The Prohibition of Recording the Hadith, Causes and Effects

Sayyid Ali Al-Shahristani

Translated by
Badr Shahin

Al-Islam.org

Sub Title:

A Glance at the Methodologies and Principles of the two Muslims Schools of Hadith

Author(s):

Sayyid Ali Al-Shahristani [3]

Publisher(s):

Ansariyan Publications - Qum [4]

A Glance at the Methodologies and Principles of the two Muslims Schools of Hadith . A critical evaluation of the reasons why several Hadith from the Ahlul Bayt are not included in the Hadith Books of the Ahle Sunnah.

Translator(s):

Badr Shahin [5]

Category:

Historia Islámica temprana [6]
Ciencias de Jadids [7]

Topic Tags:

Prohibition [8]
Hadith [9]

I dedicate this work to the pioneers of recording the Hadith from the past generations, and to those who follow their steps in principles, course and belief, and to men of the Shariah—students, teachers and researchers, and to everyone who looks for the fact after releasing from the chains of blind imitation and inactivity, and to every owner of boundless intellect, sound nature, and genuine thinking.

The author

'*The Islamic Legislation and the Confusables of the Muslim Issuance of Rulings*' is the title of a scientific encyclopedia that has been undertaken by the author of this book. So far, a number of studies of this encyclopedia have come into sight. '*The Prohibition of Recording the Hadith*,' the fifth study of this encyclopedia, has been deposited in two frames—foundational and practical.

The author has made many studies in the fields of the Hadith, the different recitals of the Holy Qur'an, the repeal of certain Qur'anic verses, and the major points of differences between the Islamic schools of law, such as Inerrancy (*'Ismah*), Analogy (*Qiyas*), Equitable Preference (*Istihsan*)1, and the like questions.

Regarding the author's practical studies, he has written a number of volumes about '*the Holy Prophet's Ritual Ablution*' and the causes of the Muslims' disagreement in this issue. Without neglecting the methodology of the past jurisprudents who hint at these issues, the author has also taken in consideration the modern Muslim's mentality in understanding the events and texts explaining plainly the circumstances that created such disagreements among the Muslims about the religious rulings. Thus, he has written '*Adhan Between Genuineness and Distortion*' and '*the Holy Prophet's Ritual Prayer*' as well many similar issues.

The author's methodology in investigating the Islamic jurisprudential questions and the doctrinal topics rests upon the study of the legislative and historical confusions that caused the issuance of certain rulings or religious belief. He thus acquaints the reader with the time and circumstances that surrounded a narrative or a narrator as well as the hidden themes that influence the understanding of a text.

Following this methodology, a new stage of study exceeding the limits of the fundamentals, molds, and frames that each school has had to observe in understanding the sacred texts2 and deducing the religious laws. Due to such commitments, each school of law has rejected or detained any other viewpoint or concept even if it is closer to the actuality.

Such a new methodology has freed the Islamic jurisprudence from its sectarian limits and untouchable bases invented by each Muslim jurisprudential schools and has given it a new wider and more comprehensive perspective enabling it to unify or, at least, reaches closer steps of unity after it has lived in irony and restricted concepts.

Finally, the author has briefed about some of the roots of separation after the departure of the Holy Prophet in addition to the ideas that branched out the Muslims into numerous sects and schools.

The book has been reprinted three times so far. The first edition was published by Imam `Ali Foundation – Qumm, Islamic Repulic of Iran in Safar, AH 1418. The second edition was published by al-A`lamiy Foundation – Beirut, Lebanon in AH 1418/1997. The third edition, upon which the translator has depended, was published by Dar al-Ghadir – Qumm, Islamic Republic of Iran in AH 1425/2004.

1. In the Sunnite jurisprudence, istihsan is the use of one's own judgment to determine the best solution to a religious problem that cannot be solved by citing sacred texts.
2. Whenever the Sacred Texts are mentioned in the book, they stand for the Holy Qur'an and the Holy Sunnah that comprises the words, deeds, and confirmations of the Holy Prophet and the Holy Imams.

In the Name of Allah, the All-compassionate, the All-merciful

All praise is due to Allah, Lord of the worlds. Endless blessings and peace be upon Muhammad—seal of the Prophets and head of the Messengers (of Allah), and upon his immaculate family and choice companions.

All the Heavenly revealed religions are undoubtedly based upon intellectual grounds, legislative bases, and theoretically and practically positive principles for sake of the religion and humankind's goodness. Islam, too, has been at the top of the Heavenly revealed religions, and has been in contact with life more than any other religion.

Moreover, it has been the most successful in the field of applying the principles to the practical life since it has been the leader of many nations throughout many successive generations. It is thus logic that such a religion enjoys the largest amount of principles, grounds, and bases of thought. The Holy Qur'an and Sunnah have been the first and most fundamental sources of the Islamic statements and rulings. Another distinctive feature of Islam is that the Almighty has undertaken protecting the Holy Qur'an against extinction and distortion. In this regard, Almighty Allah says,

"Surely, We have revealed the Reminder and We will most surely be its guardian" (***Holy Qur'an: 15:9***)

As a result, the Holy Qur'an has not encountered the same fate of the Torah and the Gospel as well as the other distorted Heavenly revealed Books. Nevertheless, the second source of the Islamic legislation, namely the Holy Sunnah, has been unfortunately exposed to distortion and fabrication since the lifetime of the Holy Prophet who attracted attentions to this point by saying,

"Anyone who attributes false reports to me must certainly find himself a place in Hellfire."1

From this cause, as well as so many other causes, the Holy Sunnah is described as presumptive. Distortions and forgeries against the Holy Sunnah have influenced the other sources of legislation and, thus, each group has interpreted the Qur'anic texts –yahs– according to its narrations of the Sunnah claiming the objective.

Other groups have exceeded all limits when they argued that the individually codified principles and rulings dispense with the reported heritage and replace its contrasts. Thus, discrepancies have branched out to include most of the principles and secondary affairs of Islam.

In the same way, the ummah (i.e. Muslim community) has branched out forming various sects and schools, each claiming following the guidance of the Holy Qur'an and the course of the Holy Prophet as well as having the right to its side and the Sunnah in its purest form.

Is it then possible to believe that all the different Islamic sects and schools are true and receiving their genuineness from Almighty Allah and the Holy Prophet, although the right path is singly one and it is necessary to search for it? Likewise, should we believe all the accusations that all the Islamic sects and

schools have charged with each other?

In this manner, disputations of the various sects and schools have revolved upon vicious circle of reciprocal accusations, while the one and only thing to be adopted by a sound reason with regard to such discrepancies is to give preference to a sect over the others since it is unreasonable to decide all of them as true or decide all of them as false.

This is because the right takes only one form, and the true sect is only one. On this account, it is inescapably obligatory upon all Muslims to take individual endeavors for hitting upon the genuine norm that takes to the reality of what the Holy Prophet had conveyed from Almighty Allah.

Because the issue of regarding the Sunnah as the second authoritative principle in Islam is unanimously acceptable by all Muslims, the study should be consecrated to identifying the methods of proving a saying's ascription to the Holy Prophet. In other words, which item of the heritage attributed to the Holy Prophet should be regarded as authoritative?

To answer, it is perhaps claimed that the true Hadiths are only those authenticated according to the rules of *`Ilm al-Rijal* (The study of the manners and history of the narrators of a Hadith in order to attain reliability), while those not authenticated must be thrown away and neglected.

At first blush, the previous claim may seem to be true; but the well-versed in the affairs of the Islamic law recognize that the reliability on a definite Hadith does not depend on the *isnad*2 only; rather there are certain standards and regulations to be necessarily observed in this regard.

Nevertheless, some principles and criteria of the *`Ilm al-Rijal* have been submitted to certain regulations; and neither logic criteria nor have Qur'anic principles been set as the judges in such issues. Discrepancy and contrast are therefore obvious in the judgment of a certain narrator. Moreover, the founders of the major School of Sunnite Muslim jurisprudence have been also exposed to such campaigns of criticisms and vilifications.3

Thus, a researcher will inspect nothing but a huge pile and dense mist of criteria prevailed by political senses inclining to certain sects or schools. Therefore, many untrustworthy narrators have been decided as reliable and decent, and many trustworthy have been decided as weak and doubtful.

By the same token, the isnad of many narrations that are contradictory to the reality has been decided as sound, while the isnad of many others that are soundly applicable to the reality has been decided as doubtful or even ill.

For the previous reasons, it has become inevitable that we study the Sunnah as thoroughly as possible depending upon a more series method and founding on the invariable fundamentals of Shari`ah, history, reason, and nature through investigating all the aspects, circumstances, and aims associated with a Hadith.

On the other hand, we do not intend to cancel the role of the isnad in the evaluation of a Hadith rather to have recourse to other proofs and presumptions the purpose of which is to rectify the trends of some reports that have not been duly studied.

At any rate, the matter has winded up with the result that we, at present, see a great sect of Muslims devotionally follow definite reference books of Hadith that they call *al-Sihah al-Sittah* (the six most reliable reference books of Hadith) and, on the other hand, another, yet big, group follow other reference books of Hadith that they call *al-Kutub al-Arba`ah* (the four books) regarding them as the most authenticated and the furthest from distortion and fabrication.

Thus, the following questions should be necessarily answered, at least after exposing the roots of the studied issue through historical and reported texts:

Which is the most authenticated, and where can it be found?

Are all the Hadiths recorded in *al-Sihah al-Sittah* wholly authenticated, or there lie some weak, doubtful, or even false reports?

What about the narration on the authority of the Ahl al-Bayt[4]; is it wholly authenticated, or there lie some interpolated or forged statements?

The most important and noteworthy event that has left the greatest influence on the Sunnah, in both text and significance, was the prohibition of recording and narrating the Holy Prophet's heritage. The application of this decision, taken by the two Shaykhs (namely, Abu-Bakr ibn Abi-Quhafah and `Umar ibn al-Khattab), extended to the reigns of `Uthman ibn `Affan and Mu`awiyah ibn Abu-Sufyan up to the reign of `Umar ibn `Abd al-`Aziz who canceled it and ordered people to record the Sunnah.

Nevertheless, a group of the grand Sahabah (the Holy Prophet's companions)[5] and Tabi'un (the followers of the Sahabah—the generation that came after the Sahabah) considered the recordation of the Hadith the one and only method that they followed even during the reign of `Umar ibn al-Khattab whose cruelty and severity with anyone who would oppose him were the distinctive features of his reign. `Ali ibn Abi-Talib, Mu`adh ibn Jabal, Ubayy ibn Ka`b, `Abdullah ibn Mas`ud, Anas ibn Malik, Abu-Sa`id al-Khidriy, Lady Fatimah al-Zahra', and Abu-Dharr, as well as many others, were among those Sahabah who recorded the Hadith.

Such great Islamic figures recorded and spread the Hadith as they regarded the decision of the prohibition as baseless and neglected the personal opinions of Abu-Bakr and `Umar, as well as those who followed them, and emptied them of any sanctity due to which they might be indisputable.

Furthermore, those Sahabah did not fear what others did. This was the origin of the discrepancy between the two methods; one is recording and narrating the Sunnah, while the other prohibiting the reporting, recordation, and writing; or ordering to reduce it. Thus, each method has had its own

intellectual principles.

On this account, it is inevitable to study carefully the two schools in order to make out which is the nearest to the reality and furthest from personal motives. Away from calumniation and fabrication, this study must be dedicated to analyzing the prevalent circumstances at that time as well as the characters of the individuals involved on the different levels of their lives.

The study will also not be sufficed with a Hadith's being classified as authenticated (Sahih), trustworthy (muwaththaq), good (hasan), or weak (da'if); rather it will comprehend all the aspects involved.

This is because most of the Sahabah stated that they had no knowledge whether the contents of a report they themselves narrated had been repealed or not, or whether a text said by the Holy Prophet had been his own saying or quoted from the Holy Qur'an, or the ruling appearing in the Holy Prophet's saying had been general or dedicated to definite individuals.

Likewise, they affirmed on various occasions that the verdicts they issued had not been based upon any reference of legislation; if it therefore was true, this would be originated from Almighty Allah's guidance, but if it was not, it would be Satan's, as well as their, fault.

For the previous reasons, it has become necessary to make a wide-ranging study for shedding light on the general and the obscure matters that enclosed the Sunnah and its transmitted heritage in accordance with the new scientific methodology for the purpose of distinguishing the true for the false, since such study will surely bring forth many new facts.

In addition to too many affairs respecting the Islamic legislation, the knowledgeability of the Sahabah, the jurisprudential trends that prevailed in that age, and the motives of such various trends, the study will show the contrast between the reports of those who prohibited the recordation of the Hadith and those who challenged the decision and thus recorded and narrated it.

Additionally, the study will give a perfect idea about the way of deducing the authentic reports from the *sihah* and the Four Books plus the other reliable reference books of Hadith.

Let us now begin our investigation in order to set eyes on the effect of the decision of prohibiting the recordation and narration of the Sunnah along with its numerous, yet negative, consequences that contributed in the formation of the past and present structures of the Islamic schools of law.

Sayyid Ali al-Shahristani
www.shahrestani.org [10]
shahrestani@imamreza.net [11]

1. Sahih al-Bukhariy 1:52, H. 107, 108; Sahih Muslim 1:10 H. 2,3,4.
2. Isnad is a list of authorities who have transmitted a Hadith of a statement, action, or approbation of the Holy Prophet; its reliability determines the validity of a Hadith. The isnad precedes the actual text (matn) and takes the form, "It has been

related to me by A on the authority of B on the authority of C on the authority of D that the Holy Prophet said…"
3. Ibn Mu'in and Ahmad ibn Salih found fault with al-Shafi`iy; the founder of an Islamic school of law that took his name. (See Tahdhib al-Kamal; the footnote 24:380.) Al-Khatib al-Baghdadiy has recorded the names of thirty-five men who found fault with Abu-Hanifah; the founder of an Islamic school of law that took his name. (See Tarikh Baghdad 13:370).

Al-Raziy, in his thesis about the preference of al-Shafi`iyyah School of Sunnite Jurispruence, recorded that al-Bukhariy placed Abu-Hanifah with the weak reporters (i.e. those whose narration is unreliable) at the same time as he did not refer to al-Shafi`iy at all. Al-Sibkiy, in Tabaqat al-Shafi`iyyah 1:251, recorded that Abu-`Ali al-Karabisiy used to vilify at Ahmad ibn Hanbal; the founder of an Islamic school of law that took his name. al-`Iraqiy, the mentor of Ibn Hajar, also doubted Ahmad ibn Hanbal and his famous book entitled al-Musnad. (see Fayd al-Qadir 1:26)

Al-Khatib al-Baghdadiy, in Tarikh Baghdad 1:224, has mentioned a number of scholars who criticized Malik ibn Anas; the founder of an Islamic school of law that took his name. (see Tahdhib al-Kamal 24:415 and Tabaqat al-Shafi`iyyah 1:189). Al-Bukhariy, al-Nassa'iy, and many other master scholars have been also the target of criticism and vilification.

4. The Ahl al-Bayt (People of the House) is a term dedicated to the family of the Holy Prophet. More precisely, it is dedicated to definite individuals; namely, Imam `Ali ibn Abi-Talib, Fatimah al-Zahra' (the Holy Prophet's daughter and Imam `Ali's wife), al-Hasan ibn `Ali, and al-Husayn ibn `Ali. The nine Immaculate Imams (namely, `Ali ibn al-Husayn al-Sajjad, Muhammad ibn `Ali al-Baqir, Ja`far ibn Muhammad al-Sadiq, Musa ibn Ja`far al-Kadhim, `Ali ibn Musa al-Rida, Muhammad ibn `Ali al-Jawad, `Ali ibn Muhammad al-Hadi, al-Hasan ibn `Ali al-`Askariy, and al-Mahdi the Awaited) are also within the Ahl al-Bayt.
5. Although Sahabah terminologically refer to the Holy Prophet's companions, it has included other individuals with definite qualifications. To know more about Sahabah and their qualifications, see Ahmad Husayn Ya`qub: The Conception of the Sahabah's Ultimate Decency, translated by Badr Shahin, Ansariyan Publications, I. R. Iran – 1999.

The issues of Abu-Bakr's prohibition of recording the Hadith and `Umar's decision of the reduction of reporting the Holy Prophet's heritage1 are worth studying and investigation, because it is associated with the history of the second source of authority in Islam. Although this study is purely academic, it gives to the gentle readers a clear picture about the most important issue in the history of legislation, and the exposition of this issue can find solutions to a big number of the issues related to the controversial questions and help understand the reality and roots of the problem.

The most important reasons for the issuance of the decision can be shown in the following points:

First Reason: Justifications of Abu-Bakr

Second Reason: Justifications of `Umar ibn al-Khattab

Third Reason: Justifications of Ibn Qutaybah and Ibn Hajar

Fourth Reason: Justifications of Abu-Zahw and Shaykh `Abd al-Khaliq `Abd al-Ghaniy

Fifth Reason: Justifications of al-Khatib al-Baghdadiy and Ibn `Abd al-Barr

Sixth Reason: Justifications of some Orientalists

Seventh Reason: Justifications of the majority of Shi`ite writers

Last Reason: Our conclusions

Our discussions of the aforementioned reasons will be based on our understanding of the actuality of the Islamic legislation and its surrounding conditions; therefore, they are not aimed at attacking anyone's standing since the whole matter is revolving upon the field of study and arguments in an age prevailed by logic and proof.

The presentation of someone's opinion does not mean encroaching upon or doing harm to his/her personality and dignity; rather all the statements mentioned in the book, including my own conclusions, are subject to study and discussion because the top goal of any individual who cares for the right knowledge as well as the best readiness to the inescapable meeting with Almighty Allah is to reach at the truths in general and the religious truths in particular.

The presence before Almighty Allah on the Judgment Day is based upon right and honesty. It is thus binding for any mortal who seriously ponders on that horrifying and great situation on that Day to spare no efforts to find himself an exit from the criteria of the transient and illusive world towards the criteria of the right and virtuous abide. Finally, help is sought only from Almighty Allah Who is the Guide to the right path.

1. According to the report of Qaradah ibn Ka`b al-Ansariy, `Umar ibn al-Khattab issued a decision ordering people to reduce reporting the Holy Prophet's traditions. (See Ibn Sa`d: al-Tabaqat al-Kubra 6:7, Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 2:120, al-Dhahbiy: Tadhkirat al-Huffadh 1:7, al-Muttaqiy al-Hindiy: Kanz al-'Ummal 2:284:4017 and Sunan al-Darimiy 1:85)

Abu-Bakr's justifications can be concluded from the following two texts:

(1) It has been narrated that `□`ishah said, My father collected the Hadith (of the Messenger of Allah), which was five hundred texts. He spent that night so sleeplessly and restlessly that I was sad for him. I therefore asked, 'Are you moving restlessly due to an ailment or information that you received?'

In the morning, he asked me to fetch him the collection of Hadith that he had put with me. When I fetched them, he set fire to them. As I asked for the reason, he replied, 'I anticipated that I would die while I still have this collection among which there might be reports of a man that I deemed trustworthy while he was the opposite; therefore, I would be the narrator of such false reports.'1

(2) The following report has been within Ibn Abi-Mulaykah's incompletely transmitted Hadiths (*mursal*):

After the demise of the Holy Prophet, Abu-Bakr gathered people and said, 'You are reporting about the Messenger of Allah inconsistent narrations. People coming after you will be engaged in more intense discrepancy.

Therefore, do not report anything about the Messenger of Allah, and if anyone asks you, you should refer to the Book of Allah as the arbitrator. You should thus deem lawful whatever is lawful therein and deem unlawful whatever is unlawful therein.'2

Before discussing the two previous texts, two questions must be answered:

First: Did Abu-Bakr collect the five hundred texts during the life of the Holy Prophet and by his commandment, or did he collect them after that as a consequence of the political circumstances and the social exigency?

Second: Was the decision of prohibiting the recordation and reporting of the Sunnah issued in a late period, or was it the Holy Prophet who prohibited recording it during his lifetime.

It has been related to Abu-Sa`id al-Khidriy that the Holy Prophet said, 'You must erase anything that has been recorded about me except the Holy Qur'an.'3

From the expression of the first text 'My father collected the Hadith,' it can be noted that Abu-Bakr recorded the Hadith after the Holy Prophet's demise, especially the text affirmed that he had quoted them from other narrators, 'I anticipated that I would die while I still have this collection among which there might be reports of a man that I deemed trustworthy while he was the opposite; therefore, I would be the narrator of such false reports.'

Abu-Bakr's anticipation that such texts would be falsely related to the Holy Prophet does not agree with the supposition that the Hadith had been collected during the Holy Prophet's lifetime; otherwise he could show the collected texts to the Holy Prophet for scrutiny.

If it is claimed that the idea of showing such texts to the Holy Prophet for scrutiny had just slipped away from Abu-Bakr's mind, the answer should be that, firstly, it is unreasonable for Abu-Bakr to miss such a thing, especially that he had a close position to the Holy Prophet in addition to the fact that doubt regarding these collections was rooted in his mind.

Secondly, it is unlikely that Abu-Bakr had overlooked neglectfully such an important issue until a time close by his death, whereas the Sahabah used not to neglect asking the Holy Prophet about even the most trivial questions and whenever they had felt any suspicion.

The question of setting fire to the collections of Hadith and Abu-Bakr's concern about attributing them to the Holy Prophet and that he 'would be the narrator of such false reports,' since death was about to knock his door—this question proves that Abu-Bakr had collected the Hadith in the last of his reign and that he had never heard even one Hadith directly from the Holy Prophet; lest it would be extremely odd for him to set fire to Hadiths that he had heard from the Holy Prophet directly!

What is more is that had Abu-Bakr collected such Hadiths during the lifetime of the Holy Prophet, historians and biographers would have certainly referred to this issue and he would never have spent

that night restlessly plus `ishah would have narrated that her father had collected the Hadith during the lifetime of the Holy Prophet or any alike statement.

The reports that Abu-Bakr had written down the laws of almsgiving in the missive that he sent to Anas ibn Malik;[4] the governor of Bahrain at that time, and `Amr ibn al-`s[5] do not contradict the reports narrating his setting fire to the collections of Hadith, because the points that he had recorded to Anas ibn Malik were no more than the laws of almsgiving and taxation upon which a state relies, and a caliph must not forget for the good of his state.

It has been also narrated that `Amr ibn Hazm had recorded the laws of almsgiving as quoted from the Holy Prophet orally. `Umar ibn al-Khattab also had such a recording kept by Hafsah, his daughter, and then his family. Hence, the recordation of an issue upon which a state relies is a matter very different from the prohibition of recording something else.

The second question can be easily answered through the acts of Abu-Bakr and `Umar as well as the general conduct of the Muslims. Abu-Bakr's collecting five-hundred Hadiths is a sufficient proof on the Holy Prophet's having not prohibited the recordation of the Hadith. If such a decision of prohibition had been really issued, Abu-Bakr would not have had such collections of the Hadith recorded.

The same thing can be said about `Umar; had a decision of prohibiting the recordation of the Hadith been already issued, he would not have gathered the Sahabah, who advised him to record the Hadith,[6] to discuss the matter.

Even if we give up our opinion and accept the claim that the Holy Prophet had prevented people from recording anything in general and his Hadith in particular, we would not find any persuasive meaning to the authentically narrated report that 'the Holy Prophet ordered the Muslims to record the laws that he said on the day of conquering Mecca,'[7] or the report that after his migration to al-Madinah, he had ordered to record the laws of the Zakat and their amounts, which were accordingly written in two papers and kept in the house of Abu-Bakr, the caliph, and Abu-Bakr ibn `Amr ibn Hazm,[8] or the authentic report that he said 'Feel free to record' as well as the other clear statements urging to record the laws and the Holy Prophet's conducts.

It is thus proven that the recordation was not prohibited in the lifetime of the Holy Prophet and that neither Abu-Bakr nor did `Umar record the Hadith during the Holy Prophet's lifetime; rather, Abu-Bakr recorded it after the Holy Prophet's departure. The Holy Qur'an has urged writing and recording the knowledge upon Muslims as is in the following Verses:

"Noon. I swear by the pen and what the angels write." (***Holy Qur'an: 68:1***)

"...Who taught (***to write***) ***with the pen."*** (***Holy Qur'an: 96:4***)

"O you who believe! when you deal with each other in contracting a debt for a fixed time, then

write it down." (***Holy Qur'an: 2:282***)

"And be not averse to writing it (***whether it is***) ***small or large."*** (***Holy Qur'an: 2:282***)

"He said: The knowledge thereof is with my Lord in a book." (***Holy Qur'an: 20:52***)

The Arabs used to revere the writers and desire to learn it. Ibn Habib al-Baghdadiy has listed the names of the famour personalities who could write in the pre-Islamic as well as the Islamic eras.9 Ibn Sa`d has said that the Arabs in the pre-Islamic and the early Islamic eras used to regard as perfect anyone who could write Arabic, swim, and shoot.10

Lessons of learning how to write used to be held in Makkah,11 al-Madinah,12 al-Ta'if,13 al-Anbar,14 al-Hirah,15 and Dawmat al-Jandal.16 It has been also narrated that the Holy Prophet established a class in his Masjid (mosque) where `Abdullah ibn Sa`id ibn al-`[illegible]s used to learn writing and calligraphy to all comers.17

Dr. Ahmad Amin says,

"Illiteracy of the Arabs was not as common as presented by some authors and Orientalists. Because of their neighborhood to the Persians and Romans for ages, their surrounding circumstances, and the stages by which they passed with such civilized nations, it was not difficult for the Arabs, especially those lived in al-Hirah as well as the nomads of Syria, to learn how to write and acquire sciences and customs that would contribute in achieving a better living for them."18

The Holy Qur'an has thus prescribed writing and recording, and the Holy Sunnah has also cared for the issue of writing to a considerable extent that a prisoner of the war of Badr was released after he would teach ten Muslim children how to read and write.19

On that account, the claim that the Holy Prophet prohibited recording the Holy Sunnah is definitely meaningless, since his conduct generally attracts attentions to the fact that he very much encouraged on culture, thinking, and learning.

Furthermore, he reproached some people saying, 'Why have some people neither educated, nor taught, nor admonished their neighbors; nor have they enjoined them to do good nor forbidden them from doing evil? And why have some people neglected learning from their neighbors or received their knowledge and instructions?'20 From this reproach, we must understand a clear point as regards our topic.

It has been also narrated that the Holy Prophet once asked the delegation of the tribe of `Abd-Qays, saying, 'How was your brethren's hospitality?'

'They have been the best brethren,' answered they, 'they offered the best beds and food and taught us the Book of our Lord and the conduct of our Prophet night and day.'

This answer pleased the Holy Prophet who asked each one of them about what they had learned and what they had been taught.21

It has been also narrated on the authority of Hudhayfah that the Holy Prophet once ordered them to write down the names of everyone who declared being Muslim orally. They therefore wrote down the names of one thousand and five hundred men.'22 Finally, biographers have recorded that twenty-six, forty-two, or forty-five men used to record the Divine Revelation under the supervision of the Holy Prophet.

