
14. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 142-3.
15. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 141 as quoted from al-Shatibiyy: al-Muwafiqat.
16. Referring to Hadiths that confirm the necessity of testing the Sunnah through the Holy Qur'an, Ibn `Abd al-Barr says: "All these Hadiths have not been authentically reported from the Prophet according to the criteria of the experts..." (Jami'u Bayan al-`Ilm wa-Fadlihi 2:191 and ʿIridat al-Ahwadhiyy 10:132) In another place, he says: "The miscreants and the Khawarij have fabricated this Hadith—concerning the necessity of testing the Sunnah through the Holy Qur'an." `Abd al-Ghaniyy `Abd al-Khaliq, in Hijjiyyat al-Sunnah 474, makes a study aimed at arousing doubts around the Hadiths involved.
17. al-Khatib al-Baghdadiyy: Taqyid al-`Ilm 50; Ibn `Abd al-Rabb al-Qurtubiy: Jami'u Bayan al-`Ilm wa-Fadlihi(i) 1:64; al-Muttaqiy al-Hindiyy: Kanz al-Ummal 5:339; Ibn Sa'd: al-Tabaqat al-Kubra 3:287.
18. Ibn Qayyim al-Jawziyyah: l'lam al-Muwaqqi'in 4:148.
19. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 3:150 No. 77.
20. Musannaf `Abd al-Razzaq 1:158; Sunan al-Nassa'iy 5:166 H. 8575; al-Tabaraniyy: al-Mu'jam al-Kabir 10:257 H. 10598; al-Hakim al-Nisapuriyy: al-Musatdrak `Ala'l-Sahihayn 2:164 H. 2656 (al-Hakim says that although this narration is authentic on the criterion of Muslim, neither he nor did al-Bukhariy record it.) Hilyat al-Awliya' 1:319; al-Ahadith al-Mukhtarah 10:414.
21. Ibn Hazm: al-Ihkam fi Usul al-Ahkam 1:174.
22. Sahih al-Bukhariy 7:156; Sahih Muslim 3:1259 H. 22; al-Kifayah fi `Ilm al-Riwayah 1:15.
23. Musnad Ahmad ibn Hanbal 1:420 H. 7500; Sunan al-Tirmidhiyy 3:185 H. 824; Sharh Ma`ani al-ʿIthar 2:231 (In this reference book, it is written that ʿIshah said, "Certainly, the Sunnah of the Holy Prophet should be adopted rather than `Umar's.") al-Furu' 3:224; Sharh Sunan Ibn Majah 214 H. 2978.
24. Al-Jawziyy: Zad al-Ma'ad 1:212-213; Musnad Ahmad ibn Hanbal 1:327; al-San'aniyy: Irshad al-Nuqqad 24-25.
25. Ibn Hazm: al-Ihkam fi Usul al-Ahkam 6:208.
26. Dr. Muhammad Yusuf Musa: Muhadarat fi Tarikh al-Fiqh al-Islamiyy 24 as found in Sayyid Muhammad Taqiy al-Hakim's introduction to Sayyid Sharaf al-Din's al-Nass wa'l-Ijtihad 52.