By adding the previous proofs of the Holy Prophet's emphasis on learning reading and writing to the previous narrations of the Holy Prophet's issuing the order of recording the Sunnah and the Sahabah's carrying out this order during his lifetime up to a period after his death -when Abu-Bakr prohibited recording the Holy Sunnah-, it becomes clear that the ascription of the prohibition of recording the Hadith to the Holy Prophet is no more than a fallacy aimed at deforming the sheer figure of Islam.

Likewise, such a fallacy gives reason for the enemies of Islam to claim Muslims' being in opposition to science, because they first decided that their Prophet had prevented them from narrating and recording the Sunnah while they, later on, violated their situation and went on recording it! If the recordation of the Hadith was permissible, why did they prohibit it; and if it was prohibited, why did they record it?

If true be said, the claim of the Holy Prophet's prohibition from recording the Hadith is contradictory to his famous sayings, 'write down,'23 'record,'24 'I swear by Him Who has full control over my soul, my mouth has never said anything other than the truth,'25 'Use your right hand to help you learn,'26 as well as so many similar sayings not to be mentioned at this point for fear of lengthiness.

Let us now discuss the first text that shows Abu-Bakr's justification of issuing the decision of preventing recording the Holy Sunnah, putting the following questions:

Why did Abu-Bakr spend that night restlessly and sleeplessly? Was it because of an ailment, or was it because of a serious affair of caliphate and Muslims?

We have previously mentioned `[illegible]'ishah's wonderment, 'Are you moving restlessly due to an ailment or information that you received?' and Abu-Bakr's reply.

Would we accept his justification that 'I anticipated that I would die while I still have this collection among which there might be reports of a man that I deemed trustworthy while he was the opposite; therefore, I would be the narrator of such false reports'?

Does such a justification allow him to set fire to the collections of the Hadith?

Why did he treat the Hadith with fire, not water or burying in the ground?

To answer the first question, we say that the reason beyond Abu-Bakr's restlessness and sleeplessness

was, as is proven by `ishah's words, 'In the morning, he asked me to fetch him the collection of Hadith that he had put with me. When I fetched them...' not an ailment or a matter respecting the campaigns or the like political affairs; it was rather because of the Hadiths contained by these papers to the degree that he thought that the reporting of the Holy Prophet's words and deeds would be the main cause of disagreement among Muslims, without making any distinction between the different kinds of the reported items or between the direct and the indirect reports. Abu-Mulaykah reports that Abu-Bakr said, 'Do not report anything,' while in the beginning he had not adopted such a situation.

Abu-Bakr's excuse for setting fire to the Hadiths, —'I anticipated that I would die while I still have this collection among which there might be reports of a man that I deemed trustworthy while he was the opposite; therefore, I would be the narrator of such false reports,'— is subject to a number of objections:

First: how did the trustworthy man (whom Abu-Bakr accepted his narration) change into untrustworthy? Did Abu-Bakr—who lived near the Holy Prophet in the holy city of al-Madinah—require mediation in narrating the Hadith of the Holy Prophet?

The news of Abu-Bakr's close association with the Holy Prophet are inconsistent with the existence of mediation between the Holy Prophet and him, especially for those who claim Abu-Bakr's having been the first to embrace Islam.

Second: Once a reporter is trustworthy; for Abu-Bakr says, '...reports of a man that I deemed trustworthy,' how is it acceptable to reject such an individual's reports because they are probably fabricated or originated from inadvertence?

According to such a rule, the authority of the reports of the trustworthy must unquestionably be invalid and it is not viable to depend upon the report of any narrator because it contains any amount of probability of fabrication.

Rafi` ibn Khudaykh reported that the Holy Prophet, once, passed by them while they were having a discussion and asked about it. "We are mentioning what we have heard from you, Allah's Messenger," answered they.

"Yes, mention it; but one who forges lies against me must find himself a place in Hellfire," said the Holy Prophet as he went on.

They therefore kept silence.

"Why have they stopped talking?" asked the Holy Prophet.

"Because of what we have just heard from you," one answered.

"I have not meant that you should not discuss what you hear from me," explained the Holy Prophet, "But I have only meant one who forges lies against me deliberately." We then resumed our discussion.

“O Allah’s Messenger,” one asked, “Can we record the matters that we hear from you?”

“Yes, you can,” replied the Holy Prophet, “Record, and feel free to record.”27

The previous report supports openly our claim that practice of reporting and recording the Hadith was not prohibited during the Holy Prophet’s lifetime; rather it was totally legal. Besides, the phrase ‘yes, mention it,’ confirms the permissibility to relate the Holy Prophet’s Hadith but with verification in order to avoid forging lies against the Holy Prophet.

Likewise, it confirms that the probability of a reporter’s being liar or the fear of forging lies does not allow Abu-Bakr to neglect the Hadith. Focusing on being careful in the narration of a report in order to make distinction between the true and the false, the Holy Prophet never issued any order preventing from reporting and recording the Hadith.

As a sequence, Abu-Bakr should have examined these Hadiths; if there were inaccurate ones, he would correct them; if there were forged ones, he would delete them; if there were ambiguous ones, he would explain them; and if there were hidden themes, he would expose them. He should have never annihilated all the collections for the reason that he suspected or supposed falsity.

Generally speaking, any item of science must never be erased, especially when it is said by the Holy Prophet! Reported items must not be burnt under any circumstance, especially when most of them contain the Sacred Name of Almighty Allah and His laws, while it is impermissible to insult them at all. As an Islamic ruling, when such items are decided to be damaged, they must be erased by water, buried in the ground, or destroyed by any other unproblematic method.

Out of their cognizance and education, Muslims realized the fundamental correlation between reporting and recording the Hadith; they therefore asked the Holy Prophet permission to record his sayings since they expected that the Hadith would be prohibited or put under conditions. The Holy Prophet’s answer came: ‘Record, and feel free to record.’

This answer cancelled any problem that may be expected from recording the Hadith and gave full freedom to report it. A Muslim must be sure before he relates something to the Holy Prophet and must avoid recording the forged. These are the only conditions of reporting and recording the Hadith, and there is nothing more.

Third: If we agree with Abu-Bakr’s opinion that the likelihood of fabrication in the reports invalidates a narration’s consideration, this will require all the Holy Prophet’s narrated reports be unacceptable even if they are recorded in reliable reference books of Hadith, for the reason that they all are exposed to the likelihood of forgery; and if such an opinion is accepted, it will certainly overthrow one of the two major principals of the Islamic legislation, eradicate the Holy Sunnah completely and terminate all the secondary rulings that have been derived from the Hadith. Abu-Bakr’s opinion is thus completely unacceptable.

We should then wonder how he adopted it. Did he close his eyes to the fact that the Holy Prophet used to entrust the decent Sahabah with affairs like these of the campaigns and battles in order that they would convey them to the others? He should have understood that the Holy Verse regarding the instruction of looking carefully into any news that is conveyed by an evil-doing, lest others would be harmed ignorantly[28] as well as many other Verses in this regard.

Furthermore, Muslims used to follow the reports of the decent ones and avoid those of the indecent. Likewise, reason judges that the report of a decent one must be believable, while the likelihood of fabrication, unintentional mistake, inadvertence and the like matters must be passed up due to the rule of the originally nonexistence of fabrication.

Consequently, Ibn Hajar's claim that Almighty Allah has purified the Sahabah of all vices, including lying, negligence, suspicion, arrogance and the like, has been proven as contradictory to Abu-Bakr's previous testimony when he had only suspected some of the Sahabah to have all the previous vices up to forging lies. Undeniably, Abu-Bakr knew the Sahabah better than Ibn Hajar did.

Even if we accept the notion that suspicion and likelihood of forgery may invalidate the authority of a report in the view of the one suspecting, we must not consider such invalidity in the view of the others who neither suspect nor suppose the probability of forgery.

Abu-Bakr should thus have reported such narrations and presented his suspicion in certain reporters as well as the reasons beyond such suspicion. Then, the recipient of such narrations will have the freedom to accept or reject as maintained by the laws of the religion.

The most unquestionable issue that is concluded from Abu-Bakr's justification, in the event of its acceptability, is that it never imposes upon others to stop reporting or recording the Hadith. Nevertheless, his one and only purpose beyond his justification has been to prohibit reporting and recording the Hadith as a general rule; he therefore ordered people, as in the second text, not to report the Holy Prophet's Hadith at all.

As long as it has been proven that reporting and recording the Hadith had been permissible during the Holy Prophet's lifetime, what is then the meaning of its prohibition? And if it was really prohibited by the Holy Prophet, why did Abu-Bakr compile five-hundred items of Hadith?[29]

As a conclusion, Abu-Bakr's having prohibited Muslims from reporting the Hadith and having set fire to the collections of Hadith that he had compiled are not founded on any Islamic law.

The second text sheds light on the real situation of the ummah after the departure of the Holy Prophet. Abu-Bakr however referred the disagreement and discrepancies of the Islamic community to their disagreement in the narration of the Hadith and Sunnah. In this regard, he says,

'You are reporting about the Messenger of Allah inconsistent narrations. People coming after you will be

engaged in more intense discrepancy.'

Although it is incompletely transmitted, the narration of Ibn Abi-Mulaykah expressed the opinion of the master scholars who objected to the decision of the prohibition of recording the Hadith. It also indicates that the insistence on the recordation of the Hadith became one of the means of opposing the caliphs. Muslims who felt the necessity of protecting the Holy Sunnah against waste and spreading the religious laws publicly began, soon after the departure of the Holy Prophet, to report his sayings so as to achieve the goals that they deemed necessary.

In their capacity as being the first generation of Islam, the Sahabah were bound by the explanation of the religious laws for people and the reporting of every single word that they had heard from the Holy Prophet to the new generation who were in urgent need for the acquaintance with the religious laws whose major source was the Holy Prophet's words and deeds. This was, of course, unfeasible except through the decent Sahabah who represented the thriving archives of the Holy Prophet's lifetime.

Having realized the new generation's urgent need for the religious data and the first generation's duty to answer, Abu-Bakr used the expression, 'and if anyone asks you…' in the decision of the prohibition of recording the Hadith.

In any event, the urgent need for reporting the Hadith and the existence of discrepancies in the narrations were two serious issues that required solutions by all means.

As a solution for the crisis that augmented dangerously after the Holy Prophet's decease, Abu-Bakr opted for prohibiting the reporting and recordation of the Hadith and the restriction to the Holy Qur'an in order to get rid of the contradictory narrations that he seemed not to be skillful enough to bring them into agreement. He therefore had to ban them all unexceptionally, especially after he had anticipated that the problem would increasingly be bigger and bigger for the coming generations. All the same, Abu-Bakr's decision of the prevention of recording the Hadith arouses a number of questions to be presented hereinafter:

First: It has been proven that the Holy Prophet used to order the grand Sahabah to spread in the different areas so as to teach people and invite them to the religion. Also, he used to order people to learn and listen to those instructors. These procedures became more binding after the revelation of Almighty Allah's saying:

"And it does not beseem the believers that they should go forth all together; why should not then a company from every party from among them go forth that they may apply themselves to obtain understanding in religion, and that they may warn their people when they come back to them that they may be cautious." (***Holy Qur'an: 9:122***)

To prevent the Sahabah from reporting and applying to themselves what they had directly heard from the Holy Prophet has no meaning other than canceling the religious function of the well-versed in the

religious affairs whose main task is to teach and edify the people; while the events of some of the Sahabah's having fabricated lies against the Holy Prophet must have been encountered by means of preventing the very fabricating ones from reporting the Hadith, not preventing everybody and for good!

It was also possible to refer to the Holy Prophet personally during his lifetime regarding the questions that were unsolvable and to check the matter with the Sahabah, after the Holy Prophet's departure, if they had heard something respecting the question involved in order to attain peace of mind or verification of the authenticity of the reporting. As a matter of fact, such conferences have been actually adopted by some of the Sahabah.

Second: In order to compile the reports of the Hadith, Abu-Bakr should have established a committee comprising the grand Sahabah for listening to the reports and then confirming the sound and rejecting the doubted.30 For Abu-Bakr, this was easy, because they had not yet been engaged in the campaigns and conquests nor scattered in the remote countries.

Furthermore, they had soon departed the Holy Prophet and consequently their memories were still powerful and flaws were hardly expected from them. Hence, it was actually an excellent opportunity to easily unify the reports of the Hadith, and it was also easy to identify the actual reality of a narrator before the multiplication of the media of narration, since most of them were still alive and living in al-Madinah.

Third: The prevention of recording the Hadith would, with elapse of time, increase the number of the religious laws unknown by Muslims. They therefore would have to extract them from the general and the undeniable narrations. As a result, the ways of extraction would vary and the viewpoints would multiply. All such variant viewpoints would have been nonexistent had the reporting and recordation of the Hadith been operative.

Because Abu-Bakr had notified of the fact that the coming generations would be engaged in bigger discrepancies, he should not have left the people rolling about ignorance in the religious laws or sinking in bitterer discrepancies owing to the rise of the variant personal viewpoints of the many investigators.

One of the results of such prohibition was that Abu-Bakr, despite his precedence to Islam and close relation with the Holy Prophet, reported no more than one hundred and forty two narrations, as Ibn Hazm claims.31

If the compiled narrations are compared to the collections which had been damaged, the result will be that great numbers of the Hadith were unfortunately damaged.

Fourth: It is impracticable to prohibit the reporting of the Hadith when it is known for sure that such reports included the major questions that Muslims would urgently require in their daily, worldly, and religious, activities. On this account, the eradication and intentional loss of such questions, including the religious laws, is considered forbidden, since it results in the loss of the fundamentals and laws of the

religion.

The most proper situation to be taken in this regard should have been that all the reports would be decided according to a definite criterion adopted by Abu–Bakr, the fabricators would be forbidden from reporting the Hadith and the outward contrast between the reports would be removed by means of the Holy Qur'an or the other trustworthy Sahabah as well as other ways of checking up and adopting the authentic reports of the Hadiths in order that Muslims would successively follow.

Abu–Bakr's having instructed the Sahabah to answer the askers, whatever their questions would be, by referring them to the Book of Allah is obviously out of the question, since it is impossible to infer a question respecting a religious law from the Holy Qur'an alone without the reference to the Holy Sunnah.

Furthermore, a single statement in the Holy Qur'an may hold so many different notions; some are general, private, decisive, allegorical, common, odd, repealed, or repealing. How is it then possible to specify what is allowable and what is forbidden from the Holy Qur'an alone? Similarly, how is it possible for Abu–Bakr to order people to refer to the Holy Qur'an alone while he himself had said about the *kalalah*,

'I will say my own opinion; if it be true, this will be Allah's, but if be untrue, I alone should be responsible for it'?32

If the Holy Qur'an has sufficiently covered all the questions of the religious laws, why did he wish had he asked the Holy Prophet, before he had departed life, about the amount of the inheritance of grandmothers and grandfathers, about the Ansar whether they should be given any position of leadership, and about the inheritance of nephews and paternal aunts?33

If his claim about the possibility to refer to the Holy Qur'an alone in the religious questions was true, what would we say about the unanimous agreement of the Muslims on the necessity of referring to the Holy Sunnah in order to acquaint ourselves with the religious laws?

What would we say about the Holy Prophet's having nominated the Holy Qur'an and the Ahl al–Bayt, or the Holy Sunnah according to other narrations, as the only two principals of the Islamic legislation in the famous Hadith of al–Thaqalayn (the two weighty things)?

Unquestionably, this meant that the two aforementioned principals would persist among the Muslims; therefore, the Holy Prophet said, 'I have left among you… etc.' It also meant that an interpreter for the Holy Qur'an, whether in a form of the Holy Sunnah or one of the Ahl al–Bayt, must be present among the Muslims since the Words of Almighty Allah cannot be individually comprehended. Hence, the Holy Sunnah or the Ahl al–Bayt to whom the Holy Prophet had referred his people after his departure must be clear enough in order that people would follow.

The Hadith Of Arikah (The Couch)

The previous instruction of Abu–Bakr draws our attentions to the famous Hadith that has been related to the Holy Prophet through different series of narrators. Ahmad,[34] Ibn Majah,[35] Abu–Dawud,[36] al–Darimiy, al–Byhalia[37] and many others[38] have recorded that the Holy Prophet once said,

"I see coming very soon that a man from you will be leaning on a couch and as my Hadith is said to him, he will answer, 'the Book of Allah is the decisive judge; I will deem lawful only what I find lawful in it and deem unlawful only what I find unlawful in it.'"

According to other forms of the same narration, the Holy Prophet then say, 'Verily, I have been given the Holy Qur'an and its like,'[39] or 'Verily, I have been given the Holy Book along with its like,'[40] or 'I see coming that a man from you will be leaning on a couch and as a matter that I have enjoined or forbidden is presented before him, he will answer: I do not know! I will follow only what I find in the Book of Allah.'[41]

In *al–Kifayah fi 'Ilm al–Dirayah*, al–Khatib al–Baghdadiy records on the authority of Jabir ibn `Abdullah that the Holy Prophet said,

"One of you will be leaning on a couch and as he receives one of my Hadiths, he will say: Do not mention that! I will follow only what I find in the Book of Allah!"[42]

Ibn Hazm, on the authority of al–`Irbas ibn Sariyah, have recorded that the Holy Prophet, once, delivered a speech to people saying,

'One of you will be leaning on his couch thinking that Almighty Allah has not deemed unlawful anything other than what is mentioned in the Holy Qur'an! I swear by Allah that I have verily enjoined you to do good, warned you against immoral things, and forbidden you from evil. These things are surely like the Qur'an.'

Commenting on this Hadith, Ibn Hazm says, 'The words of the Holy Prophet have been utterly true. His verdicts are similar to the Holy Qur'an; no difference is seen between both respecting all that which is obligatory upon us.'

The Holy Prophet's saying has been verified by Almighty Allah Who says,

"And whatever the Messenger gives you, (***then you should***) ***accept it; and from whatever he forbids you, keep back."*** (***Holy Qur'an: 59:7***)

The Holy Prophet's instructions are also similar to the Holy Qur'an since the source of both is the Divine Revelation. In this regard, Almighty Allah says,

"Nor does he speak out of desire. It is naught but revelation that is revealed". (***Holy Qur'an:***

53:3-4)[43]

Before we leave the Hadith of Arikah, let us read the following quotation:

As long as the Arabic 'arikah' stands for a well-upholstered couch found in a house,[44] or any couch,[45] the ruler who governs the affairs of people must be the first one for whom an 'arikah' is arranged. If the phrase 'very soon' that appeared in the Holy Prophet's words of the Hadith is taken in consideration, it will be clear that the ruler who governed the people's affairs directly after the Holy Prophet was Abu-Bakr who actually said the very words predicted by the Holy Prophet.

Al-Dhahbiy has recorded that Abu-Bakr, immediately after the demise of the Holy Prophet, gathered people around him and said to them, 'You are reporting about the Messenger of Allah inconsistent narrations. People coming after you will be engaged in more intense discrepancy.

Therefore, do not report anything about the Messenger of Allah, and if anyone asks you, you should refer to the Book of Allah as the arbitrator. You should thus deem lawful whatever is lawful therein and deem unlawful whatever is unlawful therein.'[46]

Consequently, it has become obvious that Abu-Bakr is the very 'a man from you' intended in the Hadith of Arikah and whom the Holy Prophet had predicted that he would oppose the Hadith saying, 'The Book of Allah is the arbitrator. You should thus deem lawful whatever is lawful therein and deem unlawful whatever is unlawful therein.'

This fact has been one of the greatest points of evidence on the soundness of the Prophethood of the Holy Prophet.[47] Historically, Abu-Bakr and `Umar were the closest rulers to the lifetime of the Holy Prophet who opposed the Hadith.

Therefore, the Hadith of Arikah has meant them personally, none else. Those who came after them and adopted their decision of the prohibition of reporting and recording the Hadith were only following their examples and were not as strict as Abu-Bakr and `Umar in the application of the prohibition.[48]

Which Decision Preceded The Other?

Having covered almost all the aspects of Abu-Bakr's prevention of reporting and recording the Hadith, another question floats on the surface. Did Abu-Bakr prohibited the reporting of the Hadith and the recordation of it at the same time? Or were the two separate decisions that a period of time occurred between them?

It seems that Abu-Bakr prohibited the reporting of the Hadith after he himself had recorded it. The reason beyond such procedures will be mentioned later on within the discussion of the last reason. Abu-Bakr might have anticipated that the prohibition of reporting the Hadith would facilitate him to practice the legislation and hold the legislative authority besides the political one. In other words, he might have

intended to put the two administrative and legislative authorities under the same cover so that the Islamic caliphate would be easily governed.[49]

Because of the departure of the Holy Prophet, the issuance of the prohibition of reporting the Hadith and the emergence of the movement that called for the adaptation of individual opinions—because of the three aforementioned matters, some of the Sahabah had to record the Hadiths that they had directly heard from the Holy Prophet in order to preserve them for the coming generations. Hence, Abu-Bakr issued the second decision of the prohibition of recording the Hadith.

Such sequence in the issuance of the decisions of the prohibition are not so important if compared to the historical influence of the events; because the two decisions were issued in a period of four years only, and formed the first seed that produced other decisions issued by `Umar ibn al-Khattab as well as the other rulers, except Imam `Ali, until it was canceled in a late time of the Umayyad State.

Although Abu-Bakr, `Umar, and `Uthman achieved great success in the prohibition of recording the Hadith, they could not achieve such success in the field of the reporting of it. Neither the Sahabah nor did the Tabi'un observe the prohibition even if they pretended that they had nothing to do with the recordation of it; and this manner lasted until `Umar ibn `Abd al-`Aziz opened the door of recording the Hadith.

Even when the doors were opened for the 'governmental' recordation of the Hadith during the Umayyad State, it unfortunately acted as introduction to the currency of the phenomenon of recording false Hadiths so publicly that the rulers, especially during the first days of the era, could induce big numbers of writers to record for them the Hadiths that they liked.[50]

For instance, Mu`awiyah, the founder of the Umayyad State, ordered Ka`b al-Ahbar to sit in the Masjid and narrate for people the relations that Mu`awiyah would like and to prove the falseness of other Hadiths that he would not. On that account, many fabrications were forged against the Holy Prophet.

To sum it up, Abu-Bakr's opinion about the reporting and the recordation of the Hadith was the same, since he had already decided to ban both even though he justified the prohibition of reporting the Hadith by saying that he had anticipated discrepancy in the narrations.

He therefore ordered people to accept the Book of Allah only. Because of the anticipated discrepancy that urged him to issue the decision of the prohibition, Abu-Bakr's heart was filled in with suspicion that included even those whom he had deemed trustworthy; therefore, he rejected all the reported items, including those whom he himself had collected, and, having been more intense, prohibited the recordation of the Hadith, too.

In a reference to the origination of the Hadith, Dr. Husayn al-Hajj Hasan, in his book entitled *Naqd al-Hadith* (Critique of the Hadith), says,

“If we move to the age of the Sahabah, we will find most of them dislike recording the Hadith but like reporting it. This is in fact out of the ordinary and in need for search and interpretation.”51

On the surface, this can be understood from the justification of Abu-Bakr, whereas the reality imposes that there were other reasons, save the two justifications that he had presented and we have beforehand proven their impracticability through many critiques, beyond the prohibition. Forthcoming in the chapter of the last justification, the actual reasons of the prohibition will be discussed thoroughly.

In abstract, we have previously proven that Abu-Bakr’s justifications for the decision of the prohibition of reporting and recording the Hadith have been neither convincing nor conclusive when they were exposed to discussion and investigation.52

1. Al-Dhahbiy: Tadhkirat al-Huffadh 1:5, Al-Qasim ibn Muhammad (died in 1029 AH): al-I`tisam bi-Habl-illah al-Matin 1:30, and `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 394.
2. Al-Dhahbiy: Tadhkirat al-Huffadh 1:32 and `Abd al-Ghaniy Abd al-Khaliq: Hijjiyyat al-Sunnah 394.
3. Al-Nawawiy: Sharh Sahih Muslim 17-8, Musnad Ahmad ibn Hanbal 3:12, 21 and 39, and al-Khatib al-Baghdadiy: Taqyid al-`Ilm 29.
4. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 87; al-Bayhaqiy: al-Sunan al-Kubra 4:84.
5. Malik ibn Anas: al-Mutta’ 1:5 as quoted from Mustafa al-A`dhamiy: Dirasatun fi’l-Hadith al-Nubawiy 94.
6. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 49 and Abd al-Ghaniy Abd al-Khaliq: Hijjiyyat al-Sunnah 395.
7. Sahih al-Bukhariy 1:39 Chapter: Recording the Items of Knowledge.
8. Dr. Muhammad Yusuf: Tarikh al-Fiqh al-Islamiy 173.
9. Muhammad ibn Habib al-Baghdadiy: al-Muhabbar 475-7.
10. Ibn Sa`d: al-Tabaqat al-Kubra 91-3.
11. Mustafa al-A`dhamiy: Dirasatun fi’l-Hadith al-Nubawiy, 44 as quoted from Nasir al-Din al-Asad: Masadir al-Shi`r al-Jahiliy (Reference books of the poetry of the pre-Islamic era) 52 and Ibn Abd al-Barr: al-Qasd wa’l-Umam 22.
12. Al-Buladhiriy: Futuh al-Buldan 583.
13. Al-Buladhiriy: Futuh al-Buldan 579.
14. Shaykh al-Saduq: 'Uyun Akhbar al-Rida 1:43 and Ibn `Abd al-Barr: al-Qasd wa’l-Umam 22.
15. Al-Buladhiriy: Futuh al-Buldan 579 and Ibn Abd al-Barr: al-Qasd wa’l-Umam 22.
16. Muhammad ibn Habib al-Baghdadiy: al-Muhabbar 475.
17. Ibn `Abd al-Barr: al-Isti`ab 2:374.
18. Ahmad Amin: Fajr al-Islam (The Dawn of Islam) 13-4.
19. Ibn Sa`d: al-Tabaqat al-Kubra 2:22, Musnad Ahmad ibn Hanbal 1:247.
20. Al-Targhib wa’l-Tarhib 1:71; Al-Haythamiy: Majma` al-Zawa’id 1:164.
21. Musnad Ahmad ibn Hanbal 4:206.
22. Sahih al-Bukhariy 3:1114 H. 2895.
23. Sahih al-Bukhariy 1:53 H. 112; Sahih Muslim 2:988 H. 1355; Sunan al-Tirmidhiy 5:29 H. 2667.
24. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala’l-Sahihayn 1:188 H. 362.
25. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala’l-Sahihayn 1:187 H. 359; Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 80-81.
26. Sunan al-Tirmidhiy 5:39 H. 2666; al-Tabaraniy: al-Mu`jam al-Awsat 1:245 H. 801, 3:169 H. 2825.
27. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 73; al-Tabaraniy: al-Mu`jam al-Kabir 4:276 H. 4410; Ibn `Adiy: al-Kamil 1:36.
28. This is an indication to the Holy Verse, “O you who believe: if an evil-doer comes to you with a report, look carefully into it, lest you harm a people in ignorance, then be sorry for what you have done. 49:6”
29. See the previous narration of `[illegible]’ishah regarding her father’s having set fire to the collections of Hadith.
30. Of course, this is at worst; rather, if truth be told, it is impermissible to reject even the doubted narration because there is a probability that it was truly said by the Holy Prophet. In view of that, Shi`ite and Sunnite Hadithists have not neglected

recording even the doubted narrations in their reference books of Hadith.

31. See Ibn Hazm al-Andalusiy: Asma' al-Sahabah, where he has mentioned the number of narrations reported by each one of the Sahabah.

32. Sunan al-Darimiy 2:462 H. 2972; Ta'wil Mukhtalaf al-Hadith 1:20.

33. Ibn `Asakir: Tarikh Dimashq 30:430; al-Haythamiy: Majma` al-Zawa'id 203; al-Tabaraniy: al-Mu`jam al-Kabir 1:63 H. 43; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 5:631 H. 14113; Tarikh al-Tabariy 2:620.

34. Musnad Ahmad ibn Hanbal 4:132.

35. Sunan Ibn Majah 1:6, H (Hadith).12.

36. Sunan Abi-Dawud 4:200, H.4604.

37. Al-Bayhaqiy: al-Sunan 9:331.

38. Isma'il al-Isbahaniy: Dala'il al-Nubuwwah 1:25 and 6:549, Ibn Hazm: al-Ihkam fi Usul al-Ahkam 2:161 and al-Khatib al-Baghdadiy: al-Kifayah fi 'Ilm al-Dirayah 9.

39. Musnad Ahmad ibn Hanbal 4:131 and al-Khatib al-Baghdadiy: al-Kifayah fi 'Ilm al-Dirayah 8-10.

40. Musnad Ahmad ibn Hanbal 4:131 and Sunan Abi-Dawud 4:200, H.4604.

41. Sunan Ibn Majah 1:6, H.13, al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 1:108, al-Khatib al-Baghdadiy: al-Kifayah fi 'Ilm al-Dirayah 10 and al-Khatib al-Baghdadiy: al-faqih wa'l-Mutafaqqih 1:88.

42. Al-Khatib al-Baghdadiy: al-Kifayah fi 'Ilm al-Dirayah 10.

43. Ibn Hazm: al-Ahkam 1:159.

44. Ibn al-Athir: al-Nihayah 1:40.

45. Al-Shafi`iy: al-Risalah 89-91, al-Bayhaqiy: Manaqib al-Shafi`iy 1:330 and al-Hazimiy: al-I`tibar 7.

46. Al-Dhahbiy: Tadhkirat al-Huffadh 1:2-3.

47. Al-Bayhaqiy: Dala'il al-Nubuwwah 1:24 and 6:549.

48. Quoted, not literally, from Sayyid Muhammad Rida al-Jalaliy: Tadwin al-Sunnah al-Sharifah 356-7.

49. Later on, during the discussion of the final justification, more details will be given to this claim.

50. More details can be found in `Ali al-Shahristaniy's Wudu' al-Nabiy 256.

51. Dr. Husayn al-Hajj Hasan: Naqd al-Hadith 1:142.

52. For more details and a clearer explanation of the idea, refer to the author's book 'Tarikh al-Hadith al-Nubawiy; al-Mu'aththirat fi `Ahd Abi-Bakr (History of the Hadith; Motives in the Reign of Abu-Bakr)'.

`Umar's justifications can be concluded from the following texts:

(1) It has been narrated on the authority of `Urwah ibn al-Zubayr that when `Umar had intended to record the Holy Sunnah, he consulted the companions of the Holy Prophet, and they advised him to record. For about a month, `Umar set to seek Almighty Allah's proper guidance in this regard. One morning, after Allah had decided for him, `Umar said,

'I had intended to record the Holy Sunnah, but I remembered some past nations who applied themselves completely to the items they had written and, as a result, neglected the Book of Almighty Allah. By Allah I swear! I will never allow anything to interfere with the Book of Allah.'1

Yahya ibn Ju`dah narrated that after `Umar ibn al-Khattab had intended to record the Holy Sunnah, he changed his mind and distributed a missive in the countries ordering people to erase any item of the Holy Sunnah that they might have recorded.2

(2) It has been narrated on the authority of al-Qasim ibn Muhammad ibn Abu-Bakr that `Umar, after he

had received news confirming that people started to hold (or write) books, denied and disliked the matter saying,

'O people: I have been informed that you have started to hold books. Allah's most beloved books must be the fairest and the straightest. Now, I order you all to bring me all the books that you hold so that I will decide about them.'

Thinking that `Umar wanted to correct and submit the books to a certain criterion, all people brought their books to him. Instead, he set them all to fire and said,

'This is a false wish just like that of the Christians and the Jews.'[3]

According to Ibn Sa`d, in his *al-Tabaqat al-Kubra*, `Umar said, 'This is a Mishna[4] just like that of the Christians and the Jews.'[5]

From the previous text, we understand that the justifications that `Umar ibn al-Khattab presented for the prohibition of recording the Holy Sunnah can be summed up in the following points:

1. The anticipation that the Holy Qur'an would be abandoned and replaced by other things.

2. The apprehension that other things would be mixed with the texts of the Holy Qur'an.

The earlier justification can be refuted by the following points:

First: It is clear that this justification was based upon previous convictions and special circumstances, because he said, 'as I remembered some past nations...' and, 'This is a false wish just like that of the Christians and the Jews.'

Details will be given about the backgrounds of this justification during the discussion of the last reason.

Furthermore, `Umar should not have had such a conception about the grand Sahabah whom must not be subjected to such convictions and cases.

Second: The justification is ambiguous to a great extent; therefore, we doubt its being the direct reason beyond Umar's decision of prohibition. No Muslim would ever deny the fact that to abandon and ignore the Holy Qur'an so as to attend to something else is unlawful and is forbidden by the Shari`ah, but the claim that to attend to something other than the Holy Qur'an results in the abandonment of it is obvious confusion and inaccurate wording.

Undoubtedly, what is actually resulting in the abandonment of the Holy Qur'an is only what contradicts it, such as the adoption of the other Scriptures along with the doctrines written therein; but to regard the attention to the interpreter of the Holy Qur'an; namely the Sunnah of the Holy Prophet about whom Almighty Allah says,

'And We have revealed to you the Reminder that you may make clear to men what has been revealed to them, 16:44'

to regard such attention as the main cause beyond the negligence of the Holy Qur'an is definitely delusion and confusion between the right and the wrong. Logically, to attend to the Hadith is to attend to the Holy Qur'an, since the Hadith interprets and reveals the true meanings of the Holy Qur'an.

Third: Umar's justification implies that the Sahabah are accused of their incapacity to make distinction between the Words of Almighty Allah that they memorized and reported and the words of the Holy Prophet that stood for the interpretation and explanation of the Holy Qur'an. Everybody knows that the Holy Qur'an enjoys such an incomparable style of typical eloquence, unique phraseology, and spiritual attraction that it cannot be confused with the Hadith.

The Qur'anic verses enjoy such a special motif and coherence that they cannot be confused with any other speech. If `Umar anticipated the occurrence of confusion between the Holy Qur'an and the Sunnah, like that which occurred to some of the Sahabah who confused a few words of a verse with the Holy Prophet's words, he could deal with the matter by ordering the narrators to be sure of a text, before reporting it, by asking the other experts who were many in that period. When he compiled the scattered papers of the Holy Qur'an, Abu-Bakr did the same thing.6

However, such a simple question does not require general prohibition of the reporting and recordation of the Hadith. Having taken notice of this point, Abu-Bakr did not claim such confusion as the justification for the prohibition after he had solved this problem and dispensed with the method that was later on taken by `Umar in his dealing with the issue.

Umar's justification might have found a ground if the Holy Qur'an and Sunnah had been written in the same papers. However, none of the Muslims had ever mixed the texts of the Holy Qur'an with those of the Holy Sunnah in the same paper. Despite the passage of long ages, the earliest books of Tafsir (Exegesis of the Holy Qur'an) reached at our hands without having any single confusion between the texts of the Holy Qur'an and those of the Holy Sunnah.

The latter justification adopted by `Umar ibn al-Khattab can be refuted by the following points:

First: As far as style and eloquence are concerned, indisputable characteristics have distinguished between the Qur'anic and the narrative texts. The Qur'anic texts have been revealed in the form of inimitability, challenging all the Arab polytheists, who were masters of eloquence, to produce the like of it. More than once and in different eloquent and reproachful styles, the Holy Qur'an challenged the unbelievers to bring its like. Listen to the following Qur'anic texts,

"Say: Then bring some (other) book from Allah which is a better guide than both of them, (that) I may follow it, if you are truthful." (Holy Qur'an: 28:49)

"Say: If men and jinn should combine together to bring the like of this Qur'an, they could not bring the like of it, though some of them were aiders of others." (***Holy Qur'an: 17:88***)

"Or, do they say: He has forged it. Say: Then bring ten forged chapters like it and call upon whom you can besides Allah, if you are truthful." (***Holy Qur'an: 11:13***)

"And if you are in doubt as to that which We have revealed to Our servant, then produce a chapter like it and call on your witnesses besides Allah if you are truthful. But if you do (***it***) ***not and never shall you do*** (***it***)***, then be on your guard against the fire of which men and stones are the fuel; it is prepared for the unbelievers."*** (***Holy Qur'an: 2:23–4***)

The articulacy, fluency, and expressiveness of the Holy Qur'an astonished the polytheists shockingly that they found nothing to say about it except being 'transient magic'. On the other hand, the Hadith has not been challenging the eloquence of the polytheists.

Second: The main topic of the Holy Prophet's words was to explain the religious laws, aside from the eloquence of his language. Moreover, some of the narrations that are reported from the Holy Prophet conveyed only the meaning, not the very words spoken by him. In the meantime, Muslims have recognized, favored, and memorized the Holy Qur'an since it has occupied a special position in each and every Muslim's heart. For instance, they should never touch its letters unless they are pure, for their compliance with Almighty Allah's saying,

"None shall touch it save the purified ones". (Holy Qur'an: 56:79)Finally, they have been always observing and reciting the Holy verses day and night.

Inasmuch as Muslims used to care for the Holy Qur'an to such a great extents, it is illogical to anticipate its confusion with the Holy Sunnah! Likewise, the Sahabah were too aware to lack distinction between what is divinely revealed and what is said for mere explanation.

Nevertheless, everybody admits to the fact that the Holy Prophet's articulation was so expressive that it was easily distinguished from ordinary people's diction, since he was the most eloquent of the Arabs. It is thus claimed that not all people were talented enough to tell apart between the Holy Qur'an and the Holy Prophet's words.

However, such a claim is too far from the truth; in addition to the aforementioned differences between the Holy Qur'an and Sunnah, the latter embodies words, deeds, and confirmations half of which have been ordinary statements that never promote to the level of the Holy Qur'an. Moreover, even if the previous claim is accepted, yet supposedly, it should apply only to some of the verbal part of the Holy Sunnah. In addition, we have previously cited that some of the narrations that were reported from the Holy Prophet conveyed only the meaning, not the very words spoken by him.

Third: Supposing the aforementioned claim is accurate, it does not necessitate the desertion of the Holy

Sunnah in order to observe the maintenance of the Holy Qur'an, because the Hadith is the explanatory body of the Holy Qur'an and, as a result, to report, record, and study it achieves a big service for Muslims to understand the Holy Qur'an without making any contradiction with it.

What must be verified and checked is the reporting from the Holy Prophet. In this regard, the Holy Prophet said,

"Anyone who attributes false reports to me must certainly find himself a place in Hellfire."

A deep look at this Prophetic statement shows that the Holy Sunnah, unlike the Holy Qur'an, can be exposed to forgery.

Let us now wonder how `Umar ibn al-Khattab had been so ignorant that he could not appreciate such clear-cut facts and, consequently, claimed matters revealing the absence of differences between the texts of the Holy Qur'an and those of the Holy Sunnah in aspects of eloquence and perspicuity!

In addition, let us wonder how it is possible that none paid attention to the clear-cut question that such confusion leads to disbelief and that one who claims confusion between the Holy Qur'an and the Holy Sunnah must be regarded as belying Almighty Allah's saying—in the Holy Qur'an,

"And indeed it is a Book of exalted power. No falsehood can approach it from before or behind it: It is sent down by One Full of Wisdom, Worthy of all Praise." (***Holy Qur'an: 41:41-42***)

"We have, without doubt, sent down the Message; and We will assuredly guard it (***from distortion***)***."*** (***Holy Qur'an: 15:9***)

It is not unlikely that `Umar ibn al-Khattab, in order to find foundations for his own opinions, had to resort to various justifications, such as the anticipation of confusion between the Holy Qur'an and Sunnah, or that he recalled the manners of peoples of bygone times who dedicated all their efforts to studying the books of their doctors of laws and rabbis and left the Book of their Lord, or that he intended to be sure of the authenticity of the reports ascribed to the Holy Prophet as being within his Sunnah... etc.

Due to such justifications, `Umar ibn al-Khattab reduced the reporting of the Holy Prophet's traditions and tightened the grip around the throat of anyone who had kept a report from the Holy Prophet.

In any case, as `Umar ibn al-Khattab prohibited the reporting and recording of the Hadith, he violated the unanimous consensus of the Muslims on the acceptability of the single-reporter narration (*khabar al-wahid*). He also violated the majority of the Sunnite Muslims who believe in the ultimate decency of all the Sahabah.

Moreover, he violated the rational principle of respecting the report of the trustworthy. Such being the case, `Umar ibn al-Khattab, the caliph, caused a large number of the Holy Prophet's traditions to be lost and aroused suspicions around the principles of the Islamic legislation since the majority of the Sahabah

heard, from the Holy Prophet, what many others had not heard; while the caliph's determination decided the impermissibility of such reports unless a witness and proofs on their having been said by the Holy Prophet would be presented.

Of course, such proofs could not be presented by most of the Sahabah except in a few cases such as that of Abu-Musa al-Ash`ariy, which happened by chance.

From the above, we reach the conclusion that the justifications of `Umar ibn al-Khattab for prohibiting the reporting and recordation of the Hadith have not been sufficiently convincing. We therefore have to search for other justifications, hoping that we may find a persuasive answer!

1. Mu`ammar ibn Rashid: al-Jami` 11:257; `Abd al-Razzaq: al-Musannaf 11:258 H. 484; al-Madkhal Ila'l-Sunan al-Kubra 1:407; al-Khatib al-Baghdadiy: Taqyid al-`Ilm 49 and `Abd al-Ghaniy Abd al-Khaliq: Hijjiyyat al-Sunnah 395 as quoted from al-Bayhaqiy and Ibn `Abd al-Barr.
2. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 10:292 H. 29476; Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 35 and Abd al-Ghaniy Abd al-Khaliq: Hijjiyyat al-Sunnah 395.
3. `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 395.
4. Mishna is the collection of precepts and customs which form the basis of the Talmud and is held to embody the contents of Jewish oral law. Hence, Umar likened the Holy Sunnah that had been recorded by the major Sahabah who received it directly from the mouth of the Holy Prophet to the collections of the Jewish oral laws that were neither revealed to nor said by Prophet Moses. Of course, such likening is aimed at belying and despising the Holy Sunnah that included innumerable Hadiths respecting the Ahl al-Bayt's merits and true positions as well as the divine commissions that they must succeed the Holy Prophet and must be unconditionally obeyed by all Muslims. (See Abu-Na'im: Dala'il al-Nubuwwah 638, Sayyid Ja`far Murtada al-`[illegible]miliy: al-Sahih min Sirat al-Nabi al-A'dham 1:59, The Simplified Arabic Encyclopedia: 543 (Talmud), Muhammad Rida al-Jalaliy: Tadwin al-Sunnah al-Sharifah 340 and The Encyclopedia of al-Mawrid 4:199)
5. Ibn Sa`d: al-Tabaqat al-Kubra 1:140.
6. Jalal al-Din al-Suyutiy: al-Durr al-Manthur 4:332; Al-Mubarakfuriy: Tuhfat al-Ahwadhiy fi Sharh Jami` al-Tirmidhiy 8:408; al-Itqan fi `Ulum al-Qur'an 1:162-163.

Ibn Qutaybah1 and Ibn Hajar,2 as well as other historians,3 have attributed the reason for the prohibition of reporting and recording the Hadith to the matter that most of the Sahabah had not mastered writing.

As faced by criticism and scrutiny, this opinion has proven its inaccuracy. Further, it has been opposed by many objections and refutations, such as that of Mr. Muhammad `Ajjaj al-Khatib who says,

"Having found out that there were more than thirty clerks recording the Revelation for the Holy Prophet and many others were in charge of other clerical affairs, we cannot accede to the opinions of Ibn Qutaybah and Ibn Hajar. Also, we cannot believe in the scarcity of those who could write in that period; therefore, Ibn Hajar's generalization is unproven."4

In his book entitled *al-Sunnah qabl al-Tadwin* (The Holy Sunnah before the recordation), Mr. Muhammad `Ajjaj al-Khatib says,

"In such a deep thesis, we should not submit to the traditional reasons the authors used to use for

justifying the refraining form recording the Holy Sunnah. Furthermore, we cannot accept their claim that the paucity of the records of the Holy Sunnah during the Holy Prophet's lifetime was due to the irregularity of recording in general and the small number of those who were able to write as well as the miswriting that was common at that time.

We should not accept such false claims after we have found out that there were more than thirty clerks recording the Revelation for the Holy Prophet, and many others were in charge of the other clerical affairs.

We should not also agree to the claim of the fewness of people who could write and the miswriting in that era, because we know for certain that there were proficient writers in that period, such as Zayd ibn Thabit and `Abdullah ibn `Amr ibn al-`□s. Supposing we accept the claim of the scarcity and unavailability of the writing tools, how could Muslims record the Holy Qur'an without difficulties?

If they had had the desire to record the Hadith, they would have easily done it in the same way as some individuals had asked the Holy Prophet's permission to record the Hadith, and he permitted them. Therefore, there must have been other reasons... etc."5

Dr. Mustafa Al-A`dhamiy has said,

"If we accept the charge that people who lived in the time of the Holy Prophet did not master writing, how can we accept the reports telling that the Holy Qur'an was recorded in that period? We all know that the Sahabah used to record the holy verses as soon as they were revealed. What is the meaning of the Holy Prophet's instruction, 'Record not anything about me except the Holy Qur'an?'

Such an instruction would be unnecessary if people in that time could not write. Nevertheless, the previous report itself bears out that they used to record the Holy Qur'an as well as other things. The existence of a big number of clerks who worked for the Holy Prophet violates the aforementioned claim; and the administration of a big state, like that reigned by the Rashidite caliphs,6 required the presence of people mastering writing, arithmetic, and similar basic sciences.

As a result, it is inescapable to admit to the fact that a big number of people, including the Sahabah themselves, could read and write in that time. Furthermore, the Holy Prophet's educational policy brought forth its initial fruits during his lifetime, and consequently, the fruits must have increased manifold afterwards. On this account, albeit that most of people in the Holy Prophet's time could not read and write, there were many others who could read and write and could meet the clerical requirements of that time."7

Aiming at identifying a convincing reason beyond the prohibition of recording the Hadith, Mr. al-Khatib returned to some of the traditional reasons by which he fell upon others, saying,

"The reason beyond the official prohibition of recording the Hadith during the Holy Prophet's lifetime was

not the Muslims' having been illiterate; rather some of them could read and write and, thus, they recorded the Holy Revelations.

As a matter of fact, there were other reasons, such as the fear that the Holy Qur'an would be confused with the Hadith and that Muslims would engage themselves with the recordation of the Holy Sunnah and consequently would ignore the recording, study, and memorization of the Holy Qur'an."[8]

Dr. `Abd al-Khaliq has fallen in the same mistake; refuting the words of Ibn Qutaybah, he says,

"The narration of Abu-Sa`id al-Khidriy seems to be the basic evidence on the prohibition of recording the Hadith. However, the narration confirms that the Holy Prophet permitted the recordation of the Holy Qur'an in the same time as he prohibited the recordation of the Hadith. Providing the reason beyond the prohibition was the fear of miswriting, how did he permitted recording the Holy Qur'an?"[9]

Mr. Ma`ruf also has his own opinion,

"As a result, it has been proven that writing was not as scarce as described by al-Buladhiriy who says, in *Futuh al-Buldan*, that only seventeen Qurayshite men could read and write when Islam emerged, and only eleven from the tribes of al-Aws and al-Khazraj could learn from their neighbors. Since the literate persons among people of Quraysh and people of Yathrib (later al-Madinah) were as few as the aforementioned numbers, one could hardly find a single literate person among the people of the other tribes and towns."[10]

Ahmad Amin's opinion has been previously cited.[11]

Dr. Subhiy al-Salih says,

"As long as the Sahabah, regarding the preservation of the Holy Sunnah, depended upon the hearts of those who had memorized it, not documents, it has been necessary to find another reason rather than the traditional ones to which everybody has referred whenever this topic is concerned.

It is impracticable to accept the claim that the reason beyond the prohibition of recording the Hadith had been the scarcity of the tools of writing during the lifetime of the Holy Prophet, because such tools were not as scarce as they described.

However, they might have been one of the factors, and undoubtedly not the one and only factor, which resulted in the negligence of recording the Hadith, because such a factor had not precluded the companions of the Holy Prophet from exerting all efforts for sake of recording the Holy Qur'an entirely on rocks, leaves of date-palm trees, shoulders of animals, and other tools.

Had their psychological motives towards the recordation of the Hadith been as enthusiast and strong as the motives they had had towards the recordation of the Holy Qur'an, they would have certainly found the proper tools.

Rather, they, having followed the instructions of the Holy Prophet as well as their own desires, compiled the Hadith in a way completely different from that used in the compilation of the Holy Qur'an."12

Sayyid al-Jalaliy, commenting on Ibn Hajar's opinion, has said,

"It is very odd that a Hadithist, a biographer, and a historian as weighty as Ibn Hajar al-`Asqalaniy had missed such an apparent fact, claiming that the reason beyond the prohibition of recording the Hadith was that people were illiterate!

By such a phrase, it is understandable that Ibn Hajar meant all the people of that time. Taking notice of such a flaw, al-Suyutiy had to put the situation in order and thus say that most of the people in that time could not read and write!"13

From the previous quotations and comments, we realize that the generalization of illiteracy on all of the companions of the Holy Prophet has been unsound, because it is illogical to warn an illiterate against recording! The Holy Prophet's forged prohibition from recording the Hadith is in itself a proof on the existence of those who could read and write or, more precisely, on the actual occurrence of the recording, otherwise to warn intensely against a nonexistent thing is meaningless.

Explaining the Hadith of 'Do not write anything from my wording except the Holy Qur'an, and anyone who has written any material must erase it,' the reviser of the book of '*Thabt al-Baladiy*', comments,

"The words of this Hadith proves that the Hadith was written down during the lifetime of the Holy Messenger..."14

1. Abu-Muhammad Abdullah ibn Muslim ibn Qutaybah (died in AH 376): Ta'wil Mukhtalaf al-Hadith 366. For further details, see Shaykh Tahir al-Jaza'iriy: Tawjih al-Nadhar 10.
2. Ahmad ibn `Ali ibn Hajar al-`Asqalaniy (died in AH 852): Huda al-Sari4.
3. Such as al-Dhahbiy, in Siyar A`lam al-Nubala' 18:541; Tadhkirat al-Huffadh 3:1183 (Biography of Abu'l-Walid Sulayman ibn Khalaf al-Bajiy).
4. Muhammad `Ajjaj al-Khatib: Usul al-Hadith wa Ulumuhu wa Mustalahuh 146.
5. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 301-2.
6. The Rashidite caliphs are respectively Abu-Bakr, `Umar, `Uthman and Imam `Ali who governed the ummah before the sovereignty of the Umayyad rulers.
7. Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy, 73.
8. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 340.
9. Abd al-Ghaniy Abd al-Khaliq: Hijjiyyat al-Sunnah 430 and 444.
10. Hashim Ma'ruf: Dirasat fi'l-Kafi wa'l-Sahih 14.
11. For more details: see Ahmad Amin: Fajr al-Islam 13-4.
12. Subhiy al-Salih: Ulum al-Hadith wa Mustalahuh 6.
13. Sayyid Muhammad Rida al-Jalaliy: Tadwin al-Sunnah al-Sharifah 392-3. Al-Suyutiy's saying has been quoted from his book entitled Tadrib al-Rawi 1:88.
14. Thabt al-Baladiy 77.

Mr. Abu-Zahw says,

“There was another thing that urged the Holy Prophet to prohibit them from recording the Hadith; it was the maintenance of their talents of memorization! Had they recorded the Hadith, they would have depended upon the records completely and neglected their capacities of memorization. With the elapse of time, such great capacities would certainly vanish.”1

Shaykh `Abd al-Ghaniy says,

“The Holy Prophet prohibited the recordation of the Hadith for fear that they (the Sahabah) would entirely depend upon the records and neglect the memorization, which was their nature and innate disposition and, as a result, their talents would be exposed to weakness.

Therefore, the Holy Prophet’s prohibition was dedicated to those whose memories were too strong to be affected by oblivion.”2

Before the above-mentioned text, Shaykh `Abd al-Ghaniy has said,

“Memorization and recording alternate in the protection of the Shari`ah, yet in most cases one faints when the other grows stronger. On this account, we can understand the causes that incited the Sahabah to urge their disciples to depend upon their memories and neglect their pens; they understood that writing would certainly weaken the talent of memorization, which was in their natures, and as a general rule, human soul always tends to whatever nourishes the nature and avoids whatever opposes or weakens it.”3

Dr. al-Khatib says,

“They refused that the students of Hadith would devote themselves to their records, making them the stores of their knowledge. They also did not want to violate the Sahabah in the question of the compliance with memorization and the complete dependence upon the memory, since to depend upon the records results in the weakening of the memory and the negligence of the memorization.”4

Commenting on the words of Shaykh `Abd al-Ghaniy, Sayyid al-Jalaliy says.

“Except its oratory purpose, the wording is empty of any scientific or conclusive matter. Moreover, it is far away from subjectivity since the main topic of the study is the prohibition of the recording, while the wording is only agreeable to personal desires!

How can an epidemic that affects the memory or the probability of oblivion necessitate the negligence of a major source of the Islamic law, namely the Holy Sunnah, which accordingly was left without verification, documentation, or even recording?”5

In any event, two more points must be added to the critique of this justification:

First: It might have been acceptable if the prohibition of recording the Hadith had been issued by the Holy Prophet. In fact, the false Hadiths of the prohibition were fabricated under certain political circumstances and preceding convictions of definite individuals who insisted on narrowing the reporting and recordation of the Hadith in a restricted zone. Hence, the decision of the prohibition was neither legal nor issued by the Holy Prophet, as will be detailed later on.

Second: Supposing this justification is acceptable, it does not reveal the illegality of recording the Hadith, since to dislike depending upon the records does not indicate its illegality; rather it means to desire not to do it.

Had the process of recording been illegal, some of the Sahabah would not have recorded anything of the Hadith. It has been narrated on the authority of `Ayyad, the judge, that some of the Sahabah used to record the Hadith and that they would erase after memorizing.6

Furthermore, this justification is contradictory to great extent! It is unimaginable to think that a teacher who persistently urges his pupils to learn and safeguard the items of knowledge that they would study—such a teacher will at last instruct his pupils not to record or note down the items of knowledge that they learnt! Indisputably, to record and write down the knowledge is better for preserving it than memorizing it.