- [27.](#) Dr. Muhammad Yusuf Musa: Muhadarat fi Tarikh al-Fiqh al-Islamiy 24 as found in Sayyid Muhammad Taqiy al-Hakim's introduction to Sayyid Sharaf al-Din's al-Nass wa'l-Ijtihad 52.
- [28.](#) Ibn Hajar al-Asqalaniy: al-Isabah fi Tamyiz al-Sahabah 3:357.
- [29.](#) The doctrinal provision of fornication is stoning; therefore, `Umar decided Khalid ibn al-Walid as have committed fornication since he violated the Islamic law of the defined term of waiting for widows.
- [30.](#) Tarikh al-Tabariy 2:273; Ibn Habban: al-Thuqat 2:169; Ibn Hajar al-Asqalaniy: al-Isabah fi Tamyiz al-Sahabah 2:255; al-Dhahbiy: Siyar A`lam al-Nubala' 1:378; Shadhrat al-Dhahab 1:15.
- [31.](#) Al-Wafi al-Mahdiy: al-Ijtihad fi'l-Shari'ah al-Islamiyyah 47. Notice how he tries to legalize Opinionism for the Sahabah and how he adds the name of Imam `Ali to the list although the latter is well-known for having thoroughly complied with the Sacred Texts.
- [32.](#) Al-Wafi al-Mahdiy: al-Ijtihad fi'l-Shari'ah al-Islamiyyah 47.
- [33.](#) Ibn Hazm: al-Ihkam fi Usul al-Ahkam 2:188.
- [34.](#) Dr. Nadiyah Sharif al-Umariy: Ijtihad al-Rasul 299-300.
- [35.](#) Musnad Ahmad ibn Hanbal 4:126; Musnad al-Hamidiy 1:214 H. 449; al-Tabaraniy: al-Mu`jam al-Awsat 4:140 H. 3816; al-Bayhaqiyy: al-Sunan al-Kubra 8:153.
- [36.](#) Musnad Ahmad ibn Hanbal 4:126; Sunan al-Darimiy 1:57 H. 95; Sunan al-Tirmidhiy 5:44 H. 2676; Sunan Abi-Dawud 4:200 H. 4607; Sunan Ibn Majah 1:15, 16 H. 42, 43.
- [37.](#) Al-Shawkaniy: Fath al-Qadir 2:373.
- [38.](#) Al-Bayhaqiyy: al-Sunan al-Kubra 6:245 H. 12192 (It has been narrated on the authority of Ibn Sirin that `Ubaydah said, "Indeed, I have memorized one hundred contradictory verdicts about the share of grandfathers from inheritances all issued by `Umar ibn al-Khattab.") See also Ibn Hajar al-Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 12:21; Sharh al-Zarqaniy 3:142.
- [39.](#) Sahih Muslim 2:1099 H. 1472; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 2:213 H. 2793; Musnad Ahmad ibn Hanbal 1:314 H. 2877.
- [40.](#) Musannaf `Abd al-Razzaq 7:292 H. 13225; Sunan al-Darqutniy 4:134 H. 33, 34; al-Sarakhsiy: al-Mubsut 13:5; Subul al-Salam 3:12.
- [41.](#) Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 4:378 H. 7985; al-Bayhaqiyy: al-Sunan al-Kubra 6:253 H. 12237; Ibn Qudamah: al-Mughni 6:175; Manar al-Sabil 2:76.
- [42.](#) Musannaf `Abd al-Razzaq 1:238 H. 915; Musnad Ahmad ibn Hanbal 4:319; Sunan al-Nassa'iy al-Kubra 1:133 H. 302.
- [43.](#) Musannaf Ibn Abi-Shaybah 2:133 H. 7342; Musannaf `Abd al-Razzaq 2:433 H. 3974; al-Musnad al-Mustakhraj `Ala Sahih Muslim 2:428 H. 1885.
- [44.](#) Sharh Ma`ani al-Quthar 1:499; Musnad Abi-Hanifah 1:82; al-Muhalla 5:124.
- [45.](#) Musnad Ahmad ibn Hanbal 4:126; Sunan Ibn Majah 1:15 H. 42, 43; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 1:174-177 H. 329, 331, 332, 333.
- [46.](#) Al-Muttaqiyy al-Hindiyy: Kanz al-Ummal 1:221 No. 29167; Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il 17:300; al-Firdaws bi-Ma'thur al-Khitab 1:479; Fayd al-Qadir 2:149.
- [47.](#) Ibn Hajar al-Asqalaniy: al-Sawa'iq al-Muhriqah 148 (in the edition of al-Muhammadiyyah Press) and 90 (in Al-Maymaniyyah Press - Egypt); al-Tabaraniy: al-Mu`jam al-Kabir 5:166 H. 497.
- [48.](#) Al-Fayruz'abadiy: al-Tabsirah 369; al-Sarakhsiy: al-Mabsut 16:69; al-Usul 314.
- [49.](#) Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 2:486 H. 3676, 3:162 H. 4715, 3:517 H. 5926 (al-Hakim says, "These Hadiths are authentic according to the criteria of al-Bukhariy and Muslim; yet, they have not recorded them.") See also Musnad al-Ruyaniy 2:253 H. 152.
- [50.](#) Dr. Nadiyah Sharif al-Umariy: al-Ijtihad fi'l-Islam 104.
- [51.](#) Dr. Turkiy: Munadharat if Usul al-Shari'ah bayna Ibn Hazm wa'l-Bajiy 333.
- [52.](#) Al-Wafi al-Mahdiy: al-Ijtihad fi'l-Shari'ah al-Islamiyyah 208.
- [53.](#) Dr. Turkiy: Munadharat if Usul al-Shari'ah bayna Ibn Hazm wa'l-Bajiy 330 (as quoted from Loqique p.23)
- [54.](#) Hashiyat al-Sawiy `Ala Tafsir al-Jalalayn 3:10 (Beirut: Dar Ihya' al-Turath al-`Arabiyy). The Chief Judge in the Legislative Court of Qatar, Shaykh Ahmad ibn Hajar رحمته الله Butamiy, refuted the quoted words of al-Sawiy in a book entitled

'Tanzih al-Sunnah wa'l-Qur'an `An Kawnihima Masdar al-Dalal wa'l-Kufran', as quoted from al-Haqq al-Damigh 10 by `Allamah al-Khaliliy, the Mufti of Oman Sultanate.