An Arabic proverb says, 'Whatever is recorded will be established, and whatever is memorized will flee.' What is then the reason beyond the emphasis on the memorization of the Hadith, and what is the reason beyond the claim that the prohibition of recording the Hadith will protect the memory? What is the use of a memorizer's recollection after his death? Although the angels have been more capable of memorization than man has, Almighty Allah has ordered them to record. Listen to the following holy verse:

***"But verily over you* (*are appointed angels*) *to protect you; kind and honorable, writing down* (*your deeds*).*"* (*Holy Qur'an: 82:10-1*)**

It may be true that the talent of memory becomes stronger through training just like the sense of hearing for the blind, which is usually stronger than it for the endowed with eyesight, because the earlier use it as a substitute for the sight. The same thing can be said about the illiterate merchant whose memory is usually stronger than that of the literate for the same reason.

Albeit the previous fact is undeniable, it cannot be applied to the Sahabah whom Almighty Allah has chosen for protecting and conveying the religious laws to the next generations. If the reason beyond the prohibition of the recording was to keep the Sahabah's brilliant memories as strong as they were, we have to find appropriate interpretation for the following narration:

Al-Khatib al-Baghdadiy, al-Bayhaqiy, in *Dala'il al-Nubuwwah*, and al-Qurtubiy have narrated on the authority of authenticated series of narrators that `Abdullah ibn `Umar said,

“Umar ibn al-Khattab required twelve years to memorize the Surah of al-Baqarah.7 When he did, he slaughtered a sheep on that occasion.”8

Accordingly, we have to condemn Shaykh `Abd al-Ghaniy and Mr. Abu-Zahw as well as the other scholars who have adopted the same opinion, otherwise we have to belie Ibn al-Jawziy, al-Dhahbiy, and al-Qurtubiy as well as the other narrators of the previous report.

As a result, there must have been a reason other than the preservation of the talents of memorization. Such a reason will be exposed in the coming chapters of this book.

In the preface to *Taqyid al-`Ilm*, Mr. Yusuf al-`Ishsh says,

“The memories of most of people are too weak to load a whole material of a science and safeguard it from waste. Naturally the capacity of memorization is different among people; as it be strong for some people, it will surely be weak for others and, consequently, it will not always help them and keep its material forever.”9

Biographers have listed the names of the Sahabah who used to confuse the narrations by interfering.

The question is thus not as accurate as conceived by some scholars.

Another point must be aroused in this regard; to accept the justifications of Shaykh `Abd al-Ghaniy and Mr. Abu-Zahw who have claimed that the Arabs enjoyed brilliant memories, we must believe that the Holy Sunnah has been dedicated to the Arabs exclusively. History has told that there were many non-Arab Sahabah who also intended to record the Holy Sunnah. Thus, how should the justifiers come back with this fact?

If it had been obligatory to memorize a thing, that thing would certainly have been the Holy Qur’an. And if the brilliant memory and the good memorization required the memorized material not be recorded, why would the memorization of the Holy Qur’an not stop against recording it, taking into consideration that many of the Sahabah did memorize the Holy Qur’an.

What is more is that the memory, which was claimed that the decision of the prohibition from reporting and recording the Hadith would maintain it, could not meet the Muslims’ need for the Holy Prophet’s traditions; therefore, Abu-Bakr ibn Abi-Quhafah, the fist caliph, stated that the Sahabah reported from the Messenger of Allah narrations about the reporting of which they had disagreed. Undoubtedly, lack of memory was one of the active reasons beyond such disagreement.

Having realized the new generation’s urgent need for the religious data and the first generation’s duty to answer, Abu-Bakr used the expression, ‘and if anyone asks you…’ in the decision of the prohibition of recording the Hadith.

In the same speech, Abu-Bakr said, ‘You are reporting about the Messenger of Allah inconsistent

narrations.' From this statement we understand that the reason beyond the inconsistency in the secondary questions was the different reports of the Sahabah,[10] meaning that either some of them did forge lies against the Holy Prophet who, having predicted this question, said,

'After my departure, forging lies against me will increase';[11]

or others were exposed to oblivion, inattention, or mistake and as a result, inconsistency in the narration occurred; or the narratives were too contradictory for the well-versed in the religious laws to educe a conclusion.

Imam `Ali ibn Abi-Talib has had a nice explanation regarding the inconsistency in the reports from the Holy Prophet. Later on in this book, this explanation will be cited.

As a conclusion, in order to learn with certainty about a Hadith, one must take precautions in the adoption of a narration; but if the authenticity of a Hadith is doubted, verification must be made so as to discriminate between the forged and the sound.[12]

But, under any circumstances, it is unacceptable to issue orders of erasing and setting fire to the recorded Hadiths because of a mere, refutable probability. Such being the case, the orders would certainly cause waste and abuse, not precaution and accuracy.

In this connection, it is important to cite that there are many issues confirming the invalidity of the memorizer's wording, such as the narrations telling the Sahabah's reporting and accepting narrations and the narrations telling the anticipation of Sa`d ibn Abi-Waqqas and `Abdullah ibn Mas`ud, as well as others, from reporting the Hadith... etc.[13]

1. Muhammad Muhammad Abu-Zahw: al-Hadith wa'l-Muhaddithun 123.
2. `Abd al-Ghaniy Abd al-Khaliq: Hijjiyyat al-Sunnah 428. See also al-Suyutiy: Tadrib al-Rawi 150.
3. `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 405.
4. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 333. This opinion has been beforehand said by the following scholars: Al-Sam`aniy in 'Adab al-Imla' wa'l-Istimla" 146, al-Qadi `Ayyad in 'al-Ilma`' 149, Ibn al-Athir in 'Jami` al-Usul' 1:40, Ibn al-Salah in 'al-Muqaddimah' 301 and '`Ulum al-Hadith' 192 and others.
5. Sayyid Muhammad Rida al-Jalaliy: Tadwin al-Sunnah al-Sharifah 370.
6. `□sim ibn Damarah (as recorded in al-Ramhurmuziy: al-Muhaddith al-Fasil), Khalid al-Hadhdha' (as recorded in al-Khatib al-Baghdadiy: Taqyid al-`Ilm) and Ubaydah (as recorded in Ibn `Abd al-Barr al-Qurtubiy: Jami` Bayan al-`Ilm wa Fadlih) were among the Sahabah who recorded the Hadith.
7. Chapter 2 (The Cow) of the Holy Qur'an.
8. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 12:66, Jalal al-Din al-Suyutiy: al-Durr al-Manthur 1:21, Ibn al-Jawziy: Sirat `Umar 165, al-Qurtubiy: al-Tafsir 1:40 and al-Dhahbiy: Tarikh al-Islam 267.
9. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 8: Preface by Mr. Yusuf al-`Ishsh.
10. For more details and a clearer explanation of the idea, refer to the author's book 'Tarikh al-Hadith al-Nubawiy; al-Mu'aththirat fi `Ahd Abi-Bakr (History of the Hadith; Motives in the Reign of Abu-Bakr)' 111-124.
11. Al-Muhaqqiq al-Hilliy: al-Mu`tabar 1:29. In Sahih al-Bukhariy 1:52 H. 16, it is narrated on the authority of `Ali ibn Abi-Talib that the Holy Prophet's said, "Do not forge lies against me; for anyone who forges lies against me shall be led to Hellfire."

12. According to the previously cited narration of Rafi` ibn Khudayj, the Holy Prophet ordered to discriminate between the forged and the sound.
13. Mahmud Abu-Rayyah: Adwa'un `Ala'l-Sunnah al-Muhammadiyyah 55-58. These narrations can be read in Sunan Ibn Majah 1:11 H. 25, Musnad Ahmad ibn Hanbal 4:370 H. 19323, 19324...

Al-Khatib al-Baghdadiy says,

"The following question may be cited: Why did `Umar reproach and prevent the Sahabah from reporting to the Holy Prophet as intensely as he could?

To answer, he did that so as to sustain the religion and choose the best for Muslims; he anticipated that they would pass over the acts of obedience to Almighty Allah and depend upon the outward significances of the narrations.

Not all the narrations can be understood through their seeming significances and not are their actual meanings feasible for everybody; it happens that a Hadith is reported in its general sense, while to understand it requires proficient deduction and interpretation.

On this account, `Umar anticipated that Hadiths would be misunderstood as their outer significations would be adopted. Furthermore, `Umar's preventing the Sahabah from reporting has safeguarded the Hadith and warned the others from forgery against the Holy Sunnah."1

Having quoted the aforementioned essay, Dr. Muhammad 'Ajjaj al-Khatib says,

"In addition to al-Khatib al-Baghdadiy, this opinion has been adopted by Ibn `Abd al-Barr and many other master scholars. I myself, too, adopt the same opinion."2

Many questions can be aroused against the aforementioned opinion:

Did `Umar ibn al-Khattab care for the religion more than the Holy Prophet?

What was the meaning of such care for the religion while the Holy Prophet answered him who asked his permission to record the Hadith, 'Feel free to report,' and 'Feel free to record?'

Why did the grand Sahabah, such as Abu-Dharr al-Ghifariy about whom the Holy Prophet said, 'Neither the blue sky nor has the dingy earth ever shaded or carried a speaking creature that is more honest than Abu-Dharr,'3 Ibn Mas`ud and many others—did they not care for the religion in the same degree as `Umar did?

All the incidents of `Umar ibn al-Khattab's prohibiting the reporting and recordation of the Hadith as well as his arresting of some of the Sahabah, such as Abu-Dharr, Ibn Mas`ud, Abu-Mas`ud and others—all these incidents proves obviously the forgery of the narrations about the Holy Prophet's having prohibited the reporting and recordation of the Hadith that were ascribed to those Sahabah.

It is illogic that the same Sahabah whom `Umar ibn al-Khattab, as proven by authenticated reports, put under house arrest in al-Madinah because they did not stop reporting to the Holy Prophet, had reported from the Holy Prophet that he prohibited the reporting and recordation of the Hadith.

Had they really heard the Holy Prophet prohibiting the reporting and recording, they would certainly have never reported a single word from him! Likewise, had they reported the decision of the prohibition, `Umar would not have had to gather them to warn against reporting the Hadith.

Moreover, by this justification, `Umar actually poured scorn on the Sahabah and belied Ibn Hajar's claim that all of them are, divinely, saved from forgery, error, inattention, suspicious, and arrogance!

If the Sahabah recorded the Hadith little by little and out of their own desires, how would it be permissible for `Umar to violate their deeds? If not, how would it be permissible for him to bring to him all their records? This is sufficient evidence on the permissibility to record the Hadith during the Holy Prophet's lifetime.

How can one imagine that the Holy Prophet did prohibit people from reporting and recording his sayings that comprise clear messages for mankind whereas he had said,

*'May Allah have mercy upon anyone who listens to my saying, understands it, and then conveys it to others.'*4

The strangest matter in this regard is the claim that the prohibition of reporting and recording the Hadith is considered maintenance for the religion, while the objection to the decision of the prohibition is in fact the actual maintenance of the religion, because the prohibition causes the loss of many religious rulings as well as the waste of Almighty Allah's judgments, while the reporting and recordation of the Hadith, although making the Hadith exposed to errors and other discommended things, will surely yield advantageous results for Muslims who, without the Hadith, will plunge in ignorance and lack understanding of the religious laws.

Even if we condescendingly accept that `Umar's care for the religion incited him to prohibit recording the Sunnah, we will be faced by the problem of `Umar's repetitive precipitancy in assuming inaccurate situations throughout his life whether before or after Islam.5

Such precipitancy does not comport with his apprehension that 'they –the Muslims– would pass over the acts of obedience to Almighty Allah and depend upon the outward significances of the narrations,' in the words of al-Khatib, because `Umar ibn al-Khattab was known of impetuosity and recklessness; therefore, he used to rash in many situations and then feel sorry.

On many occasions, he felt sorry for previous actions, such as the issue of al-Hudaybiyah Truce,6 and that when the Holy Prophet offered prayer for (the dead body of) a hypocrite,7 and that of the prisoners of the Battle of Badr.

For instance, the Holy Prophet, once, was urging al-Hakam ibn Kaysan, who had been presented before him as prisoner, to embrace Islam; but when that took a long time, `Umar intruded saying, 'O Allah's Messenger: what for are you talking to this man? He will never become Muslim! I swear it by Allah! Let me behead him so that he will go straightly to Hell!' Being indifference to `Umar's statements, the Holy Prophet kept up urging al-Hakam until he embraced Islam.

Commenting on the incident, `Umar said,

"As I saw al-Hakam embrace Islam and become a pious Muslim, I felt sorry for what I had said. I then said to myself, 'How could I drive myself in a matter about which the Holy Prophet is more knowledgeable than I am! However, I only wanted to provide an advice for sake of Allah and His messenger!

Al-Hakam acted as a pious Muslim and fought for the sake of Allah until he was martyred in the battle of Bi'r Ma'unah; hence, he was honored by the satisfaction of the Holy Prophet and, naturally, Paradise will be his abode."[8]

Even during the reign of Abu-Bakr, `Umar had similar injudicious situations; once, a group of the inclined for Islam (*al-Mu'allafah Qulubuhum*)[9] came to and showed him a document in which Abu-Bakr had ordered for them to receive their shares from the alms, but `Umar refused, tore that paper into pieces, spit on it, and threw it at their faces. Having become furious, they returned to Abu-Bakr and asked, 'Which one of you is the caliph (ruler)? Is it he or you?' Abu-Bakr answered, 'He is, if he wants!'[10]

During his reign, `Umar's injudicious decisions increased; he once exiled Nasr ibn Hajjaj because his wife raised her voice in his face,[11] legalized a divorce that was said three times on the same occasion,[12] and decided to strip the gold of the Holy Masjid, but the Sahabah rejected,[13]... etc.

From the previous, we conclude that `Umar ibn al-Khattab's conduct does not support the claim that he had prohibited the reporting and recordation of the Hadith for his care for the religion, since rashness and baseless decision are completely the opposite of precaution and concentration.

Another question must also be cited: What about the other Sahabah who objected to the decision of the prohibition and did report and record the Hadith? Did they not care for the religion? Or did they understand that the carefulness for the religion lied in the opposition of `Umar's viewpoints? How is it acceptable to claim that `Umar cared for the religion and, thus, issued the decision of the prohibition, while the Sahabah advised him to record the Holy Sunnah?

Neglecting the Sahabah's opinions, `Umar followed his own view, set fire to the records of the Holy Sunnah, and prohibited the reporting and recordation of the Hadith. As a result, `Umar's violation of the congruity of the Sahabah has become care for the religion!

The actual care for the religion is to accept and implement the Sahabah's advice because Almighty Allah

has said,

'...And their rule is to take counsel among themselves, (*Holy Qur'an: 42:38*)'

and `Umar himself believed in the principal of Shura (taking counsel); therefore, the violation of the Sahabah's advice is the actual breach of the carefulness for the religion and infringement of the principle of Shura that was strongly adopted by `Umar ibn al-Khattab himself.

From the previous discussions, we can obviously see the weakness of the justifications of al-Khatib al-Baghdadiy and Ibn `Abd al-Barr whose opinions collapsed in the presence of logical critiques. Let us now refer to another justification, hoping we will find a solution for our problem.

1. Al-Khatib al-Baghdadiy: Sharaf Ashab al-Hadith 97-8.
2. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 106.
3. Musnad Ahmad ibn Hanbal 2:163 H. 6519; Sunan Ibn Majah 1:55 H. 156; Sunan al-Tirmidhiy 5:669 H. 3801; al-Ihad wa'l-Mathani 2:231 H. 986; al-Bukhariy: al-Kuna 1:23 H. 181. In brief, this famous Hadith shows that Abu-Dharr has never been untruthful.
4. Sunan al-Tirmidhiy 5:34 H. 2658; al-Musnad al-Mustakhraj `Ala Sahih Muslim 1:41 H. 12; Sunan Ibn Majah 1:84 H. 230, 1:85 H. 231, 1:86 H. 236; Musnad Ahmad ibn Hanbal 4:80 H. 16784, 4:82 H. 16800.
5. Ahmad ibn Habib al-Baghdadiy: al-Munammaq fi Akhbar Quraysh 130.
6. Sahih al-Bukhariy 2:978 H. 2581, 3:1162 H. 3011, 4:1832, 1785.
7. Ibn Shabbah: Tarikh al-Madinah al-Munawwarah 1:372. on the authority of al-Shi`biy, it has been narrated that `Umar ibn al-Khattab said, "In Islami, I have made an unprecedented flaw..." This 'flaw' was that when the Holy Prophet offered the ritual Dead Prayer for `Abdullah ibn Ubayy, the hypocrite, but `Umar objected to him and pulled him from the dress in order to prevent him from offering that prayer. See al-Suyutiy: al-Durr al-Manthur 3:264; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 2:419 H. 4393.
8. Ibn Sa`d: al-Tabaqat al-Kubra 4:137: Biography of al-Hakam ibn Kaysan; al-Khasa'is al-Kubra 2:26; Ibn al-Jawziy: al-Muntadham 3:209.
9. The inclined for Islam are those whose hearts are made to incline to truth by giving them a share in the almsgiving. Their share is determined by Almighty Allah Who says: "Alms are only for the poor and the needy, and the officials (appointed) over them, and those whose hearts are made to incline (to truth) and the (ransoming of) captives and those in debts and in the way of Allah and the wayfarer; an ordinance from Allah; and Allah is knowing, Wise. 9:60"
10. Ahmad ibn Hanbal: Fada'il al-Sahabah 1:292; Muhammad Rashid Rida: Tafsir al-Manar 10:496; Al-Kila`iy al-Andalusiy: Al-Iktifa' Bima Tadammanahu min Maghazi Rasul Allah wa'l-Thalathah al-Khulafa' 3:90; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 3:914 H. 9151, 12:546 H. 35738; Ibn `Asakir: Tarikh Dimashq 9:196 H. 797.
11. Ibn Sa`d: al-Tabaqat al-Kubra 3:285; Ibn `Abd al-Barr: al-Isti`ab 1:326; Ibn Hajar al-`Asqalaniy: al-Isabah fi Tamyiz al-Sahabah 6:485; al-Sarakhsiy: al-Mabsut 9:45.
12. Sahih Muslim 2:1099 H. 1472; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 2:214 H. 2792-2793; al-Musnad al-Mustakhraj `Ala Sahih Muslim 4:153 H. 2472-2474; Musnad Ahmad ibn Hanbal 1:314 H. 2877; Sunan al-Bayhaqiy al-Kubra 7:336 H. 14749, 14750, 14751.
13. Ibn Hazm: al- Ihkam fi Usul al-Ahkam 2:152, 6:249; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 3:456-457; Sunan Abi-Dawud 2:215 H. 2031; Sunan Ibn Majah 2:1040 H. 3116; Sunan al-Bayhaqiy al-Kubra 5:159 H. 9511.

Springer, a German Orientalist, says,

“Not only did `Umar al-Faruq aim at educating the Bedouin Arabs, but also he wished to save their courage and strong religious belief so that they would be the rulers of the world. Writing and expansion of knowledge were not compatible with this aim.”1

Springer’s previous text reveals that the author intended to take advantage of `Umar’s decision of the prohibition of recording the Hadith so as to expose that the spread of Islam depended upon an illiterate power, and that neither writing nor was the expansion of knowledge compatible, in `Umar’s conception, with the Bedouin courage and `Umar’s combative spirituality. If truth be told, Orientalists, all the time, used to disperse false and unproven claims and delusions in their essays, such as the aforementioned one.

Another Orientalist, namely, G. Schacht, has claimed the nonexistence of even a single authenticated Hadith about the Islamic jurisprudence since all of the available ones were invented after the demise of the Holy Prophet for pure religious interests!2

Moreover, Goldtzeher exceeds the limits when he claims that all the narrations regarding the recordings were invented and that all the compilations of Hadith that belong to the first age of Islam were fabricated.3

However, he has issued many such baseless opinions. Muslim authors, too, have adopted such opinions. Isma’il ibn Ad-ham, in his thesis published in AH 1353, claims that all the authenticated Hadiths do not rely upon firm fundamentals and principles; rather they are doubtful and clearly shown as invented.4

For more details about the unsubstantiated opinions of the Orientalists and their answers, we refer the gentle reader to Dr. Muhammad Mustafa Al-A`dhamiy’s book entitled *Dirasatun fi’l-Hadith al-Nubawiy* (Studies about the Holy Hadith) and Muhammad Abu-Zahw’s book of *al-Hadith wa’l-Muhaddithun* (The Hadith and Hadithists), as well as many other books comprising refutations of these sayings and fabrications, where this topic is discussed thoroughly. In this place, we see that to shun such unfounded vanities is the best thing to select.

1. Sayyid Muhammad Rida al-Jalaliy: Tadwin al-Sunnah al-Sharifah 530 as quoted from Imtiyaz Ahmad: Dala'il al-Tawthiq al-Mubakkir Li’l-Sunnah wa’l-Hadith (Significances of the Early Documentation) 230-231.
2. Mustafa al-A`dhamiy: Dirasatun fi’l-Hadith al-Nubawiy wa-Tarikhih and G. Schacht: The Origins of Muhammadan Jurisprudence.
3. In 1890, one of his studies entitled ‘Muhammadanische Studiee’ was published.
4. Mustafa al-A`dhamiy: Dirasatun fi’l-Hadith al-Nubawiy, 27 as quoted from Dr. Mustafa al-Siba`iy: al-Sunnah wa Makanatuha fi’l-Tashriy. Mahmud Abu-Rayyah has recorded that Muhammad Abduh, Dr. Tawfiq Sidqiy, Rashid Rida and many others believe that the Holy Qur’an alone must be followed and the Holy Sunnah must thus be thrown away. (See Mustafa al-A`dhamiy: Dirasatun fi’l-Hadith al-Nubawiy, 26.)

Most of the Shi`ite Muslims believe that the prohibition of the recordation and reporting of the Hadith was

aimed at stopping the narrations regarding the merits of the Ahl al-Bayt, since the adopters of the decision were afraid of the spread of the Holy Prophet's sayings about the merits[1] and Imamate[2] of Imam `Ali and his descendants.

The decision was applied more intensely during the reign of Mu`awiyah, the first Umayyad ruler, who used to order people to curse Imam `Ali during the ritual Friday Sermons from the Muslims' minbars.[3]

This opinion has been also concluded from the reality of the ummah after the Holy Prophet as well as the political and social structure of the caliphate; the cultural act was not unfamiliar to the political act and the caliphs exerted all their efforts to keep the Ahl al-Bayt as far as possible from the new system of the Islamic State (namely, System of Caliphate) and, furthermore, they disrobed the Holy Prophet's Family from any rest they would rely upon; consequently, it is not strange to say that `Umar ibn al-Khattab's decision of the prohibition of reporting and recording the Hadith was issued for this very purpose, nothing else.

Some authors have recorded `Umar's statements that were quoted from al-Khatib al-Baghdadiy in the following narration:

It has been narrated on the authority of `Abd al-Rahman ibn al-Aswad on the authority of his father that `Alqamah once brought a book from Makkah (or Yemen) comprising Hadiths about the Ahl al-Bayt. We then visited `Abdullah ibn Mas`ud and gave him that book. He asked his bondmaid to fetch him a washtub filled with water. We asked him to read that book since it contained great Hadiths, but he put the book in the water reciting (Almighty Allah's saying),

'We narrate to you the best of narratives, by Our revealing to you this Qur'an. (***Holy Qur'an: 12:3***)*'*

He then said, 'Hearts are like bowls. You should thus fill in them with the Qur'an, nothing else.'[4]

From the previous narration, the adopters of this opinion have concluded `Abdullah ibn Mas`ud's deviation from the line of the Ahl al-Bayt, which is consequently regarded as deviation from the line of Imam `Ali,[5] or that his indifference to the topic and tearing of the book were aimed at deluding the people that the Holy Qur'an is sufficing for anything else.[6]

As a result, such acts have been seen as attempts to eradicate the evidences on the Imamate of the Ahl al-Bayt, which was the one and only purpose behind the issuance of the decision of prohibiting recording and reporting the Hadith.[7]

Objections To The Justification

(1) Reference books of Hadith have proven that `Abdullah ibn Mas`ud encouraged the reporting and recordation of the Hadith; therefore, he was summoned to al-Madinah during the reign of `Umar ibn al-Khattab and was arrested there to the last of `Umar's reign. Confirming this claim, we cite the following

narrations:

It has been narrated that `Amr ibn Maymun said, “I have always been present before `Abdullah ibn Mas`ud on every Thursday night and he was always reporting the Hadith of the Holy Prophet.”8

It has been narrated that `Abdullah ibn al-Zubayr said, I asked my father, “Why have I never heard you reporting the Hadith of the Holy Prophet as Ibn Mas`ud and others do?”9

It has been narrated on the authority of Abu-Qulabah that Ibn Mas`ud said, “Persist in knowledge before it is removed. Its removal stands for the departure of its bearers. You do not know at which time you will need knowledge. You will also find some peoples claiming that they are encouraging you to abide by the Book of Allah while they have, in fact, flung it behind their backs.”10

Ma`an also narrated that `Abd al-Rahman ibn Mas`ud took out a book (copy of the Holy Qur’an) and sworn that it had been handwritten by his father personally.11

In *Sahih al-Bukhariy*,12 the chapter regarding the recitations of the Holy Qur’an, there is an indication to the existence of a copy of the Holy Qur’an found with or handwritten by Ibn Mas`ud. His disciples were reported to have traveled for sake of seeking and recording knowledge.

In this regard, al-Shi`biy said, “As much as I know, none was more active in seeking knowledge than Masruq in all countries. The disciples of `Abdullah ibn Mas`ud who used to teach people knowledge in general and the Holy Qur’an in particular were `Alqamah, Masruq and... etc.”13

Ibn `Ayyash was reported to have said that he had heard al-Mughirah saying, “The only ones who used to report `Ali’s narrations as authentic as they were except the disciples of `Abdullah ibn Mas`ud.”14

`Alqamah, who was known of his love for Imam `Ali, was one of `Abdullah ibn Mas`ud’s disciples.

According to al-Fasawiy’s book of history (*al-Tarikh*), one of the grandsons of `Abdullah ibn Mas`ud showed Ma`an a copy of the Holy Qur’an that had been handwritten by his father, `Abd al-Rahman, comprising Hadiths and religious verdicts issued by `Abdullah ibn Mas`ud.15

On the authority of him, al-Tabaraniy narrated that `[illegible]mir ibn `Abdullah ibn Mas`ud had handwritten some Hadiths as well as the religious verdicts issued by `Abdullah ibn Mas`ud and sent them to Yahya ibn Abi-Kathir.16

In addition to the previous narrations, what has been said about `Abdullah ibn Mas`ud who was one of the foremost six Sahabah who hurried to accept Islam; about whom the Holy Prophet said, ‘You are certainly a skilled boy,’17 and ‘If you desire to listen to the Qur’an as fresh as it is, you should listen to him from the mouth of Ibn Ummi-`Abd (`Abdullah ibn Mas`ud)’18 and whom `Umar ibn al-Khattab sent to al-Kufah for teaching the people there the issues of the religion—all these matters, if considered deliberately, prove that `Abdullah ibn Mas`ud enjoyed the clearest Islamic view and education. He

insisted on teaching people the Holy Qur'an as accurately as he had heard from the Holy Prophet until `Uthman ibn `Affan broke one of his ribs.19

As a result, any reports narrating that an individual enjoying such characteristics supported the prohibition of recording the Hadith must be carefully and deliberately scrutinized.

(2) We could not put our hands on the other part of `Alqamah's narration that has been quoted by al-Khatib al-Baghdadiy from Ibn Sallam's *Gharib al-Hadith* where he mentioned that the Hadiths were about the Ahl al-Bayt.20 This narration also opposes other reports that narrate `Abdullah ibn Mas`ud's being one of the twelve individuals who disapproved of Abu-Bakr's having seized the position of leadership saying,

"O People of Quraysh: Your chiefs and you have known for sure that his Household (Ahl al-Bayt) are closer to the Holy Prophet than you are. If you claim that you are the most rightful in holding this position for your kinship to the Holy Prophet or claim your being the foremost, his Household are, of course, closer to him than you are and more advanced than you are. You should then avoid turning on your backs for then you will turn back losers."21

In addition, he is narrated to have reported the merits of the Five Individuals of the Ahl al-Bayt22 in general and Imam al-Hasan and Imam al-Husayn in particular.23

According to *al-Isabah fi Tamyiz al-Sahabah* and other reference books of Hadith, Abu-Musa (al-Ash`ariy) said:

"When my brother and I came (to al-Madinah) from the Yemen, we though that `Abdullah ibn Mas`ud had been one of the family members of the Holy Prophet for we used to see his mother and him always visiting the Holy Prophet."24

`Abdullah ibn Mas`ud also quoted the Holy Prophet as saying,

"The leaders (caliphs) coming after me will be twelve in number, which is the number of the Israelite Chieftains."25

Al-Khazzaz, in *Kifayat al-Athar*, has quoted `Abdullah ibn Mas`ud as saying,

"I heard the Messenger of Allah saying: The Imams to come after me will be twelve in number. Nine of them are from the offspring of al-Husayn and the ninth of them is (their) al-Mahdi."26

On the authority of Masruq, Ahmad (ibn Hanbal) narrated the following:

"We were accompanying `Abdullah ibn Mas`ud in the Masjid when a person asked him, 'Did your Prophet inform you about the number of his successors?' 'Yes,' answered `Abdullah ibn Mas`ud, 'Their number is the same as the number of the Israelite Chieftains.'"27

The following narration is quoted from *al-Bidayah wa'l-Nihayah*:

"The Holy Prophet said: The number of the caliphs to come after me will be as same as the number of the Disciples of Prophet Moses."28

Al-Hakim al-Nisapuriy has recorded the following on the authority of `Abdullah ibn Mas`ud:

"One time, we visited the Holy Prophet who received us with great pleasure due to which he answered all our questions and, moreover, had informed us of things before we asked him. This situation lasted until some Hashemite youngsters, among whom were al-Hasan and al-Husayn, passed by us.

Having seen them, the Holy Prophet kept silent as his eyes shed tears. 'O Allah's Messenger,' said we, 'Your face is showing a scene that we dislike.' He answered, 'Almighty Allah has chosen for us, the Ahl al-Bayt, the Hereafter to this world.

Verily after me, my Household shall have to encounter expulsion and displacement until black standards will be raised from the East, and their bearers will demand with the right but they will be denied. Again, they will demand with it but they will also be denied and then they will be fought and victory will be given to them..."29

Al-Hakim al-Nisapuriy, also, has quoted `Abdullah ibn Mas`ud as saying,

"The Messenger of Allah said: Fatimah has verily guarded her chastity; therefore, Almighty Allah has forbidden Hellfire to consume her progeny.30

The Messenger of Allah also said,

To look at `Ali's face is an act of worship."31

`Abdullah ibn Mas`ud was the narrator of the Holy Prophet's famous saying about Imam `Ali when proceeded to fight `Amr ibn `Abd-Wudd (during the Battle of Khandaq):

"The whole faith is now facing the whole polytheism."32

He also narrated the Holy Prophet's saying,

"Anyone who declares that he believes in me and in that which I have brought but he, meanwhile, dislikes `Ali is actually liar, not believer."33

In addition, he reported that the Holy Prophet handed the standard of the Muhajirun34 to Imam `Ali during the Battle of Uhud.35 He also reported that when the Holy Prophet was asked about `Ali's position to him, he said,

"`Ali's position to me is as same as my position to Almighty Allah."36

Moreover, he reported many Hadiths praising `Ali, Fatimah, al-Hasan and al-Husayn. He was quoted to have said,

"In the age of the Holy Prophet, the only means through which we used to recognize the hypocrites was their having hated `Ali ibn Abi-Talib."37

"Wisdom has been divided into ten parts; nine parts are given to `Ali while the people's share is one part only. Yet, `Ali is more knowledgeable than they are on the subject of this part."38

"The Holy Qur'an was revealed in seven characters of knowledge each of which has a definite explicit and implicit signification. `Ali ibn Abi-Talib has for sure known all the explicit and the implicit indications of each of these characters."39

"I have learned seventy Surahs of the Holy Qur'an at the hands of the Messenger of Allah and learnt the rest at the hands of the best people—`Ali ibn Abi-Talib."40

Al-A`mash has narrated on the authority of Abu-`Amr al-Shaybaniy that Abu-Musa al-Ash`ariy said,

"Whenever I saw `Abdullah (ibn Mas`ud), I thought of him as the slave of the family of Muhammad."41

It is also well known that `Abdullah ibn Mas`ud issued the verdict that seeking Allah's blessings for Muhammad and the Family of Muhammad42 during the *Tashahhud* is obligatory.43 It has been recorded in Qadi (Judge) `Ayyad's *al-Shifa* that `Abdullah ibn Mas`ud reported the Holy Prophet as saying,

"A prayer in which seeking Allah's blessings for my family (the Ahl al-Bayt) and me is not mentioned will not be admitted."44

In order to avoid lengthiness, the aforementioned citations are sufficient if they are considered properly. What is more is that `Abdullah ibn Mas`ud is well-known to have disagreed with `Uthman ibn `Affan on more than one situation and about more than one issue.

In spite of the pressure that he had to encounter because of the policies of the ruling authorities, `Abdullah ibn Mas`ud used to declare whatever he had heard from the Messenger of Allah. So long as these reports are authentic, the words of al-Khatib al-Baghdadiy quoted from `Alqamah must be seen as suspicious.

Nevertheless, if al-Khatib al-Baghdadiy's words are accepted as true, we will face the problem of the authentic narrations that reported `Abdullah ibn Mas`ud as having been one of the few men who were permitted to participate in the funeral ceremonies of Lady Fatimah al-Zahra' and offer the Deceased Prayer (*Salat al-Mayyit*) for her.

We all know for certain that the permission of attending the burial of Lady Fatimah al-Zahra' was given exclusively to the choicest of the Shi`ite Muslims and the superior disciples of Imam `Ali. If we give

credence to the aforementioned narrations that report `Abdullah ibn Mas`ud's having been loyal to the Ahl al-Bayt, we must not believe the claims that he erased the Hadiths revealing their merits. In *al-Khisal* and *al-Amaliy*, Shaykh al-Saduq has recorded that Imam `Ali said,

"The earth was created for seven individuals in favor of whom (the other) peoples are given their sustenance, bestowed with rain, and given victory (over their enemies). They were permitted to offer the Deceased Prayer for Lady Fatimah—peace be upon her. One of them was `Abdullah ibn Mas`ud."[45]

Moreover, he was one of those who offered the Deceased Prayer for Abu-Dharr and witnessed the ceremonies of bathing, coffining, and burying his body. On the grounds of the authenticated narration that quotes the Holy Prophet as saying, "Abu-Dharr's funeral will be witnessed by a faithful group of people,"[46] or "a virtuous men of the ummah,"[47] as quoted by al-Kishiy, `Abdullah ibn Mas`ud must be one of such virtuous and faithful people.

All the previous statements demonstrate the grandeur and standing of `Abdullah ibn Mas`ud about whom Sharif al-Murtada, in his book entitled *al-Shafi*, says,

"Consensually, the ummah has confirmed the purity, virtuousness, and faithfulness of `Abdullah ibn Mas`ud whom was praised and honored by the Messenger of Allah and who persisted on his praised characteristics until he died."[48]

Supposing al-Khatib al-Baghdadiy's narration was true, `Abdullah ibn Mas`ud probably warned against some myths that were included in such Hadiths. As evidence, the narrator added that Ibn Mas`ud erased such narrations with his hand while he recited (Almighty Allah's saying),

***'We narrate unto thee* (*Muhammad*) *the best of narratives.* (*Holy Qur'an 13:3*)'**[49]

Supporting this probability, it has been narrated that a Syrian man carrying a paper on which several statements and myths of Abu'l-Darda' were written brought it to `Abdullah ibn Mas`ud and asked him to evaluate the texts therein. He took the paper and read it. He then came to his house and asked his bondmaid to bring him a vessel full on water. When she did, `Abdullah ibn Mas`ud rubbed the inscriptions out while reciting Almighty Allah's saying,

***"Alif. Lam. Ra. These are verse of the Scripture that maketh plain. Lo! We have revealed it, a Lecture in Arabic, that ye may understand. We narrate unto thee* (*Muhammad*) *the best of narratives in that We have inspired in thee this Qur'an, though aforetime thou wast of the heedless.* (*Holy Qur'an: 13:1-3*)"**

He then added twice, Do you expect to find accounts better than those of Almighty Allah?"[50]

The previous report can have two probabilities:

a) Ibn Mas`ud might have erased that paper for it comprised Hadiths indicating the virtues of the Ahl al-

Bayt. This opinion is carried by the scholars under the seventh reason.

b) Ibn Mas`ud mighty have erased that paper for it comprised some fables since he knew that Abu'l-Darda' and Ka`b al-Ahbar had not cared to narrate the fables of the ancient nations that are related to the Islamic beliefs. Besides, he justified his action by reciting the holy verse,

'We narrate unto thee (Muhammad) the best of narratives. (Holy Qur'an: 13:3)'

Experts have regarded such fables and sermons as one of the twelve or sixteen reasons beyond forging lies against the Hadiths.[51]

It is thus probable that Ibn Mas`ud, having noticed such fables fabricated against the Ahl al-Bayt, erased them because he would not accept such lies to be forged against the Ahl al-Bayt. On this account, to decide the first justification as the true and the main reason beyond Ibn Mas`ud's erasing these papers is unambiguously beyond limits.

Inasmuch as `Abdullah ibn Mas`ud is intended, it seems necessary to mention that some people criticized him for he, like some of the Sahabah, had issued personal opinions. This is in fact not untrue; since Ibn Mas`ud was a religious authority, he must have issued some verdicts depending upon certain narrations that, in his conception, were the truest or acting upon his conclusions or inference.

This situation can be noticed with the Tabi`un or their followers, such as Abu-Hanifah, Sufyan al-Thawriy, al-Hasan al-Basriy, and other scholars who issued personal verdicts. Yet, the situations of these scholars did not mean that they intended to keep pace with the ruling authorities, since not all of their opinions agreed with the regulations of the ruling regime.[52]

Nevertheless, unlike al-Miqdad ibn al-Aswad, `Ammar ibn Yasir, and Abu-Dharr, as well as other Sahabah and Tabi'un who believed in the religious opinions and course of Imam `Ali as being a true copy of the Holy Prophet's Sunnah, the aforementioned scholars had their own principles and bases that have created such variety of opinions.

This is on the assumption of compromise. Yet, the reality is that if we consider the jurisprudential aspect of `Abdullah ibn Mas`ud objectively, it becomes unfeasible to throw him in the side of the Opinionists who depended upon their personal views.

For instance, when some people referred to him in a religious question more than once, he used to answer them each time that he had not been acquaintanted with the answer. Had it not that the obligation of issuing religious verdicts was individual for him (because of the absence of any other individuals authorized enough for issuing religious verdicts), he would not have issued such a verdict.

In this connection, Ahmad ibn Hanbal has narrated that the following question was put before `Abdullah ibn Mas`ud: A man died before he consummated his wife for whom he had not nominated a dowry. After they had referred to `Abdullah ibn Mas`ud in this question for about a whole month, they finally forced

him to issue any verdict.

He thus said, “I decided that this woman’s dowry should be as much as the dowry of ordinary women without addition or reduction and that she is worthy of her share of inheritance and she must observe the ritual waiting period of widows. If this judgment is true, it is then due to the guidance of Almighty Allah; and if it is incorrect, it is then due to my own fault as well as Satan’s seduction.

Yet, Almighty Allah and His Messengers are released from such a flaw.” A group of people, from the tribe of Ashja`, among whom were al-Jarrah and Abu-Sinan stood up and said, “We do witness that the Messenger of Allah issued this very judgment as regards the case of one of our women named Buru` bint Washiq.” On hearing this, `Abdullah ibn Mas`ud became terribly delighted as he noticed that his judgment had agreed with the Holy Prophet’s.53

On the contrary of the claims of Ibn Shadhan, `Abdullah ibn Mas`ud did not follow, support, incline to, or repeat the same words of the party who violated the Holy Prophet’s instruction regarding the divinely commissioned leadership of Imam `Ali.54 According to reliable books of Hadith, Imam `Ali, having been asked about `Abdullah ibn Mas`ud, said,

“He learnt the Holy Qur'an and Sunnah and stopped. This is in fact the utmost knowledge.”55

“He has studied the Holy Qur'an and thus followed its instructions and refrained from doing what is deemed unlawful therein. He is expert in the religion and authority in the Sunnah.”56

If truth be told, `Abdullah ibn Mas`ud’s virtues that have been recorded in the books of the other sects are more than these mentioned in the Shi`ite books. Yet, everybody testifies his great personality and high reputation.

As a result, the words of al-Khatib al-Baghdadiy and the facts adopted by some of the Shi`ite scholars so as to prove that `Abdullah ibn Mas`ud had torn and erased some papers that comprised Hadiths about the virtues of the Ahl al-Bayt cannot be taken as irrefutable evidences because

(1) the statement ‘Hadiths regarding the Ahl al-Bayt’ does not necessarily refer to words of praising them; therefore, it is probable that Ibn Mas`ud erased such papers because they contained words of exaggeration about or condemnation against the Ahl al-Bayt, and the latter probability agrees with our aforementioned statements about the life account of `Abdullah ibn Mas`ud who used to report the Holy Prophet’s words of praise about the Ahl al-Bayt, and

(2) the claim that the prohibition of recording the Hadith was intended to eradicate the virtues of the Ahl al-Bayt and the evidences on their Imamate—such a claim does not agree with Abu-Bakr and `Umar’s general prohibition of recording the Hadith since the evidence is more specific than the claim. In other words, Abu-Bakr and `Umar ibn Al-Khattab issued a general decision of preventing from recording any Hadith.

The earlier prohibited reporting the Hadith and called for referring to the Qur'an exclusively after he had set to fire his five hundred recorded Hadiths. The latter ordered everyone who had kept such papers of Hadith to bring them to him so that 'he would take up the most appropriate.'

Had their one and only purpose beyond the decision of the prohibition been to erase the virtues of the Ahl al-Bayt and the evidences on their Imamate, Abu-Bakr could have erased, among the five hundred Hadiths that he had kept, the ones that he had not liked and kept the others.

Similarly, `Umar would have erased such narrations only and kept up the others in a definite book and then ordered people to conclude the religious precepts from that book. He would also have forwarded the Hadiths of the exegesis of the Holy Qur'an, morals, virtues, sermons, instructions, and the like to definite preachers whom he trusted so that he would conceal his main purpose beyond the prohibition of recording the Hadith from the Muslims by creating a confusion between what is right and what is wrong!

In addition, the justification that `Umar prohibited the recordation of the Hadith in order to eradicate the Hadiths regarding the virtues of the Ahl al-Bayt denotes that `Umar was not brave enough to prevent spreading the Hadiths indicating the virtues of Imam `Ali and the Ahl al-Bayt and he therefore had to declare a general prohibition of recording the Hadith so as to achieve his aim and avoid the consequences of a decision preventing the spread of the Hadiths indicating the virtues of the Ahl al-Bayt.

Nevertheless, everybody knows that `Umar was so severe and harsh-hearted that he feared nobody at all. History has proven that he attacked those who protected themselves in Lady Fatimah al-Zahra''s house because they had not accepted the leadership of Abu-Bakr.

Among those persons were Imam `Ali, al-`Abbas, al-Fadl ibn al-`Abbas, al-Zubayr, Khalid ibn Sa`id, al-Miqdad, Salman, Abu-Dharr, `Ammar, al-Barra' ibn `[illegible]zib, Ubayy ibn Ka`b,[57] Sa`d ibn Abi-Waqqas and Talhah ibn 'Ubaydullah.

All the same, `Umar carried a torch of fire to set it to the house while they were therein. Lady Fatimah faced him and said surprisingly, "Son of Al-Khattab! Have you come to set our house on fire?" "I will do it unless you follow what people have followed," answered `Umar.[58]

According to *Kanz al-`Ummal*, `Umar said to Lady Fatimah, "Although I know for sure that you were the most beloved to your father and the most beloved to us after your father, this will not stop me from setting the door of your house on fire while you are in as long as those people are gathering therein."[59]

According to *al-Imamah wa'l-Siyasah*, after the group who gathered in Imam `Ali's house refused to respond to `Umar and come out, he ordered his followers to bring him firewood saying, "I swear to Him Who prevails on my soul that if you do not come out right now, I will certainly set this house and its inhabitants on fire." Some of the attendants warned him that Fatimah was there in the house, but he answered, "So what!"[60]

According to *Ansab al-Ashraf*, when `Ali refused to swear allegiance to Abu-Bakr after he had invited him to it, `Umar, carrying a torch of fire, came to his house. Facing him, Lady Fatimah said, "Son of al-Khattab: Do you intend to set the door of my house on fire?" "Yes, I do," answered `Umar, "This will be stronger in what your father has carried."[61]

The previous narrations and their likes that confirm `Umar's coarseness and impudence in presenting his opinions make it unlikely to believe that he prohibited the compilation of Hadiths for nothing other than erasing the texts that manifest the Ahl al-Bayt's merits and prove their divinely commissioned leadership.

Had `Umar wanted this, he would not have feared anything or anybody, he would not have anticipated the Sahabah's misgiving, and he would not have stopped for fear of the consequences; rather he would have shown the red lines of this decision in the very same way as he had done when he openly and bravely declared,

"Two issues were allowed during the age of Allah's Messenger, but now I deem them forbidden and will punish anyone who violates this prohibition. These are the temporary marriage and the allowable period during the Hajj (*mut`at al-Hajj*)."[62]

Thus, the questions of the seizure of Imam `Ali's divine position of leadership, the usurpation of Fadak, the transgression against Lady Fatimah al-Zahra', forcing Imam `Ali to swear allegiance to Abu-Bakr, and many other behaviors—all these questions are different from the purpose beyond the question of prohibiting recording and compiling the Hadith.

It has been proven that Abu-Bakr and `Umar narrated numerous Hadiths concerning the virtues of Imam `Ali in specific and the Ahl al-Bayt in general. Muhibb al-Din al-Tabariy, for instance, has dedicated a chapter of his book to the narrations that Abu-Bakr reported from the Holy Prophet about the merits of Imam `Ali, such as the Hadiths:

'Looking at `Ali's face is a sort of worship.'

'The palms of both the Holy Prophet and Imam `Ali were even.'

'The Holy Prophet once gathered `Ali's sons under the same tent under which he was sitting.'

'Imam `Ali's position to the Holy Prophet is as same as the Holy Prophet's position to his Lord.'

'On the Resurrection Day, nobody will be permitted to pass the Path (Sirat) before he obtains a license written by Imam `Ali.'

'The Holy Prophet declared that Imam `Ali was the closest to him.'

As well as his reference to Imam `Ali when he was asked about the features of the Holy Prophet.[63]

In *al-Mustadrak `Ala'l-Sahihayn* (The Narrations Subjoined to al-Bukhariy and *Sahih Muslim*), we read that `Umar ibn al-Khattab said,

"`Ali ibn Abi-Talib has been given three characteristics which I would prefer to the best kind of camels if I was given only one of them... (1) he married Fatimah, daughter of the Messenger of Allah, (2) he was the only one to be permitted to live in the Masjid with the Holy Prophet and (3) he was given the standard (i.e. the commandment of the army) in the war of Khaybar."64

Through authentic reports, it has been proven that `Umar ibn al-Khattab, during his reign, used to ask and adopt the rulings issued by Imam `Ali. Al-Khawarzmiy, in *al-Manaqib*, has recorded the following:

When two men asked him about the rulings of the divorcement of bondmaids, `Umar turned to a bald man to his side and asked the same question. As he received the answer from the man, `Umar said it to the two men verbally. Wondering at `Umar, the two men asked, "We asked you because you are the caliph! But you referred to a man to take the answer from him!" "Woe to you," said `Umar,

"Do you know who the man to whom I referred the question is? He is `Ali ibn Abi-Talib! I have heard the Messenger of Allah saying: If the heavens and the earth are put in one scale of a balance and the faith of `Ali is put in the other, the faith of `Ali will certainly exceed in weight."65

In addition, `Umar is quoted to have said,

"`Ali is the most experienced of us in the field of judicature,"66

"Without `Ali, `Umar would have perished"67

"May Allah take my soul before I face a problem while Abu'l-Hasan (Imam `Ali) is not present."68

Tarikh Dimashq reads that `Umar narrated the Holy Prophet's saying,

"`Ali's position to me is same as (Prophet) Aaron's position to (Prophet) Moses; yet, no Prophet is to come after me."69

"`Ali: You are the first to embrace Islam and the first to believe (in my Mission)."70

Al-Bukhariy has recorded that `Umar ibn al-Khattab said,

"When the Holy Prophet departed life, he was pleased with `Ali."71

Muhibb al-Din al-Tabariy has also dedicated a chapter to the Hadiths that `Umar narrated concerning the merits of Imam `Ali, such as, 'the commandment of the Muslim army was given to `Ali during the war of Khaybar,' "`Ali has had three characteristics I wish I had only one of them,' "`Ali's position to the Holy Prophet is as same as Aaron's to Moses,' "`Ali's faith is overweighing the heavens and the earth,' 'the Holy Prophet said that `Ali must be the leader of him whoever had taken the Holy Prophet as his leader,'

‘the Holy Prophet said that he would send `Ali for definite honorable acts and `Umar expressed his wish to have leadership at that situation,’ `Umar said to `Ali: You have become my master and the master of every male and female Muslim,’ ‘

`Ali is the master of everyone who has regarded the Holy Prophet as his master,’ ‘`Umar declared `Ali as his master,’ ‘referring the religious questions to `Ali more than once,’ ‘`Ali’s being the most experienced in the Islamic judicature’ and ‘depending upon `Ali’s opinions in many questions.’72

It has been also proven that the Sahabah used to narrate the merits of Imam `Ali during the reigns of Abu-Bakr and `Umar. On the authority of `Uqab ibn Tha`labah, al-Hakim al-Nisapuriy has recorded that during the reign of `Umar ibn al-Khattab, Abu-Ayyub al-Ansariy narrated that the Holy Prophet ordered `Ali ibn Abi-Talib to fight against the breachers (those who breached their swearing of allegiance to Imam `Ali’s leadership), the violators (those who rebelled and waged war against the army of Imam `Ali) and the apostates (the Khawarij who invented their own beliefs and apostatized from the Islamic beliefs).73

Had it been true that Abu-Bakr and `Umar prohibited reporting and recording the Hadith only for purpose of eradicating the merits of and the evidences on the divinely commissioned leadership of the Ahl al-Bayt since such Hadiths formed a source of challenge against the ruling authorities and their policies—had this been the only reason beyond the prohibition of reporting and recording the Hadith, the numerous Hadiths mentioned in the Sahih books (Sunnite reference books of Hadith) concerning the divinely commissioned leadership of the Holy Imams would not have reached us.

Examples on such Hadiths are the Holy Prophet’s sayings ‘`Ali is with the Holy Qur'an and the Holy Qur'an is with `Ali,’74 ‘I am leaving amongst you the two weighty (precious) things—the Holy Qur'an and my Household; Ahl al-Bayt,’75 ‘the example of Ahl al-Bayt is Noah’s Ark; anyone who embarks on it will be certainly saved while those who abstain will certainly fall and drown’76 and ‘`Ali must be the master of him whoever has regarded me (i.e. the Holy Prophet) as his master’77 in addition to many similar narrations.

To be reasonable, we have to say that although Abu-Bakr and `Umar reported Hadiths concerning the merits of and the evidences on the Ahl-Bayt’s divinely commissioned leadership (Imamate), they were extremely cautious of the explanations and discussions about the matter of choosing Imam `Ali for the leadership of the Islamic community or the existence of a number of Sahabah supporting the necessity of the pure commitment to the divine commandments and violating the personal opinions and inferences regarding the religious issues.

Abu-Bakr and `Umar, though they did not take strict procedures in the field of reporting the merits alone, did not like the spread of the Hadiths that injured their caliphate. In this regard, Abu-Bakr attempted to take the publics away from discussing the affairs of the leadership and from reporting the Holy Prophet’s sayings about the merits of Imam `Ali ibn Abi-Talib and his most worthiness of holding this position.

This is because to explain, display, and divulge the dimensions of the Hadiths indicating the leadership and Imamate of Imam `Ali would be the main factor that terrifies the ruling authorities, not mere reporting from the Holy Prophet. From this cause, Abu-Bakr warned against such sort of display and divulgence.

Shaykh `Abd al-Rahman ibn Yahya al-Mu`allimiy al-Yamaniy says,

"As regards the origin of the incompletely transmitted narration of Ibn Abi-Mulaykah, it derives its significance from the fact that it followed the decease of the Holy Prophet and was related to the affair of the caliphate.

It shows that the people, after having paid homage to Abu-Bakr as the successor of the Holy Prophet, disputed among them; some of them claimed that Abu-Bakr was worthy of the position because the Holy Prophet said to him so-and-so, while others claimed another ones' having been the worthiest for the Holy Prophet had said about them so-and-so... etc. To avoid such, Abu-Bakr, willingly, decided to take them away from such disputes."78

`Umar criticized and threatened `Abdullah ibn `Abbas for he used to defend earnestly the divinely commissioned leadership of Imam `Ali. Having heard Ibn `Abbas's opinion on the caliphate and the worthiness of Imam `Ali in the position of leadership, `Umar said, "Ibn `Abbas: I have been informed that you have been spreading among people some words about which I do not like telling you so that you will keep the same position that you have with me."

"What are these words?" asked Ibn `Abbas.

"Rumors have it that you always claim that this position (of leadership) was seized from you out of envy and wrong," said `Umar.