[55.](#) Al-Muttaqiy al-Hindiy: Kanz al-'Ummal 11:25 H. 30481; Al-Jassas: Ahkam al-Qur'an 2:111.

[56.](#) Al-Shaybaniy: al-Diyat 1:54 (It has been narrated on the authority of `Amr ibn Shu`ayb on the authority of his father that his grandfather said that Abu-Bakr and `Umar decided that a free man who kills a slave must be killed as retaliation.)

[57.](#) Sunan al-Darqutniy 3:133 H. 158, 160; al-Bayhaqiy: al-Sunan al-Kubra 8:35; Musannaf Ibn Abi-Shaybah 5:409 H. 27477; Malik ibn Anas: al-Muwatta' 2:873.

[58.](#) Nahj al-Balaghah; 2:114 Sermon No. 175.

[59.](#) Nahj al-Balaghah; 2:114 Sermon No. 85.

[60.](#) Mu`ammar ibn Rashid: al-Jami` 2:328; Ahmad ibn Hanbal: Fada'il al-Sahabah 1:180 H. 185; Shu`ab al-Iman 6:73 H. 7530.

[61.](#) Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 20:27.

[62.](#) Ahmad Amin: Fajr al-Islam 240.

[63.](#) Dr. Nadiyah Sharif al-Umariy: Ijtihad al-Rasul 321.

[64.](#) Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 77.

[65.](#) It has been confirmed that al-Shafi'iy, after his migration to Egypt, changed many of his opinions in the Muslim jurisprudence and decided others.

[66.](#) Two different narrations have been reported from Ahmad ibn Hanbal as regards his verdicts in jurisprudential issues.

[67.](#) Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 244. See also page 347.

[68.](#) Al-Karkhiy: al-Usul. This book is printed with al-Dabbusi's Ta'sis al-Nadhar as quoted from Dr. Mustafa Sa'id al-Hasan: Athar al-Ikhtilaf fi'l-Qawa'id al-Usuliyyah (Effects of Discrepancy in the Foundations of Usul). Publisher: Al-Hasan Foundation – Second edition, AH 1402.

[69.](#) `Abd al-Wahhab Khallaf: `Ilm Usul al-Fiqh 15.

[70.](#) Al-Ghazzaliy: al-Mustasfa 1:296; al-Qumudiy: al-Ihkam 4:13; Ibn Qayyim al-Jawziyyah: l'lam al-Muwaqqi' in 1:260.

[71.](#) Abu-Dharr al-Ghifari openly declared this principle. See Sunan al-Darimiy 1:136; Sahih al-Bukhariy 1:27; `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 3:464.

[72.](#) Dr. Ibrahim Baydun: Malamih al-Tayyarat al-Siyasiyyah fi'l-Qarn al-Awwal al-Hijriy (The Features of the Political Trends in the First Hijri Century) 103.

[73.](#) For thorough details about the Shura (consultative) Committee decided by `Umar, the following essay has been excerpted from the commentary on the Shaqshaqiyyah Sermon (No. 3) in Nahj al-Balaghah:

When `Umar was wounded by Abu-Lu'ah and he saw that it was difficult for him to survive because of the deep wound, he formed a consultative committee and nominated for it `Ali ibn Abi-Talib, `Uthman ibn `Affan, `Abd al-Rahman ibn `Awf, al-Zubayr ibn al-Awwam, Sa'd ibn Abi-Waqqas and Talhah ibn `Ubaydullah and bound them that after three days of his death they should select one of themselves as the Caliph otherwise they would be beheaded while for those three days, Suhayb should act as Caliph. On receipt of these instructions, some members of the committee requested him to indicate what ideas he had about each of them to enable them to proceed further in their light. `Umar therefore disclosed his own view about each individual. He said that Sa'd was harsh-tempered and hot headed; `Abd al-Rahman was the Pharaoh of the community; al-Zubayr was, if pleased, a true believer but if displeased an unbeliever; Talhah was the embodiment of pride and haughtiness, if he was made caliph he would put the ring of the caliphate on his wife's finger while `Uthman did not see beyond his kinsmen. As regards `Ali, he is enamored of the Caliphate although I know that he alone can run it on right lines. Nevertheless, despite this admission, he thought it necessary to constitute the consultative Committee and in selecting its members and laying down the working procedure, he made sure that the Caliphate would take the direction in which he wished to turn it. Thus, a man of ordinary prudence can draw the conclusion that all the factors for `Uthman's success were present therein. If we look at its members we see that one of them namely `Abd al-Rahman ibn `Awf is the husband of `Uthman's sister, next Sa'd ibn Abi-Waqqas besides bearing malice towards `Ali is a relation and kinsman of `Abd al-Rahman. Neither of them can be taken to go against `Uthman. The third Talhah ibn `Ubaydullah about whom Professor Muhammad `Abduh writes in his annotation on Nahj al-Balaghah:

Talhah was inclined towards `Uthman and the reason for it was no less than that he was against `Ali, because he himself

was at al-Taymiy and Abu-Bakr's accession to the Caliphate had created bad blood between Banu-Taym and Banu-Hashim.

As regards al-Zubayr, even if he had voted for `Ali, what could his single vote achieve. According to al-Tabariy's statement, Talhah was not present in al-Madinah at that time but his absence did not stand in the way of `Uthman's success. Rather even if he were present, as he did actually reach at the meeting (of the Committee) , and he is taken to be `Ali's supporter, still there could be no doubt in `Uthman's success because `Umar's sagacious mind had set the working procedure that: If two agree about one and the other two about another, then `Abdullah ibn `Umar should act as the arbitrator. The group whom he orders should choose the Caliph from among themselves. If they do not accept `Abdullah ibn `Umar's verdict, support should be given to the group which includes `Abd al-Rahman ibn `Awf, but if the others do not agree, they should be beheaded for opposing this verdict. (al-Tabariy, vol. 1, pp.2779-2780; Ibn al-Athir, vol.3, p.67).

Here, disagreement with the verdict of `Abdullah ibn `Umar has no meaning since he was directed to support the group which included `Abd al-Rahman ibn `Awf. He had ordered his son `Abdullah and Suhayb that:

If the people differ, you should side with the majority, but if three of them are on one side and the other three on the other, you should side with the group including `Abd al-Rahman ibn `Awf. (al-Tabariy, vol. 1, pp.2725, 2780; Ibn al-Athir, vol.3, pp.51, 67).

In this instruction, the agreement with the majority also means support of `Abd al-Rahman because the majority could not be on any other side since fifty blood-thirsty swords had been put on the heads of the opposition group with orders to fall on their heads on `Abd al-Rahman's behest. Amir al-Mu'minin's eye had fore-read it at that very moment that the Caliphate was going to `Uthman as appears from his following words which he spoke to al-'Abbas ibn `Abd al-Muttalib: The Caliphate has been turned away from us" al-'Abbas asked how he could know it. Then he replied, "Uthman has also been coupled with me and it has been laid down that the majority should be supported; but if two agree on one and two on the other, then support should be given to the group which includes `Abd al-Rahman ibn `Awf. Now Sa'd will support his cousin `Abd al-Rahman who is of course the husband of `Uthman's sister" (ibid)

However, after `Umar's death, this meeting took place in the room of `A'ishah (the Holy Prophet's widow and Abu-Bakr's daughter) and on its door stood Abu-Talhah al-Ansariy with fifty men having drawn swords in their hands. Talhah started the proceedings and inviting all others to be witness said that he gave his right of vote to `Uthman. This touched al-Zubayr's sense of honor as his mother Safiyyah daughter of `Abd al-Muttalib was the sister of the Holy Prophet's father. So, he gave his right of vote to `Ali. Thereafter, Sa'd ibn Abi-Waqqas made his right of vote to `Abd al-Rahman. This left three members of the consultative committee out of whom `Abd al-Rahman said that he was willing to give up his own right of vote if Imam `Ali and `Uthman gave him the right to choose one of them or one of these two should acquire this right by withdrawing. This was a trap in which `Ali had been entangled from all sides namely that either he should abandon his own right or else allow `Abd al-Rahman to do as he wished. The first case was not possible for him; that is, to give up his own right and elect `Uthman or `Abd al-Rahman. So, he clung to his right, while `Abd al-Rahman separating himself from it assumed this power and said to Amir al-Mu'minin, "I pay you allegiance on your following the Book of Allah, the Sunnah of the Prophet and the conduct of the two Shaykhs, (Abu-Bakr and `Umar). `Ali replied, "Rather on following the Book of Allah, the Sunnah of the Holy Prophet and my own findings." When he got the same reply even after repeating the question thrice he turned to `Uthman saying, "Do you accept these conditions" He had no reason to refuse and so he agreed to the conditions and allegiance was paid to him. When Amir al Mu'minin saw his rights being thus trampled he said:

This is not the first day when you behaved against us. I have only to keep good patience. Allah is the Helper against whatever you say. By Allah, you have not made `Uthman Caliph but in the hope that he would give back the Caliphate to you. "

After recording the events of the Shura Committee , Ibn Abi'l-Hadid has written that when allegiance had been paid to `Uthman, `Ali addressed `Uthman and `Abd al-Rahman saying, "May Allah sow the seed of dissension among you" and so it happened that each turned a bitter enemy of the other and `Abd al-Rahman did not ever after speak to `Uthman till death. Even on death-bed, he turned his face on seeing him.

On seeing these events, the question arises whether the Shura committee means confining the matter to six persons, thereafter to three and finally to one only. Also whether the condition of following the conduct of the two Shaykhs (Abu-Bakr and `Umar) for Caliphate was put by `Umar or it was just a hurdle put by `Abd al-Rahman between Imam `Ali and the

Caliphate, although the first Caliph did not put forth this condition at the time of nominating the second Caliph, namely that he should follow the former's footsteps. What then was the occasion for this condition here?

However, Amir al-Mu'minin had agreed to participate in it in order to avoid mischief and to put an end to arguing so that others should be silenced and should not be able to claim that they would have voted in his favor and that he himself evaded the consultative committee and did not give them an opportunity of selecting him.

[74.](#) Tarikh al-Tabariy 2:586; Ibn Kathir: al-Bidayah wa'l-Nihayah 7: 146; Subul al-Huda wa'l-Rashad 11:278.

[75.](#) Tarikh al-Tabariy 2:581.

[76.](#) Refer to the story of the Shura Committee in Tarikh al-Tabariy 4: 190, 227-238; al-Bidayah wa'l-Nihayah 7: 147.

[77.](#) See the introduction of Ibn Abi-Shaybah: al-Musannaf.

[78.](#) Al-Khawarزمiy: al-Manaqib 52.

[79.](#) See Salim's biography in Ibn Sa'd's al-Tabaqat al-Kubra 3:85; Ibn `Abd al-Barr's al-Isti`ab 4: 1799 No. 3265; al-Isabah fi Tamyiz al-Sahabah 3: 13 No. 3054.

[80.](#) Sahih al-Bukhariy 6:2506 H. 6442; Musnad Ahmad ibn Hanbal 1:55 H. 391; Tarikh al-Tabariy 2:235.

[81.](#) Tarikh al-Tabariy 2:580; Muqaddimat Ibn Khuldun 1:194.

[82.](#) Muhammad Rawwas Qal`achiy: Mawsu`at `Abdullah ibn `Umar 24 as quoted from Ibn Sa'd: al-Tabaqat al-Kubra 4:145; Tarikh al-Tabariy 4:228; Sharh Nahj al-Balaghah 1:190.

[83.](#) See Mawsu`at Fiqh Ibn `Umar 33-39.

[84.](#) Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 311 as quoted from Ibn Sa'd: al-Tabaqat al-Kubra 3:247 (Part II).

[85.](#) Ibn Sa'd: al-Tabaqat al-Kubra 4:145; Ibn Khallakan: Wafiyat al-A`yan 3:29.

[86.](#) Al-Bayhaqiy: al-Sunan 5:245; al-Dhahbiy: Siyar A`lam al-Nubala' 3:213; Ibn al-Athir: Usd al-Ghabah fi Ma`rifat al-Sahabah 3:227.

[87.](#) Al-Dhahbiy: Siyar A`lam al-Nubala' 3:213; Ibn Sa'd: al-Tabaqat al-Kubra 4:144; Abu-Na`im: Hilyat al-Awliya' 1:310; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:247 H. 6376.

[88.](#) Al-Fakhr al-Raziy: al-Tafsir al-Kabir 11:164.

[89.](#) al-Dhahbiy: Siyar A`lam al-Nubala' 3:209.

[90.](#) Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 7:68; Tarikh al-Tabariy; Ibn Sa'd: al-Tabaqat al-Kubra 3:342; Abu-Na`im: Hilyat al-Awliya' 4:152; Ibn `Abd al-Barr: al-Isti`ab 3:1154.

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