Showing no flattery, Ibn `Abbas insisted on his opinion; therefore, `Umar said to him when he was about to leave, "In spite of your opinion, I still respect your position."79

On another, yet similar, situation, Ibn `Abbas narrated that `Umar did not like his argument and he thus flamed up with rage; but Ibn `Abbas could amend the situation.80

On a third situation, after Ibn `Abbas had overwhelmed in argument, `Umar ordered him to keep the matter secret, for if he would hear it from a third person, he (either `Umar or Ibn `Abbas) would not spend another night in the city.81

The previous situations prove that `Umar feared that the same words of Ibn `Abbas would be repeated by people whom would have rallied against his government whose legal bases would thus be collapsed.

The previous constraint on displaying the proofs on the Imamate of the Ahl al-Bayt and, for the meantime, the reporting of the Hadiths proving such divinely commissioned position make us understand that Abu-Bakr and `Umar intended smartly to conceal the features of their policy by reporting and

listening to the Hadiths revealing the Ahl al-Bayt's merits.

From the other side, they stopped strictly against anyone who would exceed the defined limits of reporting the Hadith. Accordingly, the blackout practiced on the Hadiths revealing the Ahl al-Bayt's merits and divinely commissioned leadership was not the one and only reason for the prohibition of reporting and recording the Hadith.

Nevertheless, it is undeniable that this issue played a role in the decision of the prohibition, especially the prohibition from explained matters that dealt with the origin of the caliphate, but this role was partial as it had come under a more comprehensive frame that surrounded a wider, more general, and more wide-ranging purport.

To sum it up, the claims of al-Khatib al-Baghdadiy (died in AH 463) mentioned in his book entitled '*Taqyid al-`Ilm*' cannot stand for a perfect proof on the aforementioned opinion for the phrase 'Ahl al-Bayt' has not been mentioned in the narration of al-Qasim ibn Sallam (died in AH 224), in addition to the criticisms that were addressed to him. As a result, the prohibition of recording the Hadith was not purposed for this reason, which cannot be regarded as the one and only cause of the decision.

Reports Of `Abdullah Ibn Mas`ud's Prohibiting The Recordation Of The Hadith

In addition to the aforementioned report about `Alqamah's book of Hadith that was erased by `Abdullah ibn Mas`ud, there are other seven reports relating similar events. Let us now display these reports:

1) Ibn Fudayl has narrated that Husayn ibn `Abd al-Rahman ibn Murrah said: We were visiting `Abdullah ibn Mas`ud when Ibn Qurrah came carrying a book: "I found this book in Syria and it was astonishing; therefore, I have brought it to you."

2) As `Abdullah looked in the book, he commented, "The past nations perished only because they followed such books and left their (divinely revealed) Book." He then asked for a washtub in which he put that book and erased it.82

3) `Abd al-Rahman ibn al-Aswad has narrated that his father said: `Alqamah and I found a book and took it directly to `Abdullah ibn Mas`ud. It was about midday when we sat at his door waiting for permission.

When he woke up, `Abdullah ibn Mas`ud sent his bondmaid to see who was at the door. When she informed him, he permitted us to enter. As we were in, he asked us, "You have been waiting for a long time, have you not?"

4) "Yes, we have," answered we.

5) “Why did you not ask for permission to get in?” asked `Abdullah. “We expected that you were asleep?” answered we.

6) “You should not have thought so, because this is an hour that is as valuable as the hours of the Night Prayer (Salat al-Layl),” said `Abdullah.

7) We then showed him the book saying, “This is a paper containing an astonishing narratives.”

8) Surprisingly, he took the book, asked his bondmaid to bring his a washtub full of water, and erased that book with his hand reciting (Almighty Allah’s saying) ‘We narrate unto thee (Muhammad) the best of narratives.’”

9) We asked him to look in the book for it contained good Hadiths, but he kept on erasing it saying, “These hearts are containers; therefore, you must full it with the Qur’an and nothing else.”[83]

10) It has been narrated on the authority of `Abd al-Rahman ibn al-Aswad on the authority of his father that `Alqamah once brought a book from Makkah (or the Yemen) comprising Hadiths about the Ahl al-Bayt—the Holy Prophet’s Household. We then visited `Abdullah ibn Mas`ud and gave him that book. He asked his bondmaid to fetch him a washtub filled with water. We asked him to read that book since it contained great Hadiths, but he put the book in the water and erased it reciting (Almighty Allah’s saying),

‘We narrate to you the best of narratives, by Our revealing to you this Qur’an. (***Holy Qur’an: 12:3***)’

He then said, ‘Hearts are like bowls. You should thus fill in them with the Qur’an, nothing else.’[84]

11) It has been narrated on the authority of Sulaym ibn al-Aswad that he said: `Abdullah ibn Mirdas and I found a book comprising some narratives and Qur'anic verses with a man from the (tribe of) al-Nakha`. We arranged to see him in the mosque after `Abdullah ibn Mirdas had decided to buy that book with one dirham[85].

While we were still in the mosque, a man came and told us that `Abdullah ibn Mas`ud wanted us. I passed through the circle of the people until I reached `Abdullah ibn Mas`ud and found him catching with that book. He then said, “Verily, the best guidance is that of Muhammad and the best narrative is the Book of Almighty Allah.

Similarly, the worst matters are the innovated. You are conveying narratives and listening to others’ narratives. If you happen to find an innovated matter, you must adhere to the foremost guidance.

Nothing except this book and its likes had caused perdition to the past nations. They inherited it through generations until they neglected the Book of Almighty Allah as if they had never known it. I hereby adjure you by Almighty Allah to bring me any similar book you may find. I swear by Almighty Allah that if I know that such a book is found in Dayr al-Hind, I will go there to bring it.”[86]

12) It has been narrated on the authority of Ash`ath ibn Sulaym that his father said: I used to sit with some people in the mosque and one day, I found them reciting a book that contained astonishing statements of glorification and praise of Almighty Allah. I then asked the owner to give them to me so that I would take a copy, but he apologized that another man had asked for them.

One day, I entered the mosque and listened to a boy summoning people to be present in `Abdullah ibn Mas`ud's house. I therefore went there and found him carrying the same book that I had intended to copy.

He then said, "Verily, this book contains sedition, delusion, and heresy. The past nations who had Divine Books perished because they followed such books and neglected the Book of Allah. I hereby ask anyone who knows where such books are found to lead me to them. I swear by Him Who prevails my soul that if I know that such a book is found in Dayr al-Hind, I will bring them even if I will have to go there on foot." He then asked for water and erased that book."87

13) ...`Abdullah ibn Mas`ud made all efforts for obtaining the book found with some people until he obliged them to bring him that book. When he obtained it, he erased its contents saying, "The past nations who had Divine Books perished because they entered upon the books of their scholars and bishops and neglected their Lord's Book. (according to another narration, `Abdullah ibn Mas`ud said, "They neglected the Torah and Gospel until they, as well as the religious rulings therein, were obliterated.")88

14) It has been narrated on the authority of `Abd al-Rahman ibn al-Aswad that his father said: A Syrian man carrying a book that comprised Abu'l-Darda's words and narratives came to `Abdullah ibn Mas`ud saying, "Abu-'Abd al-Rahman: may you have a look in this book that comprises words of Abu'l-Darda, your brother?" `Abdullah took the book and read it until he reached his house.

Upon reaching there, he asked his bondmaid to bring him a washtub filled with water. He then erased the contents of the book reciting Almighty Allah's saying, "Alif. Lam. Ra. These are verse of the Scripture that maketh plain. Lo! We have revealed it, a Lecture in Arabic that ye may understand. We narrate unto thee (Muhammad) the best of narratives in that We have inspired in thee this Qur'an, though aforetime thou wast of the heedless." He then added twice, "Do you intend to find narratives better than those of Almighty Allah?"89

A comprehensive look in the previous narrations altogether brings forth conclusions that are contrary to those presumed by the adopters of the aforementioned opinion. Let us now refer to these conclusions in the following points:

1) The narrations of reporting and recording the knowledge prove that all or most of the books mentioned in the previous narrations comprised astonishing materials of which the Muslims had not heard before because they did not agree with the nature of the Islamic legislation. From this cause, such contents were objects of surprise and astonishment. Had such contents been harmonious to what the

Muslims had received and comprehended, they would not have surprised the Muslims.

The previous narrations comprised statements like “I found this book in Syria and it was astonishing,” “This is a paper containing an astonishing narratives” and “I found them reciting a book that contained astonishing statements of glorification and praise of Almighty Allah” all of which prove clearly that the contents of these books did not comprise texts of the Holy Qur'an or the Hadith; otherwise they would not have been astonishing.

2) Except the book that comprised Abu’l-Darda’s words and narratives, all these books did not comprise the words of a definite Sahabiy or narrator of Hadith since the previous narrations had not referred to any definite name being the narrator of such stories and words. Accordingly, the authors of such books are unknown and their contents are not reported from any individual. In other words, they are completely unidentified.

Besides, some of the narrations have proven that the owners of these books were unknown. This is clear in some statements like “I found this book in Syria,” “Alqamah once brought a book,” “A Syrian man carrying a book,” “I found a book comprising some narratives” and other similar statements all of which prove that the source of such books was unknown and thus they cannot be reliable. Correspondingly, Abu’l-Darda’s book contained his own words and stories that he derived from unreliable sources.

3) Some of these books were brought from Syria and others from Makkah or the Yemen. Yet, the source of the others is unknown. Thus, these books were not written by the Sahabah nor were they brought from the center of the Divine Revelation, the seat of the Prophethood, or the home of the Sahabah. Some of these narrations carried statements like “I found this book in Syria,”

“`Alqamah once brought a book from Makkah (or Yemen)” which prove that such difference in identifying the source of these books was because of the uncertainty of the matter, not the narrator. In other words, the carrier of these books did not know the source of these books whose narratives were influenced by the social and geographical factors because Syria was the neighbor of the full-Christian Rome and the center of the Christian momentousness. In view of that, these books might have been ‘missionary’ papers through which the Christians attempted to penetrate the Islamic ideology.

Because of the inconsideration of such books whose sources, writer, and reporters are unknown, the Ahl al-Bayt used to confirm that the books that they have are of famous source, writer, and narrator. In this regard, Imam Ja`far al-Sadiq, answering those who accused him of having derived his information from the books of the past nations, says, “This is true. Abu-Hanifah has said the truth. I have read the (Divine) books of Prophet Abraham and Prophet Moses as well as my forefather’s books.”90

Describing the Book of Imam `Ali, the Holy Imams say, “It has been written by Imam `Ali as exactly as received from the mouth of the Messenger of Allah.” As a result, the Holy Imams have declared that the books that they kept and copied were inherited from the most trustworthy ones of each generation up to

the Messenger of Allah and that they comprised the laws of Allah beginning with Prophet Abraham and Prophet Moses up to Prophet Muhammad. `Abdullah ibn `Adiy al-Jurjaniy, in *al-Kamil*, writes down that "Ja`far ibn Muhammad (Imam Ja`far al-Sadiq) have narrated very much on the authority of Jabir (ibn `Abdullah al-Ansariy—one of the most trustworthy Sahabah) and on the authority of his father who narrated from his fathers. He also kept many copies (books) that belonged to the Holy Prophet's Household."[91]

4) Most, if not all, of these books comprised neither religious rulings and laws nor exegesis of the Holy Qur'an. Apparently, they comprised narratives, accounts, and invocations whose source was something other than Almighty Allah. Usually, such narratives, accounts, and invocations were invented by storytellers and taletellers who used to overstate some facts and belittle others according to certain conditions, tendencies, and tribal fanaticism as well as similar circumstances that change one's inclinations.

The aforementioned narratives included statements like "A Syrian man carrying a book that comprised Abu'l-Darda's words and narratives," "I found a book comprising some narratives and Qur'anic verses" and "a book that contained astonishing statements of glorification and praise of Almighty Allah" that prove that these books comprised astonishing stories and tales similar to those currently found in some books of *Tafsir* (Exegesis of the Holy Qur'an) regarding the details of the Holy Prophets' stories, such as the falsehood that Prophet Joseph was seduced by the chief's wife to such a degree that he took the same position that a husband takes with his wife;[92] and the falsehood that Prophet David sent one of the commanders of his army to the battlefield so that he would be killed and the Prophet would marry his widow thereafter;[93] and the falsehood mentioned in the distorted Torah that after the Flood that Almighty Allah sent to destroy the world, all the people perished; therefore, the two daughters of Prophet Lot got their father to drink wine and then lay with him![94]

Hence, they became pregnant and, thus, the line of humanity was survived from extinction;[95] and the falsehood that Khadijah bint -daughter of- Khuwaylid[96] conspired against her father who would not accept Prophet Muhammad as her husband, got her father to drink and then asked the Prophet to come and propose her; therefore, her father accepted unconsciously.

When he regained his consciousness, he had to accept the matter.[97] Such lies and their likes cannot be produced by anyone except Abu'l-Darda, Ka`b al-Ahbar, and their likes who were influenced by the Christian and Jewish cultures.

This fact is supported by the statement that `Abdullah ibn Mas`ud, having looked in these books, recited Almighty Allah's saying, "We narrate unto thee (Muhammad) the best of narratives in that We have inspired in thee this Qur'an, though aforetime thou wast of the heedless." He then commented, "Do you intend to find narratives better than those of Almighty Allah? Do you expect to find accounts better than those of Almighty Allah?" He also said, "Verily, the best guidance is that of Muhammad and the best narrative is the Book of Allah. Similarly, the worst matters are the innovated." All these quotations and

words hint at the contents of these books.

The word of `Abdullah ibn Mas`ud, “Verily, the best of guidance is the guidance of Muhammad... etc” confirms that the materials that he erased with water had not been within the Sunnah of the Holy Prophet Muhammad; rather they had been within the invented innovative material that he would not accept.

By saying such, `Abdullah ibn Mas`ud wanted to inform those who were admired by such materials that they had not belonged to the Holy Sunnah, the guidance of the Holy Prophet, or to the Holy Qur'an, because the Holy Prophet had reproached `Umar ibn al-Khattab for he had shown admiration for taking from the papers (i.e. books) of the Christians and Jews and neglected the Hadith of the Holy Prophet.

In this respect, al-Suyutiy has recorded that `Umar ibn al-Khattab, once, said to the Holy Prophet, “O Allah’s Messenger: the Ahl al-Kitab[98] are reporting us narrations that grasped our hearts and we were about to write them down.” Reproachfully, the Holy Prophet said,

“Son of al-Khattab! Will you frivolously engage yourselves in perplexity in the same way as the Jews and Christians have engaged themselves in perplexity? I swear by Him Who grasps my soul that I have brought it to you purely white and I have been given the comprehensive wording.”[99]

Ponder carefully over `Umar’s saying, “...that grasped our hearts...” and compare it to the words said about the papers that were brought to `Abdullah ibn Mas`ud, such as “People are keeping materials that have admired them...” “This paper comprised an admiring narration...” “They have a paper that admired them...” “I found it and it admired me...”

Again, ponder over the Holy Prophet’s reply to `Umar, “I have brought it to you purely white...” and compare it to `Abdullah ibn Mas`ud’s reply to those whose hearts were grasped by such papers, “Verily, the best guidance is the guidance of Muhammad...” Thus, the result will divulge the secret beyond that admiration and the similarity between the reply of the Holy Prophet and that of `Abdullah ibn Mas`ud. In addition, it is impossible to find any narration showing such admiration and presenting the Holy Prophet’s threat except those reported on the authority of `Umar ibn al-Khattab through which he showed his admiration for the Jews’ recordations. A deeper ponderation over `Abdullah ibn Mas`ud’s having erased these papers with water demonstrates that his justification meets the legal trend, especially when we notice that he, instead of burning, erased these papers with water confirming that the best guidance is the guidance of Muhammad and the best of narratives is the Holy Book of Almighty Allah and that the most evil of affairs are the innovatives.

More obviously, `Abdullah ibn Mas`ud stated, “Verily, this book contains sedition, delusion, and heresy. The past nations who had Divine Books perished because they entered upon the books of their scholars and bishops and neglected their Lord’s Book. They neglected the Torah and Gospel until they, as well as the religious rulings therein, were obliterated.”

From the previous, we conclude that the books that were brought to `Abdullah ibn Mas`ud did not comprise religious rulings and laws; they in fact comprised stories, tales, and some invocations related to these fables. It is thus probable that these books comprised the stories of Tamim al-Dariy—the monk who obtained `Umar's permission to tell tales that might have been similar to those found in these books.[100]

`Abdullah ibn Mas`ud also said, "I hereby adjure you by Allah to bring me any similar book you may find. I swear by Allah that if I know that such a book is found in Dayr al-Hind, I will go there to bring it." "I hereby ask anyone who knows where such books are found to lead me to them. I swear by Him Who prevails my soul that if I know that such a book is found in Dayr al-Hind, I will bring them even if I will have to go there on foot." A narrator said that `Abdullah ibn Mas`ud said, "I swear by Allah that if these books were in Dayr al-Hind,[101] (i.e. a place very far from al-Kufah) I will bring them even I will have to go there on foot."[102]

On the face of it, `Abdullah ibn Mas`ud's insistence on erasing such books was because they comprised narratives derived from Christian and Jewish sources. He understood that they had been made by monasteries so as to confuse the feeble-minded Muslims as well as those who were ideologically attached to the Christians and Jews. As if the matter was deliberately studied by the Christians, the monasteries intended to draw the feeble-minded Muslims towards the styles of narrating myths and legends.

Having been aware of this objective, `Abdullah ibn Mas`ud used to erase these books as soon as he had a primary look at them because he had already known their contents. On this account, he stood firmly against such attempts.

In the meantime, `Umar ibn al-Khattab led a campaign against reporting and recording the Hadith; therefore, some people mixed the two campaigns while, if truth be told and if the matter is seen prudently, there was a great difference between the two.

On the grounds of this conclusions obtained from our comprehensive look in the narrations that reported `Abdullah ibn Mas`ud's having prevented recording the Hadith, it has been quite true to allege that al-Darimiy's narration saying that these books erased by `Abdullah comprised statements of praise and glorification of Almighty Allah cannot be sufficiently taken as evidence.

This is because these books did not comprise only such statements; rather there were other things similar to the previously discussed statements, such as those about which `Abdullah ibn Mas`ud said, "Verily, this book contains sedition, delusion, and heresy." It is absolutely irrational to claim that `Abdullah ibn Mas`ud, or any other ordinary Muslim, could ever say these words about statements of praise and glorification of Almighty Allah that he, as well as every Muslim, uttered each day more than once.

Some have claimed that `Abdullah ibn Mas`ud warned against the process of recordation, considering it

as delusive, apart from what would be written. Yet, the actual statement of `Abdullah does not indicate such, since he said, “Verily, this book contains sedition, delusion, and heresy” and this statement obviously means that the intended was the very contents of that book, not the process of recordation; otherwise, he would have said, “The recordation is sedition, delusion, and heresy!”

The same previous discussion is applicable to the single narration that claimed the existence of Hadiths revealing the Ahl al-Bayt’s merits in the book that `Abdullah ibn Mas`ud erased. Supposing the narration is authentic, a number of evidences prove that the book might have comprised fabricated or exaggerated information about the Ahl al-Bayt and their merits.

All the same, it is impossible to believe that `Abdullah ibn Mas`ud intended to erase or eradicate the merits of the Ahl al-Bayt after it has been proven that he was one of the grand narrators who reported and spread the merits and remarkable situations of them.

Unlike Abu-Bakr and `Umar, `Abdullah ibn Mas`ud did not exercise massive eradication of the records of the Hadith nor did he set fire to them; rather he used the method of erasing with water, which is the legal method of eradicating the books comprising delusive materials and, in the meanwhile, they contain the Holy Names of Almighty Allah, the Prophets, the Prophets’ Successors, and the Imams. As a religious law, it is forbidden to set fire to the Sacred Names; rather they must be erased with water or buried.

Supporting our conclusions, Abu-`Ubayd, a famous scholar, says,

“Since he believed that such books were taken from the Christians, `Abdullah ibn Mas`ud disliked looking into them at all.”

Murrah, a famous scholar, says,

“Had these books contained texts from the Holy Qur'an and Sunnah, `Abdullah ibn Mas`ud would not have erased them. Actually, these books belonged to the Christians and Jews.”[103]

There is another probability; `Abdullah ibn Mas`ud might have done so because he understood an advantage (*maslahah*) that would not have been practiced by another means, or because he practiced Taqiyyah (pious dissimulation) or because he feared the famous rod of `Umar who, in addition to instructing people not to report the Hadith commonly, ordered all the records of the Hadith to be burnt and used that rod against some of the Sahabah who did not carry on that order and, for the same reason, imprisoned others among whom was `Abdullah ibn Mas`ud himself.

As a consequence, it is not unlikely that `Abdullah ibn Mas`ud might have done so in order to comply with the general situation of the state and in order not to challenge the orders of `Umar ibn al-Khattab, the caliph, for the aforementioned reasons. In this regard, it has been narrated that al-Harith ibn Suwayd heard `Abdullah ibn Mas`ud saying,

“I will certainly utter the words which any authority orders me to say in case these words will save me

from one or two lashes."

Commenting on these words, Ibn Hazm says that none of the Sahabah violated this rule![104]

It has been also narrated that `Abdullah ibn Mas`ud, out of Taqiyyah, followed al-Walid ibn `Aqabah ibn Abi-Mu`it, the governor of al-Kufah during `Uthman ibn `Affan's reign, in a congregational prayer when al-Walid, having been drunk, performed the Fajr Prayer in four Rak`ahs (units of prayer)[105] then turned his face towards his followers and said, 'Do you want more?' `Abdullah ibn Mas`ud answered, 'We have had it.'[106]

It is thus not inaccurate to claim that `Abdullah ibn Mas`ud might have warned against recording the Hadith because he feared the rod of `Umar and intended to act upon the protection of the Islamic entity. In this regard, it has been authentically narrated that `Abdullah offered a four-Rak`ah prayer with `Uthman ibn `Affan at Mina although he had already declared that such prayer must be shortened into two Rak`ahs (*qasr*) because he intended to avoid sedition and evil. When he was asked about that while he had reported that the Holy Prophet and Abu-Bakr used to offer a two-Rak`ah's prayer on such a situation, he answered,

"It is true that the Holy Prophet and Abu-Bakr used to offer a two-Rak`ah prayer on such a situation; but since `Uthman is now the leader, I must not challenge him, for **discrepancy is evil.**"[107]

It has been narrated that `Abdullah ibn Mas`ud said to Ibn `Awf—who wondered about his objection against `Uthman ibn `Affan in the ruling that the Prayer at Mina must be shortened and, in the meantime, he offered that prayer with him in its shortened form—"Discrepancy is evil. When I was informed that `Uthman offered that prayer in its perfect form, I followed him." Ibn `Awf then decided to imitate `Abdullah ibn Mas`ud in this regard.[108]

From the previous narrations, we conclude that the Sahabah, the first generation of Islam, used to do anything for the sake of protecting the Islamic entity even if that would cause them to hide their own beliefs and opinions. This fact does not stand against the statement that `Abdullah ibn Mas`ud was a Sahabiy (singular form of Sahabah) who encouraged the reporting and recordation of the Hadith and spread the merits of the Ahl al-Bayt.

Generally, it happens that one may conceal his beliefs and opinions for the sake of a greater aim or for avoiding a danger. This is applicable to `Abdullah ibn Mas`ud who, according to narrations, spread the merits of Imam `Ali, Fatimah al-Zahra', al-Hasan, and al-Husayn; and was one of the seven persons who witnessed the burial ceremonies of Lady Fatimah al-Zahra' and one of the twelve persons who objected Abu-Bakr's having seized illegally the leadership of the Islamic community, which had been divinely commissioned for Imam `Ali.

Moreover, his verdicts concerning the religious laws were similar to those issued by the Ahl al-Bayt. All these facts deny the Shi`ite writers' claim that `Umar ibn al-Khattab prohibited the reporting and

recordation of the Hadith for one and only reason—preventing the spread of the Hadiths revealing the merits and the divinely commissioned leadership of the Ahl al-Bayt.

Besides, `Abdullah ibn Mas`ud has been regarded as "the slave of the Ahl al-Bayt" for his frequent visits to them; and he believed that to add the Ahl al-Bayt to the Holy Prophet in the ritual blessings of the prayers and other religious rites is obligatory. Accordingly, it is logical to believe that `Abdullah ibn Mas`ud warned against recording the Hadith on account of his concern for the general Islamic entity or similar reasons.

Although we do not deny the aforementioned 'seven' reasons as a whole and, meanwhile, do not accept it as the major reasons beyond the prohibition of recording the Hadith, it may be, by the consideration of our previous discussions, accurate to some extent and a part of the question.

Let us now keep on investigating the actual reason beyond the decision of prohibiting reporting and recording the Hadith issued by Abu-Bakr and `Umar who forced people to abide by the Holy Qur'an and neglect the Holy Sunnah as proved by the narrations of Ibn Abi-Mulaykah according to which Abu-Bakr said, "Only does the Holy Qur'an stand between you and us,"109 and `Umar and `'ishah said, "The Book of Allah must be sufficient for us,"110 "Nothing must be considered after the Book of Allah" and many similar statements.

Previously, we have mentioned seven justifications for the decision of the prohibition of reporting and recording the Hadith that was issued by Abu-Bakr and `Umar. These justifications have been presented by Abu-Bakr and `Umar themselves in addition to some past and modern authors among whom were Orientalists, Sunnites and the Shi`ites. Let us now cite the last reason that will hit the mark.

1. Hashim Ma'ruf al-Husayniy: Dirasatun fi'l-Hadith wa'l-Muhaddithin 22 and Tarikh al-Fiqh al-Ja'fariy 134.
2. Sayyid Muhammad Rida al-Jalaliy: Tadwin al-Sunnah al-Sharifah 415, 421, 470, 534 and 557, Dr. Ala' al-Qazwiniy: Al-Shi'ah al-Imamiyyah wa Nash'at al-`Ulum 123-4 and Dr. Hasan `Abbas Hasan: al-Siyaghah al-Mantiqiyyah 233.
3. Sayyid Murtada al-`Askariy: Ma`alim al-Madrasatayn 2:57 and Ja`far Murtada: al-Sahih fi Sirat al-Nabiy 1:177. For more details, see the narrations in this connection in Ibn Abi'l-Hadid's Sharh Nahj al-Balaghah 20:17 and Ibn al-Dimashqiy's Jawahir al-Matalib 1401.
4. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 54.
5. Hashim Ma'ruf al-Husayniy: Dirasatun fi'l-Kafi wa'l-Sahih 19 and Dirasatun fi'l-Hadith wa'l-Muhaddithin 22.
6. Sayyid Muhammad Rida al-Jalaliy: Tadwin al-Sunnah al-Sharifah 413.
7. For instance, see Sayyid Muhammad Rida al-Jalaliy: Tadwin al-Sunnah al-Sharifah 421, 470.
8. Sunan al-Darimiy 1:95 H. 270; Sunan Ibn Majah 1:10 H. 23; Musnad Ahmad ibn Hanbal 1:452 H. 4321; Muslim al-Qushayriy: al-Tamyiz 174.
9. Sunan Ibn Majah 1:14 H. 36; Musannaf Ibn Abi-Shaybah 5:295 H. 26242; Musnad Ahmad ibn Hanbal 1:165 H. 413; Sahih al-Bukhariy 1:52 H. 107.
10. Al-Dhahbiy: Tadhkirat al-Huffadh 1:15; al-Haythamiy: Majma' al-Zawa'id 1:126; Mu`ammar ibn Rashid: al-Jami` 11:252 H. 20465; I`tiqad Ahl al-Sunnah 1:87 H. 108.
11. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:72; Musannaf Ibn Abi-Shaybah 5:313 H. 26429.
12. As quoted from Dr. Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiyy, 127.
13. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:94 and Jamal al-Din al-Muzziy: Tahdhib al-Kamal 27:454; al-Dhahbiy: Siyar A`lam al-Nubala' 4:65.

14. Sahih Muslim 1:14, Section 4, Hadith No. 7; al-Madkhal Ila'l-Sunan al-Kubra 1:132 H. 82..

15. Al-Fasawiy: Tarikh, 3:215 as quoted from Dr. Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiyy, 154.

16. Al-Tabaraniy: al-Mu'jam al-Kabir 5:97 H. 9942 as quoted from Dr. Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiyy, 154.

17. Ibn Hajar al-`Asqalaniy: al-Isabah fi Tamyiz al-Sahabah 4:234 H. 4957; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 1:252; Ibn `Abd al-Barr: al-Isti`ab 3:988 H. 1659; Abu-Na`im: Hilyat al-Awliya' 1:125; al-Dhahbiy: Siyar A'lam al-Nubala' 1:465, Ibn al-Athir: Usd al-Ghabah fi Ma`rifat al-Sahabah 3:255 and al-Muntadham 5:30.

18. Ibn `Abd al-Barr: al-Isti`ab 3:99 H. 1695, 2:319.

19. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 3:43 as reported from al-Waqidiy.

20. Ibn Sallam: Gharib al-Hadith 2:189 (In this reference book, it is written that `Abdullah brought a paper comprising a Hadith. He then asked for water and began to erase it with his hand.) `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 396.

21. Shaykh al-Saduq: al-Khisal 2:464.

22. The Five Individuals of the Ahl al-Bayt are the Holy Prophet, Imam `Ali, Fatimah al-Zahra', al-Hasan and al-Husayn.

23. Musnad Abi-Ya`liy 9:25 H. 5368; al-Haythamiy: Majma' al-Zawa'id 9:179; Ja`far ibn Muhammad ibn Qawlawayh: Kamil al-Ziyarat 14:51 Hadith No. 4-8.

24. Sahih al-Bukhariy 3:1373 H. 3552, 4:1593 H. 4123; Sahih Muslim 4:1911 H. 2460; Sunan al-Tirmidhiy 5:672 H. 3806; Ibn Hajar al-`Asqalaniy: al-Isabah fi Tamyiz al-Sahabah 2:369, al-Nawawiy: Sharh Sahih Muslim 15-16: 247-22 Hadith No. 2460, al-Bukhariy: al-Tarikh al-Kabir.

25. Shaykh al-Saduq: al-Khisal 468 H. 6-11; al-Mamuqaniy: Tanqih al-Maqal 2:215.

26. Al-Khazzaz: Kifayat al-Athar 23.

27. Musnad Ahmad ibn Hanbal 1:406 H. 3859; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 13:212.

28. Ibn Kathir: al-Bidayah wa'l-Nihayah 6:248.

29. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 4:511 H. 843; al-Tabaraniy: al-Mu`jam al-Awsat 6:30 H. 5966; al-Rihlah fi Talab al-hadith1:146 H. 55-56.

30. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:165 H. 4726; Musnad al-Bazzar (4-9) 5:223 H. 1829; al-Khatib al-Baghdadiy: Tarikh Baghdad 3:266 H. 1313.

31. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:152 H. 4682; al-Tabaraniy: al-Mu`jam al-Kabir 10:76 H. 10006; al-Firdaws bi-Ma'thur al-Khitab 4:294 H. 6765; Abu-Na`im: Hilyat al-Awliya' 5:58; Ibn `Asakir: Tarikh Madinat Dimashq.

32. Al-Qunduziy: Yanabi' al-Mawaddah 1:281 H. 23; Ta'wil al-□yat 2:451.

33. Al-Khawarzmiy: al-Manaqib 35; Ibn `Asakir: Tarikh Madinat Dimashq 42:280.

34. Muhajirun (singular: muhajir, migrant) is a title exclusively said to the people of Mecca who followed the Holy Prophet and had to migrate to Yathrib (later al-Madinah) because of the persecution they had suffered at the hands of the polytheists of Mecca.

35. Ibn al-Athir: al-Bidayah wa'l-Nihayah 4:20; Ibn Habban: al-Thuqat 1:224; al-Haythamiy: Majma' al-Zawa'id 6:114; Shaykh al-Mufid: Kitab al-Irshad 1:80, Tarikh al-Tabariy 2:66.

36. Al-Dhahbiy: Mizan al-I'tidal 3:540 No. 7501.

37. Jalal al-Din al-Suyutiy: al-Durr al-Manthur 7:504; Subul al-Huda wa'l-Rashad 11:290; Ruh al-Ma`ani 26:78.

38. Abu-Na`im: Hilyat al-Awliya' 1:65; al-Firdaws bi-Ma'thur al-Khitab 3:27 H. 4666; Ibn Kathir: al-Bidayah wa'l-Nihayah 7:360; Fayd al-Qadir 3:46; Fath al-Malik al-`Aliy 69; Ibn `Asakir: Tarikh Madinat Dimashq 42:384.

39. Abu-Na`im: Hilyat al-Awliya' 1:65; al-Itqan 2:493; Ibn `Asakir: Tarikh Madinat Dimashq 42:400; Al-Qunduziy: Yanabi' al-Mawaddah 448, Section 65; al-Wafi al-Mahdiy: al-Ijtihad fi'l-Shari'ah al-Islamiyyah 135.

40. Al-Tabariy: al-Mustarshid 278; Sayyid `Ali al-Shahristaniy: Qadatuna Kayfa Na'rifuhum 3:5; al-Tabaraniy: al-Mu`jam al-Kabir 9:76 H. 8446; al-Mu`jam al-Awsat 5:101 H. 4792; Ibn `Asakir: Tarikh Madinat Dimashq 42:401; Subul al-Huda wa'l-Rashad 541-542.

41. Al-Dhahbiy: Siyar A'lam al-Nubala' 1:65; al-Itqan 2:493 H. 6370; Ibn `Asakir: Tarikh Madinat Dimashq.

42. Saying: Allahumma Salli 'Ala Muhammadin wa □li Muhammad.

43. Tashahhud is a pillar part of the ritual prayers practiced in the second unit (Rak`ah) with definite statements.

44. Mahmud Abu-Rayyah: Adwa'un `Ala'l-Sunnah al-Muhammadiyyah as quoted from Qadi 'Ayyad's al-Shifa.
45. Shaykh al-Mufid: al-Khisal 2:361; al-Fattal al-Nisapuriy: Rawdat al-Wa`idhin 280; al-Mamuqaniy: Tanqih al-Maqal 2:215; al-Arbaliy: Kashf al-Ghummah. It is worth mentioning that I have made a study about `Abdullah ibn Mas`ud through which it has been proven that his jurisprudential inferences have been very close to the Ahl al-Bayt's school of law. This fact, too, stands against the aforementioned narration of al-Khatib al-Baghdadiy.
46. Al-Muttaqiy al-Hindiy: Kanz al-Ummal 11:668, H. 33233; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:388 H. 5470; al-Haythamiy: Majma' al-Zawa'id 9:331 (al-Haythamiy adds: This Hadith's series of narrators is authentic.) Ibn `Abd al-Barr: al-Isti`ab 1:254; Ibn Sa`d: al-Tabaqat al-Kubra 4:233, 234.
47. Shaykh al-Tusiy: Ikhtiyar Ma`rifat al-Rijal 65 H. 117; al-Darajat al-Rafi`ah 252.
48. Al-Mamuqaniy: Tanqih al-Maqal 2:215; Shaykh `Abbas al-Qummiy: al-Kuna wa'l-Alqab as quoted from Sharif al-Murtada: al-Shafi.
49. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 54.
50. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 210; Muhammad Abu-Zahw: al-Hadith wa'l-Muhaddithun 265.
51. Ibn Qutaybah: Ta'wil Mukhtalaf al-Hadith 357 and Mahmud Abu-Rayyah: Adwa'un `Ala'l-Sunnah al-Muhammadiyyah.
52. For more details about this issue, the gentle reader may kindly refer to my book entitled Wudu' al-Nabiy (The Ablution of the Prophet).
53. Musnad Ahmad ibn Hanbal 1:447 H. 4276; Sunan al-Bayhaqiy al-Kubra 7:246 H. 14195; Sunan al-Nassa'iy 6:121 H. 3354; al-Sunan al-Kubra 3:316 H. 5515.
54. Sayyid al-Khu'iy: Mu'jam Rijal al-Hadith 11:344-345 H. 7172.
55. Ibn Abi-Shaybah: al-Musannaf 6:385 H. 32238; Abu-Na`im: Hilyat al-Awliya' 1:129, al-Hakim al-Nisapuriy: al-Mustadrak 'ala'ssahihayn 3:318 and al-Zarqaniy: Manahil al-'Irfan 1:483; Ibn Sa`d: al-Tabaqat al-Kubra 2:346; Al-Maqdisiy al-Hanbaliy: Al-Ahadith al-Mukhtarah 2:123 H. 494; Abu'l-Faraj: Safwat al-Safwah 1:401; Al-Dhahbiy: Siyar A`lam al-Nubala' 1:492.
56. Al-Dhahbiy: Siyar A'lam al-Nubala' 1:492, al-Hakim al-Nisapuriy: al-Mustadrak 'ala'ssahihayn 3:357 H. 5380; Abu-Na`im: Hilyat al-Awliya' 1:299 and Al-Murtada al-Zaydiy: Sharh al-Adhar 1:26; al-Dhahbiy: Siyar A`lam al-Nubala' 1:492; al-Suyutiy: Miftah al-Jannah 1:70.
57. Al-Ya'qubiy: Tarikh 2:103.
58. Ibn `Abd-Rabbuh: al-'Aqd al-Farid 5:13, Abu'l-Fida: Tarikh 1:156, al-Buladhiriy: Ansab al-Ashraf 1:278 (or 586 according to another edition) and Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 2:45.
59. Al-Muttaqiy al-Hindiy: Kanz al-'Ummal 3: 140 as quoted from Sayyid Murtada al-`Askariy: `Abdullah ibn Saba' 1:133; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 2:45.
60. Ibn Qutaybah: al-Imamah wa'l-Siyasah 1:19.
61. Al-Buladhiriy: Ansab al-Ashraf 1: 586 as quoted from Sayyid Murtada al-`Askariy: `Abdullah ibn Saba' 1:133.
62. It was `Umar ibn al-Khattab who declared this decision. See al-Dhahbiy: Tadhkirat al-Huffadh 1:366.
63. Muhibb al-Din al-Tabariy: al-Riyad al-Nadirah 3:232.
64. Al-Hakim al-Nisapuriy: al-Mustadrak 'ala'l-Sahihayn 3:125 (on the authority of Abu-Hurayrah). Commenting of this report, al-Hakim al-Nisapuriy describes it as authentically narrated report; Ibn Abi-Shaybah: al-Musannaf 6:369 H. 32099 (on the authority of `Abdullah ibn `Umar).
65. Al-Khawarzmiy: al-Manaqib 13:77, Ibn al-Maghaziliy: Manaqib `Ali 289 No. 330; Muhibb al-Din al-Tabariy: al-Riyad al-Nadirah 42:167; Ibn `Asakir: Tarikh Dimashq 42:34; al-Firdaws bi-Ma'thur al-Khitab 3:363 H. 7294; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 11:616 H. 32992.
66. Al-Hakim al-Nisapuriy: al-Mustadrak 'ala'l-Sahihayn 3:345, Ibn `Abd al-Barr: al-Isti'ab 3:38, Ibn 'Asakir: Tarikh; Musnad Ahmad ibn Hanbal 5:113 H. 21123; Ibn Abi-Shaybah: al-Musannaf 6:138; Ibn Taymiyah: Majmu` al-Fatawa 16:482.
67. Al-Aminiy: al-Ghadir 6:101, 105-6 as quoted from al-Kinjiy: al-Kifayah 96; Fayd al-Qadir 4:357; Ibn `Abd al-Barr: al-Isti`ab 3:1103; Fath al-Malik al-`Aliy 71; Ta'wil Mukhtalaf al-Hadith 1:126.
68. Al-Aminiy: al-Ghadir 6:106 as quoted from al-Shabalnajiy: Nur al-Absar 79 with a little difference from the text mentioned in al-Hakim al-Nisapuriy's al-Mustadrak 'ala'l-Sahihayn 1:628 H. 1683; Muhibb al-Din al-Tabariy: al-Riyad al-

Nadirah 3–4:166; Ibn Abi'l–Hadid: Sharh Nahj al–Balaghah 1:18; Subul al–Salam 2:206.

69. Ibn 'Asakir: Tarikh Madinat Dimashq 1:321, No. 400, 401; al–Khatib al–Baghdadiy: Tarikh Baghdad 7:463 H. 4023.

70. Sayyid `Ali al–Shahristaniy: Qadatuna Kayfa Na'rifuhum 2:412–3 as quoted from Zayni Dahlan: Asna'l–Mahalib 6:29 No. 21; al–Muttaqiy al–Hindiy: Kanz al–`Ummal 13:124.

71. Sahih al–Bukhariy 3:1357; Ibn Hajar al–`Asqalaniy: Fath al–Bari fi Sharh Sahih al–Bukhariy 7:72.

72. Muhibb al–Din al–Tabariy: al–Riyad al–Nadirah 3:295.

73. Al–Hakim al–Nisapuriy: al–Mustadrak 'ala'l–Sahihayn 3:150.

74. Al–Suyutiy: al–Jami' al–Saghir 2:177 No. 5594; Al–Hakim al–Nisapuriy: al–Mustadrak 'ala'l–Sahihayn 3:134 H. 4628; al–Tabaraniy: al–Mu`jam al–Saghir 2:28 H. 720; Fayd al–Qadir 4:356.

75. Al–Hakim al–Nisapuriy: al–Mustadrak 'ala'l–Sahihayn 3:160; Musnad Ahmad ibn Hanbal 3:17 H. 11147; al–Haythamiy: Majma` al–Zawa'id 9:163; Sunan al–Darimiy 2:524 H. 3316; al–Tabaraniy: al–Mu`jam al–Awsat 4:33 H. 3542.

76. Al–Suyutiy: al–Jami` al–Saghir 2:533 No. 8126; Al–Hakim al–Nisapuriy: al–Mustadrak 'ala'l–Sahihayn 2:373 H. 3312, 3:163 H. 4720; al–Tabaraniy: al–Mu`jam al–Awsat 4:10 H. 3478, 5:355 H. 5563; Ahmad ibn Hanbal: Fada'il al–Sahabah 2:785 H. 1401.

77. Al–Hakim al–Nisapuriy: al–Mustadrak 'ala'l–Sahihayn 3:118, 119, 126, 143, 419, 613; Sunan al–Tirmidhiy 5:633 H. 3712; al–Haythamiy: Majma` al–Zawa'id 9:103–109; al–Haythamiy: al–Sunan al–Kubra 5:131 H. 8468–8472; Sunan Ibn Majah 1:45 H. 121. For comparison, refer to Sayyid `Ali al–Shahristaniy: Tadwin al–Sunnah al–Nubawiyyyah 413–8.

78. Al–Anwar al–Kashifah 54.

79. Ibn Abi'l–Hadid: Sharh Nahj al–Balaghah 12: 52–5; Tarikh al–Tabariy 2:577–578.

80. Ibn Abi'l–Hadid: Sharh Nahj al–Balaghah 12:46.

81. Al–Hamawiyniy: Fara'id al–Simtayn 1:153.

82. Al–Khatib al–Baghdadiy: Taqyid al–'Ilm 53. A similar narration is recorded in Sunan al–Darimiy 1:134 H. 477.

83. Al–Khatib al–Baghdadiy: Taqyid al–'Ilm 53–4. A similar narration is recorded in Ibn `Abd al–Rabb al–Qurtubiy: Jami'u Bayan al–`Ilm wa–Fadlih(i) 1:66.

84. Al–Khatib al–Baghdadiy: Taqyid al–`Ilm 54.

85. A currency.

86. Al–Khatib al–Baghdadiy: Taqyid al–`Ilm 55.

87. Al–Khatib al–Baghdadiy: Taqyid al–`Ilm 55–56. A similar narration is recorded in Sunan al–Darimiy on the authority of al–Ash`ath and also in Ibn `Abd al–Rabb al–Qurtubiy: Jami`u Bayan al–`Ilm wa–Fadlih(i) 1:65.

88. Al–Khatib al–Baghdadiy: Taqyid al–`Ilm 56.

89. Al–Khatib al–Baghdadiy: Taqyid al–`Ilm 54–5.

90. Shaykh al–Saduq: `Ilal al–Shara'i` 1:89; al–Khansariy: Rawdat al–Jannat 8:169, Qamus al–Rijal; Muhammad ibn `Abdullah ibn al–Hasan 8: 243; al–Shiraziy: Riyad al–Salikin 1:100.

91. `Abdullah ibn `Adiy al–Jurjaniy: al–Kamil 2:558, al–Tahdhib: 2:104 and Muhammad `Ajjaj al–Khatib: al–Sunnah Qabla'l–Tadwin 358.

92. Ibn Hazm: al–Ihkam fi Usul al–Ahkam 5:154, 33.

93. Musannaf Ibn Abi–Shaybah 6:343 H. 31894; Tafsir al–Qurtubiy 15:168, 15:180–181.

94. Qasas al–Qur'an.

95. The Book of Genesis 19:30–38

96. Khadijah bint Khuwaylid was the first and most pious wife of the Holy Prophet and the mother of Lady Fatimah al–Zahra' whose wealth was one of the two factors that caused Islam to survive and triumph.

97. Subul al–Huda wa'l–Rashad 2:166 as quoted from Sirat al–Zuhriy. See also al–Rawd al–Anif 1:325.

98. The Ahl al–Kitab are the non–Muslims who hold a divinely revelealed Book; mainly the Jews and Christians.

99. Al–Suyutiy: al–Durr al–Manthur 5:148; Irwa' al–Ghalil 6:38. (Commenting on the narration, al–Albaniy says, 'To the least extent, the Hadith is sound.') See also Musannaf `Abd al–Razzaq 6:114; al–Mannawiy: Fayd al–Qadir 2:720.

100. Al–Muttaqiy al–Hindiy: Kanz al–'Ummal 10:280 H. 29445–29446; Ibn Abi–`[illegible]sim: al–Mudhakkar wa'l–Tadhkir wa'l–Dhakar 63.

101. Dayr al–Hind is the name of one of the villages of Syria. There are also Dayr Hind al–Sughra and Dayr al–Hind al–

Kubra; two villages in al-Hirah (Northern al-Kufah) that were built by Hind, daughter of al-Nu'man ibn al-Mundhir (the Arab king). (See Yaqut al-Hamawiy: Mu'jam al-Buldan 2:542-3) At any rate, It seems that `Abdullah ibn Mas'ud referred to Dayr al-Hind found in Syria because there is a relationship between the topic discussed and this city.

102. Sunan al-Darimiy 1:130 H. 479; Ibn Abi-Shaybah: al-Musannaf 5:315 H. 26447.

103. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i); Sunan al-Darimiy 1:134 H. 477 as is recorded in Tadwin al-Sunnah 341.

104. Ibn Hazm: al-Muhalla 8:336 Q. 1409.

105. Ritually, the Fajr Prayer consists of two Rak'ahs (units of prayer).

106. Al-Qadi al-Dimashqiy: Sharh al-'Aqidah al-Tahawiyyah 2:532 as is recorded in Waqi` al-Taqiyyah `Inda al-Madhahib wa'l-Firaq al-Islamiyyah 106.

107. Al-Bayhaqiy: al-Sunan al-Kubra 3:144; Ibn Kathir: al-Bidayah wa'l-Nihayah 7:218.

108. Ibn al-Athir: al-Kamil 3:104: Ibn Kathir: al-Bidayah wa'l-Nihayah 7:228; Tarikh al-Tabariy 2:606 (Events of the year AH 29).

109. Al-Dhahbiy: Tadhkirat al-Huffadh 1:32 and `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 394.

110. This statement of `Umar ibn al-Khattab is too famous to be denied. He first said it while the Holy Prophet was bedridden taking his final breathes. For more details, see Sahih al-Bukhariy Chapter: Recording of Knowledge (Kitabat al-'Ilm), Chapter: Jihad (Hal Yustashfa' Ila Ahl al-Dhimmah), Chapter: the Campaigns, (Marad al-Nabiy) Chapter: the Ailed (Qawl al-Marid Qumu `Anni), Chapter: Adherence (Karahiyyat al-Khilaf). See also Ibn Hajar: Fath al-Bari fi Sharh Sahih al-Bukhariy 1:185, Al-Qastalaniy: Irshad al-Sari li-Sharh Sahih al-Bukhariy 1:169, Al-`Ayniy: `Umdat al-Qari ila Sharh Sahih al-Bukhariy 1:575, Sharh al-Nawawiy 'ala Sahih Muslim 2:43, `Abd al-Razzaq: al-Musannaf 5:438-9, Musnad Ahmad ibn Hanbal 1:90, 22, 29, 32, 336, 3:346, 6:106, 116 and 476, Al-Bayhaqiy: Dala'il al-Nubuwwah 7:181 and 283. The statement of `[illegible]`ishah is recorded in Sahih al-Bukhariy (Kitab al-Jana'iz) 2:77.

It is unfeasible that the prohibition of reporting, writing down, and recording the Hadith was simultaneous or ascribed to one factor only. As a matter of fact, there must be a number of factors and introductions that contributed in the rise of such decision. In my conception, these factors and introductions can be summarized in the following four factors, yet there must have been more factors:

First Factor

The first factor is the aforesaid discussion of the seventh reason, yet in the sense that the prohibition of spreading the exegesis, explanation, and explication of the Hadiths demonstrating the actual status of the Ahl al-Bayt, especially the Hadiths that have definite dimensions striking the other School of Caliphate (i.e. School of Ijtihad and Opinionism) in the depth.

To a great extent, the reporting of the Ahl al-Bayt's merits without enlightenment was not intended by the decision of the comprehensive prohibition from reporting and recording the Hadith. In the same point, the prohibition from spreading the flaws and shortcomings of the famous personalities of Quraysh is included, since the Holy Qur'an and the Holy Prophet have praised certain persons and condemned others.

Hence, the Sahabah's explanatory interpretation of the Holy Qur'an, the expounding recitations of the Qur'anic texts,1 and the merits and flaws of certain persons2—all these matters were prohibited or, at

least, reduced under the claim that they would be confused with the Holy Qur'an or it was anticipated that they would be falsely reported.

Second Factor

As the rulers did not have full acquaintance with the religious laws, they had to, step by step, create for themselves a trend in the Islamic legislation although many people would disagree with them about it. In the first, the caliphs used to refer to the Sahabah as regards what they had not known from the religious laws mentioned in the Holy Qur'an and Sunnah and had to submit to the answers without showing any apparent embarrassment.

However, by passage of days, these answers were characterized by finding faults with the rulers and disputing with them on the matters involved, as will be detailedly discussed later on in this book. For instance, it has been narrated that `Umar ibn al-Khattab, once, recited the verse,

"The vanguard (***of Islam***)***—the first of those who forsook*** (***their homes***)***, and of those who gave them aid, and those who follow them in*** (***all***) ***good deeds."*** (***Holy Qur'an: 9/100***)

in an erroneous manner; therefore, Zayd ibn Thabit recited the accurate form before him in order to show him his mistake.

However, `Umar insisted on his mistake, and Zayd said, "Amir al-Mu'minin (i.e. `Umar) must be more knowledgeable!" Yet, `Umar summoned Ubayy ibn Ka`b (the expert in the recitation of the Holy Qur'an) and presented the question before him.

Ubayy said, "Indeed, I recited this verse in the very form recited by Zayd ibn Thabit before the Messenger of Allah while you were abiding in *Baqi` al-Gharqad* (a place far away from the abode of the Holy Prophet)." `Umar thus commented, "You have memorized while I have forgotten, and you devoted yourself to learning this while I was engaged with other affairs, and you witnessed while I was absent..."[3]

In order to evade such troubles and to lock the door of objections and embarrassments, the best way was to prohibit the reporting, writing down, and recording of the Hadith. Accordingly, the caliphs began to threat and arrest the reporters of Hadith after they had ordered to reduce reporting it.

Third Factor

On later stages, the caliphs permitted themselves to be semi-sources of the religious legislation. As a result, the conducts of the two Shaykhs, namely Abu-Bakr and `Umar, were legislated to be the partner of the Holy Qur'an and Sunnah, as a first stage, and then other legislations were enacted—all for purpose of corroborating the legislative rulership of the caliphs besides the political authority.

As examples on this legislative authority, `Umar ibn al-Khattab said about the enactment of the *Salat al-*

Tarawih, “Excellent is this heresy,”4 and about the prohibition of the temporary marriage, “Two issues were allowed during the age of Allah’s Messenger, but now I deem them forbidden and will punish anyone who will violate this prohibition. These are the temporary marriage and the allowable period (*Mut`at*) during the Hajj.”5

Afterward, these laws have been called ‘Ijtihad’ and thus the caliph was given the same position of the Holy Prophet and, in the intervening time, they reduced the position of the Holy Prophet to the level of those who issue religious verdicts according to their personal conjectures! This process called for locking the door of reporting, writing down, and recording the Hadith lest contradiction between the caliph’s opinion and the Holy Qur'an and Sunnah would be manifestly clear.

Fourth Factor

The factors of environment and society influenced the mentalities and cultures. Those who prohibited the reporting and recording of the Hadith grew up in a society that had not paid any attention to the recordation and writing; rather it had concentrated on poetry, history of campaigns, and pomposity. In fact, this was another motive that led to the issuance of the decision of prohibiting reporting and recording the Hadith. It goes without saying that the exaggeration in such matters, by virtue of historical necessity, cut across the general culture of Islam.

The seven reasons previously discussed have not been convincing enough to stand as perfect motives for the prohibition of reporting and recording the Hadith. To explore the actual motives of the decision, we have to, first of all, pass through two introductions that will be useful in the discussion involved:

1. The Sahabah used to recite certain Qur'anic texts with explanation, such as that it has been narrated that the copies of the Holy Qur'an kept by `Ā'ishah, Hafsah, and Ummu-Salamah comprised the following verse, “Guard strictly your (habit of) prayers, especially the Middle Prayer;” with the addition, “the `Asr Prayer.” Similarly, it has been narrated that `Abdullah ibn `Abbas, Ubay ibn Ka`b, `Abdullah ibn Mas`ud, and Imam `Ali ibn Abi-Talib used to add the statement, “to a fixed period’ whenever they recited the holy verse, “...seeing that ye derive benefit from them, give them their dowers (at least) as prescribed. 4/24” Books of Hadith and history have comprised many alike examples.
2. For instance, it has been recorded in al-Suyutiy’s al-Durr al-Manthur 2:298 on the authority of `Abdullah ibn Mas`ud that during the lifetime of the Holy Prophet, the Muslims used to add the statement,

“that `Ali is the master of the believers,” to the following holy verse, “O Messenger! Proclaim that which hath been sent to thee from thy Lord. If thou didst not, thou wouldst not have fulfilled and proclaimed His mission. And Allah will defend thee from men who mean mischief. For Allah guideth not those who reject Faith. 5/67”

Similar narrations have been recorded about the holy verses,

“O ye who believe! If a wicked person comes to you with any news, ascertain the truth, lest ye harm people unwittingly, and afterwards become full of repentance for what ye have done. 49/6”

“O ye who believe! Raise not your voices above the voice of the Prophet, nor speak aloud to him in talk, as ye may speak aloud to one another, lest your deeds become vain and ye perceive not. 49/2”

“If ye two turn in repentance to Him, your hearts are indeed so inclined; But if ye back up each other against him, truly Allah

is his Protector, and Gabriel, and (every) righteous one among those who believe,– and furthermore, the angels – will back (him) up. 66/4"

"Behold! We told thee that thy Lord doth encompass mankind round about: We granted the vision which We showed thee, but as a trial for men,– as also the Cursed Tree (mentioned) in the Qur'an: We put terror (and warning) into them, but it only increases their inordinate transgression. 17/60"

3. Ibn `Abd al–Rabb al–Qurtubiy: Jami`u Bayan al–`Ilm wa–Fadlih(i) 11:7; al–Hakim al–Nisapuriy: al–Mustadrak `Ala'l–Sahihayn 3:305; al–Suyutiy: al–Durr al–Manthur 3:269; al–Tha`labiy: al–Kashf wa'l–Bayan 5:183 (with a further addition); Ibn Jinni: al–Muhtasib 1:300. Later on in this book, many narrations regarding finding faults with `Umar ibn al–Khattab will be cited.
4. Sahih al–Bukhariy 2:707 H. 1906; Sahih ibn Khuzaymah 2:155 H. 1100; al–Bayhaqiy: al–Sunan al–Sughra 1:481 H. 847; al–Bayhaqiy: al–Sunan al–Kubra 2:493 H. 4379.
5. Sharh Ma`ani al–Akhbar 2:146; Sa`id ibn Mansur: Kitab al–Sunan 1:352 H. 852; Ibn `Abd al–Barr: al–Tamhid 8:355, 10:113, 23:365; Ibn Hazm: al–Muhalla 7:107; al–Dhahbiy: Tadhkirat al–Huffadh 1:366; al–Jassas:Ahkam al–Qur'an 2:153.

A deep look into the history of Islam takes to the conclusion that the Sahabah in the age of the Divine Mission and legislation can be classified into two groups in the capacity of their conducts towards the Holy Prophet's words and instructions. The representatives of the fist group entered upon the ultimate compliance with all the rulings issued by Almighty Allah and the Holy Prophet. This situation was based upon a number of considerations such as

(1) the sacredness of such rulings, for they are issued by Almighty Allah, the one and only God,

(2) the obligation of the compliance with the Holy Legislator and the impermissibility of breaking

His laws as is deduced from Almighty Allah's sayings

"O ye who believe! Obey Allah and His messenger, and turn not away from him when ye hear (him speak), (Holy Qur'an: 8:20)"

"He who obeyeth Allah and His messenger, and feareth Allah, and keepeth duty (unto Him): such indeed are the victorious, (Holy Qur'an: 24:52)"

"And whatsoever the messenger giveth you, take it. And whatsoever he forbiddeth, abstain (from it), (Holy Qur'an: 59:7)"

"But nay, by thy Lord, they will not believe (in truth) until they make thee judge of what is in dispute between them and find within themselves no dislike of that which thou decidest, and submit with full submission, (Holy Qur'an: 4:65)"

"The saying of (all true) believers when they appeal unto Allah and His messenger to judge between them is only that they say: We hear and we obey. And such are the successful, (Holy

***Qur'an: 24:51*)"**

***"And it becometh not a believing man or a believing woman, when Allah and His messenger have decided an affair* (*for them*)*, that they should* (*after that*) *claim any say in their affair; and whoso is rebellious to Allah and His messenger, he verily goeth astray in error manifest,* (*Holy Qur'an: 33:36*)"**

and similar verses, and

(3) the fact that personal opinions in the fields of systemizing the social and individual conducts are worthless so long as there is a perfect legislation and flawless elucidation of all the laws comprised by the Holy Qur'an. In other words, since there is an all-inclusive and unqualified legislation, it is meaningless to adopt anything claimed to make up for such unblemished code of law. In this regard, Almighty Allah says,

***"And We reveal the Scripture unto thee as an exposition of all things, and a guidance and a mercy and good tidings for those who have surrendered* (*to Allah*). (*Holy Qur'an: 15:89*)"**

The members of this group were characterized by their incontrovertible abidance by the Prophet's words and instructions and their negligence of any personal opinion alongside of the Divine legislation and elucidation taking into consideration that the members of this group are exposed to flaw, oblivion, or inadvertence because they are not sinless! Later on, we will present models of this group.

The second group includes those who treated the Holy Prophet as an imperfect mortal who is liable to making mistakes such as insulting and cursing others and then asking Almighty Allah's forgiveness for them.1

They neither confessed of the sacredness and actual position of the Holy Prophet that he received from Almighty Allah nor did they treat him as exactly as Almighty Allah has commanded. This fact can be proven through many Qur'anic verses and narrations. As much as the Qur'anic verses are concerned, let us cite the following:

***"O ye who believe! Lift not up your voices above the voice of the Prophet, nor shout when speaking to him as ye shout one to another, lest your works be rendered vain while ye perceive not.* (*Holy Qur'an: 49:2*)"**

This verse shows that some of the Sahabah did not observe the sacredness of the Holy Prophet; therefore, Almighty Allah has instructed them to conform to his unattainable position.

***"O ye who believe! What aileth you that when it is said unto you: Go forth in the way of Allah, ye are bowed down to the ground with heaviness. Take ye pleasure in the life of the world rather than in the Hereafter? The comfort of the life of the world is but little in the Hereafter.* (*Holy Qur'an: 9:38*)"**

This verse, too, shows that some of the Sahabah did not carry out or comply with the Holy Prophet's command of participating in jihad (holy warfare); rather they bowed down to the ground with heaviness.

"Lo! those who malign Allah and His messenger, Allah hath cursed them in the world and the Hereafter, and hath prepared for them the doom of the disdained. (***Holy Qur'an: 33:57***)***"***

"And of them are those who vex the Prophet and say: He is only a hearer. Say: A hearer of good for you, who believeth in Allah and is true to the believers, and a mercy for such of you as believe. Those who vex the messenger of Allah, for them there is a painful doom. (***Holy Qur'an: 9:61***)***"***

These verses show clearly that some of the Sahabah used to vex the Holy Prophet.

"Hast thou not observed those who were forbidden conspiracy and afterward returned to that which they had been forbidden, and (***now***) ***conspire together for crime and wrongdoing and disobedience toward the messenger? And when they come unto thee they greet thee with a greeting wherewith Allah greeteth thee not, and say within themselves: Why should Allah punish us for what we say? Hell will suffice them; they will feel the heat thereof – a hapless journey's end.*** (***Holy Qur'an: 58:8***)***"***

All the forecited Qur'anic texts indicate the existence of some men among the Sahabah who did not realize the actual connotation of the Holy Prophet's position in the Islamic legislation in specific and all fields of life in general.

They therefore raised their voices in the presence of the Holy Prophet[2] and felt annoyed for his ordering them to fight against the enemy.[3] Moreover, some of them used to object to the Holy Prophet's acts[4] and follow what is personally advantageous for themselves although a divine text in this regard was put between their hands.[5]

They also issued personal opinions in his presence.[6] Exceeding all limits, some of them asked him to change some religious laws just because they did not meet their interests. Facing such objections, the Holy Prophet used to recite Almighty Allah's saying,

"Say (***O Muhammad***)***: It is not for me to change it of my accord. I only follow that which is inspired in me. Lo! If I disobey my Lord, I fear the retribution of an awful Day.*** (***Holy Qur'an: 10:15***)***"***

Meanwhile, Almighty Allah, on more than one occasion, confirms to the Holy Prophet to abide by the divine commands. In this regard, He says,

"And now have We set thee (***O Muhammad***) ***on a clear road of*** (***Our***) ***commandment; so follow it, and follow not the whims of those who know not.*** (***Holy Qur'an: 45:18***)***"***

Not only were the hypocrites and opportunists who fall under the category of '*al-Mu'allafah Qulubuhum*—Those whose hearts are made to incline to Islam'—classified under the second group of the Sahabah, but there were also some 'first-class' Sahabah who, as is concluded from historical facts and biographies of the Holy Prophet's companions, carried wrong impressions towards treating the divine texts in general and the Holy Prophet's words and instructions in particular.

Since they were still holding the traditional concepts that a Prophet is no more than an ordinary mortal who may be right or wrong, they used to object to the Holy Prophet in the same way as they object to any man. Both Almighty Allah and the Holy Prophet have frequently denied such concepts. In this regard, the Holy Prophet is reported to have addressed to his companions,

"What for are you attempting to violate the Book of Allah? Because of this very thing did the past nations perish."7

"How dare you act playfully in the Book of Allah while I am still among you?"8

"Have you been ordered of or created for violating the Book of Allah? Only because of such acts did the nations that preceded you go astray. You are not allowed to do anything with these instructions except to obey. You must carry out what you have been ordered to do and must refrain from what you have been ordered to avoid."9

Too many are the Holy Prophet's words that hint at the same topic and confirm his inerrancy and extraordinary character because the community, due to a traditional view, regarded him as an ordinary person who may make mistakes, forget or neglect... etc.

As a consequence, many of the Holy Prophet's decisions, which were taken in compliance with the Divine Commissions, were objected by his companions; such as releasing the prisoners of the Battle of Badr, offering the Dead Prayer for the hypocrite, entering into the Hudaybiyah Truce, and many other occurrences.

Nevertheless, an inclusive study of this topic leads us to a bitter fact that most of those who used to object to the Holy Prophet did not stop and did not accept the divine elucidations in this regard; rather they, disregarding the divine instructions, exerted all efforts in instilling this wrong idea in the minds of the Muslims after the departure of the Holy Prophet.

oHolAAAlthough it goes without saying that by uttering the shahadah (the two creeds of Islam), one's blood becomes too regardful to be shed unjustly, and although the Holy Prophet had been confirming on this principle since the first stages of his promulgation for Islam, Usamah ibn Zayd killed Mirdas ibn Nuhayk, the Muslim, unjustly.

When Usamah was the commander of a brigade, he ordered to raid on a group of people among whom was Mirdas who had already converted to Islam. Having seen the attacking horsemen of Usamah's

brigade, Mirdas drove his sheep towards a corner in the mountain so as to save them. When the horsemen caught him, he received them with statements of *Allahu Akbar* and the two creeds of Islam; but Usamah ibn Zayd killed him and took his sheep.

When the Holy Prophet was informed about this incident, he was terribly depressed. He then said to them, "You have killed him only because you wanted to seize his sheep!" He then recited Almighty Allah's saying,

"And do not say to any one who offers you peace: You are not a believer. Do you seek goods of this world's life! (***Holy Qur'an: 4:94***)*"*[10]

The incident of Khalid ibn al-Walid's awful deed with the Banu-Judhaymah is a more expressive example. Writing the incidents that fell in AH 8, al-Tabariy recorded that after the Conquest of Makkah, the Holy Prophet decided to promulgate Islam in the neighboring districts through groups that he appointed for this purpose.

Khalid ibn al-Walid was the leader of the group sent to the Banu-Judhaymah as promulgators about Islam, not fighters. When Khalid resided in an area there, the men of Banu-Judhaymah armed themselves. Khalid then ordered them to lay down their weapons for all the people had accepted Islam. When they did, Khalid ordered his men to tie their hands behind their backs. He then killed a number of them.

When the Holy Prophet was informed about this massacre, he raised his two hands towards the heavens and declared, "O Allah: I repudiate Khalid's deed before You." He then ordered (Imam) `Ali to take with him some money and pay them to the heirs of the victims of Khalid's massacre as blood money. `Ali carried out... etc.[11]

Such incidents and such mentalities did not stop; they left their imprints on the events of the social life of Islam and continued to influence the reigns of Abu-Bakr and `Umar. In this regard, Ibn Hajar records that Khalid ibn al-Walid used to issue personal orders without letting the caliph, Abu-Bakr, know about him.[12]

In addition to Khalid ibn al-Walid and Usamah ibn Zayd, too many were the Sahabah who used to act upon their own opinions, which were in violation of the Holy Qur'an and Sunnah, while the Holy Prophet was among them. In fact, the Muhajirun rested upon their personal views that violated the divine laws and instructions more than the Ansar[13] did. Most of the Ansar complied with the divine laws and instructions without discussion.

Those Sahabah who objected and acted upon their personal views were the originators of the schools of Ijtihad[14] (personal inference) and Ra'y (personal opinion) that emerged thereafter. Similarly, they were the cornerstones of the decision of prohibiting reporting and recording the Hadith.

It was they who warned `Abdullah ibn `Amr ibn al-`[illegible]s against recording the Hadith during the lifetime of the Holy Prophet and it was they who spread definite opinions and concepts that were later on included with the Holy Sunnah.15

The Situations Of Abu-Bakr And `Umar Towards The Two Groups

In order to sketch a clearer picture about the motives of the prohibition of reporting and recording the Hadith, it is necessary to probe the situations of Abu-Bakr and `Umar towards the divine texts and instructions and their intuition about the Holy Prophet though we do desire to skip this page so as to avoid sectarian matters that are unnecessary in this discussion.

In spite of that, this study requires matters of this kind the skipping of which results in the concealment of important facts, the deprivation of the actual motive beyond the prohibition of reporting and recording the Hadith, the curtailment of the ideas and beliefs, and the confiscation of the freedom of presenting the concepts and motives.

On account of the abovementioned introduction, we have to tackle this topic even if it may add some points to the characters of Abu-Bakr and `Umar in particular and some of the Sahabah in general.

It has been narrated on the authority of Abu-Sa`id al-Khidriy, Anas ibn Malik, Jabir ibn `Abdullah al-Ansariy, and many grand Sahabah that Abu-Bakr, once, came to the Holy Prophet and told that he saw such a pious and religious man offering prayers in so-and-so valley. Suddenly, the Holy Prophet ordered Abu-Bakr to go back there and kill that man. Abu-Bakr did; but when he saw the man offering prayers in such a state of piety, he disliked carrying out the Holy Prophet's order. He therefore came back. The Holy Prophet then ordered `Umar to carry out that order; but when `Umar went there, he also disliked killing the man for the same reason that made Abu-Bakr break the Holy Prophet's order. When `Umar came back without carrying out the order, the Holy Prophet ordered Imam `Ali to go there and kill the man. Unfortunately, Imam `Ali could not find that man; he therefore came back and told the Holy Prophet. Commenting on the situation, the Holy Prophet said,

"Verily, that man and his companions recite the Holy Qur'an but it does not reach even their clavicles. They will slip from the religion in the same way as an arrow slips the hit; then they will never return to it until the arrow corrects its position!"16

It has been also narrated that Anas ibn Malik said: We, once, were sitting with the Holy Prophet in the yard of the mosque when one of us mentioned the manners of an individual known for his bravery and diligence. The Holy Prophet denied the man although we mentioned other characteristics. Meanwhile, the man appeared before us and we said, "This is the man, Allah's Messenger!" The Holy Prophet said, "I did not know him. This is the leader of the first straying group in my nation in the first age. Verily, he holds a characteristic from the Devil."

When the man came near the Holy Prophet, he greeted him, and the Holy Prophet replied and then said, “I adjure you by Almighty Allah to answer me frankly; when you came to us, you thought of yourself as being the most excellent and that none of us is better than you are, did you not?”

“Yes, I did,” answered the man who, then, entered the mosque to offer a prayer.

The Holy Prophet then ordered Abu-Bakr to go and kill that man. When Abu-Bakr entered the mosque, he found the man offering a prayer. He thus thought that because a prayer had sanctity, he should go back to the Holy Prophet and ask him. When Abu-Bakr came back, the Holy Prophet asked whether he had killed the man or not.

“I did not. I found him offering a prayer and I know that prayer has sanctity. However, I could have killed him if I had wanted,” answered Abu-Bakr.

The Holy Prophet said, “You are not the appropriate man for this mission.” He then ordered `Umar ibn al-Khattab of the same matter.

When `Umar entered the mosque, he found the man prostrating himself. He thought that prostration has sanctity and that he should ask the Holy Prophet about the matter before he would kill the man in the same way as Abu-Bakr had done.

He thus returned to the Holy Prophet who asked him whether he had killed the man.

“No, I did not. I found him prostrating himself and I know that prostration has sanctity and I could have killed him if I had wanted,” `Umar answered.

The Holy Prophet said, “You are not the appropriate man for this mission.” He then asked `Ali to kill the man if he would find him.

When Imam `Ali entered the mosque, he could not find the man. He thus returned to the Holy Prophet who asked him whether he had done the mission.

“No, I did not,” answered Imam `Ali.

The Holy Prophet commented, “If this man was killed this day, no single dispute would ever take place in my nation up to the coming of the Dajjal.[17]”

The Holy Prophet then spoke to them about the past nations, saying,

“The nation of (Prophet) Moses separated into seventy-one sects all of whom will be in Hellfire except one only. Similarly, the nation of (Prophet) Jesus separated into seventy-two sects all of whom will be in Hellfire except one only. My nation will exceed these two nations in the number of the separating sects in one degree. They will separate into seventy-three sects all of whom will be in Hellfire except one only.”[18]

From the previous narration, we conclude that Abu-Bakr behaved according to his own view believing that it is proper not to kill the man because he was offering prayers so piously. He therefore violated the Holy Prophet's command and followed his own opinion. This proves that he did not comply with the divine texts and the Holy Prophet's words and instructions as exactly as divinely commissioned.

The same thing is applicable to `Umar ibn al-Khattab who, too, had followed his personal opinion and disobeyed the Holy Prophet's command after he had heard Abu-Bakr's excuse and the Holy Prophet's confirmation.

It is now fair to put the following questions:

What does the Holy Prophet's confirmation on killing that pious man mean especially after he had heard Abu-Bakr's excuse to give up carrying out the Holy Prophet's order? Is it permissible for the Holy Prophet to order of killing a pious man? Did he have the right to kill people unjustly? How can one accept a personal error from the Holy Prophet especially in a question of suppressing innocent souls? Supposing that it was acceptable or even obligatory to kill that man, why did Abu-Bakr and `Umar break the Holy Prophet's order?

Abu-Bakr and `Umar should have understood Almighty Allah's sayings,

"And whatsoever the messenger giveth you, take it. And whatsoever he forbiddeth, abstain (***from it***). (***Holy Qur'an: 59:7***)***"***

"That this is in truth the word of an honored messenger Mighty, established in the presence of the Lord of the Throne (***One***) ***to be obeyed, and trustworthy And your comrade is not mad.*** (***Holy Qur'an: 81:19-22***)***"***

"That it is indeed the speech of an illustrious messenger. It is not poet's speech—little is it that ye believe nor diviner's speech—little is it that ye remember. (***Holy Qur'an: 69:40-41***)***"***

"Your comrade erreth not, nor is deceived nor doth he speak of (***his own***) ***desire It is naught save an inspiration that is inspired.*** (***Holy Qur'an: 53:2-4***)***"***

It is vastly important to study, investigate, and analyze the question of the disobedience that Abu-Bakr and `Umar showed towards the commissions of the Holy Prophet and their objections to his decisions as well as their acting upon their personal opinions in his presence. Let us refer to an example on such objections:

During the Hudaybiyah Truce, `Umar objected to the Holy Prophet, saying, "Are you really the messenger of Allah?"

Answering him, the Holy Prophet said, "Yes, I am."

“Are we really the right while our enemies the wrong?” `Umar asked again.

“Yes, this is true,” answered the Holy Prophet.

“Why are we then making relinquishments for them?” wondered `Umar.

The Holy Prophet replied, “Verily, I am the Messenger of Allah and I will never disobey Him, for He will certainly give me victory.”

Keeping on asking, `Umar said, “Have you not told us that we will be at the Holy House (the Ka`bah) and circumambulate it?”

“Yes, I have,” answered the Holy Prophet, “Have I told you that we will come to it this very year?”

“No, you have not,” answered `Umar.

“You will certainly come to and circumambulate the Holy House,” asserted the Holy Prophet.

`Umar then came to Abu-Bakr and asked, “Is he really the prophet of Allah?”

“Of course he is,” answered Abu-Bakr.

“Why are we then making relinquishments for our enemies?” `Umar asked again.

Abu-Bakr answered, “Listen man! He is verily the messenger of Allah; and he will never disobey his Lord Who will surely give him victory. You must thus hold fast to him for he is surely the right. I swear it by Allah.”

Keeping on asking, `Umar said, “Has he not told us that we will come to and circumambulate the Holy House?”

“Has he told you that you will come to it this very year?” asked Abu-Bakr.

“No, he has not,” answered `Umar.

“You will then certainly come to and circumambulate the Holy House,” confirmed Abu-Bakr.[19]

The clearest thing that can be concluded from the aforementioned incident is `Umar’s having suspected and mistrusted the Holy Prophet’s words—the obvious fact that none can ever doubt about it. Although the Holy Prophet explained the question of the prediction for him, `Umar repeated the same questions for Abu-Bakr. This means that he was not sure of the Holy Prophet’s words.

Yet, Abu-Bakr confirmed the fact that the Holy Prophet would never disobey the Lord for he was surely His Messenger. He also urged `Umar earnestly to adhere to the Holy Prophet for he was right.

Although he heard the same words from Abu-Bakr, `Umar insisted on the question and again doubted the Holy Prophet's words by asking, "Has he not told us that we will come to and circumambulate the Holy House?"

This incident proves that `Umar did not belong to the group of the Sahabah who practiced ultimate compliance with all the rulings issued by Almighty Allah and the Holy Prophet; otherwise he would have complied with the Holy Prophet's words, deeds, and instructions and would not have needed the confirmations of Abu-Bakr or anyone else.

History has kept for us other situations in which `Umar ibn al-Khattab expressed his personal opinions. Moreover, he confirmed such opinions and obliged the Sahabah to follow them although he knew that the Holy Prophet had rejected them. In the presence of the Holy Prophet, he once beat some of those who wept for the demise of Ruqayyah and Ibrahim, daughter and son of the Holy Prophet[20] because he did not like weeping for the dead. In the same situation, the Holy Prophet said,

"Verily, the heart naturally grieves and the eye sheds tears."[21]

This sacred saying means that those who weep for their dead people must be treated mercifully, not severely. In the same manner, the Holy Prophet is reported to have wiped the tears off the eyes of Lady Fatimah when she wept for her sister, Ruqayyah, and the ladies of the Ansar to weep for the martyrdom of Hamzah, his uncle, saying,

"How is it that none is weeping for Hamzah?"[22]

Moreover, the Holy Prophet himself wept for the martyrdom of Hamzah.

It has been also narrated that `Umar, once, objected to the Holy Prophet who wanted to offer the ritual Deceased Prayer for a hypocrite. Further, `Umar pulled the Holy Prophet round and shouted, "How come you are offering a prayer for a hypocrite?"[23] From then on, `Umar expressed his remorse for his situation.

As a matter of fact, `Umar's situations of objection to the Holy Prophet were more serious than the aforementioned incidents; he protested against the Holy Prophet's decision of releasing the prisoners of the Battle of Badr in return for a definite ransom. In this issue, `Umar suggested that Hamzah should have killed al-`Abbas, his brother who was within the prisoners, and `Ali should have killed `Aqil, his brother, and the same should have been applied to every Muslim who had relatives within the prisoners so that all the prisoners would be killed.[24]

Out of his compliance with the Divine Revelation Whose distinctive feature has been mercy and wisdom, the Holy Prophet rejected this opinion totally.

As a sequence, a big number of historians and traditionalists have dared to criticize the Holy Prophet in order to justify the objections of Abu-Bakr and `Umar against him! Of course, such audacity has been

the result of the distorted principles of history and Islamic jurisprudence, which were sketched by or during the reigns of Abu-Bakr and `Umar themselves and which have been, unfortunately, still depended by some sects that claim their belongingness to Islam.

One of such historians has claimed that the objections of Abu-Bakr and `Umar were in fact the actual exegesis of the Qur'anic texts revealed during that incident! Exceeding all limits, this historian has added that Almighty Allah's saying,

"It is not for any prophet to have captives until he hath made slaughter in the land. Ye desire the lure of this world and Allah desireth (***for you***) ***the Hereafter, and Allah is Mighty, Wise,*** (***Holy Qur'an: 8:67***)***"***

was no more than condemnation addressed to the Holy Prophet and some of the Sahabah who, according to the speech of this historian, desired the lure of this world against the Hereafter and took ransoms from the prisoners before they had 'thoroughly subdued in the land.' Moreover, this historian and his likes have claimed that none was saved from that 'sin' except `Umar ibn al-Khattab!

In order to avoid the lengthy details of this issue, it is sufficient to quote Sayyid Sharaf al-Din's words explaining the holy verse involved:

Anyone who claims that the Holy Prophet had prisoners and accepted ransoms from them in return for releasing them before he had fought and triumphed—anyone claiming such is definitely liar! Only after he had fought, triumphed, and killed the tyrannical heads of the polytheists of Quraysh, such as Abu-Jahl, `Utbah, Shaybah, al-Walid, and Handhalah up to seventy foes—only after that, the Holy Prophet took prisoners.

This fact is openly known for everybody. In view of that, the Holy Prophet is too far above any censure mentioned in the holy verse involved. Glorified is Allah and High Exalted above what those unjust people say.

The truth is that the holy verse blamed those who desired to gain the caravan rather to fight for the sake of Allah. About them, Almighty Allah has said,

"And when Allah promised you one of the two bands (***of the enemy***) ***that it should be yours, and ye longed that other than the armed one might be yours. And Allah willed that He should cause the Truth to triumph by His words, and cut the root of the disbelievers.*** (***Holy Qur'an: 8:7***)***"***

Counseling his companions, the Holy Prophet said to them:

"The polytheists have set off riding any possible ridden animal. Do you desire to have their properties, including the animals, or to fight them for the sake of Allah?"

Although they noticed that the Holy Prophet desired earnestly to fight the enemies, they answered that

they would rather seize the enemies' animals than to fight them. Some of them, however, suggested to him that he should have identified fighting the enemy so that they would be ready for it, because they had readied themselves for seizing the enemies' caravan. This situation saddened the Holy Prophet so much that the color of his face changed. Consequently, Almighty Allah revealed to him saying,

"Even as thy Lord caused thee (***Muhammad***) ***to go forth from thy home with the Truth, and lo! A party of the believers were averse*** (***to it***)***, disputing with thee of the Truth after it had been made manifest, as if they were being driven to death visible.*** (***Holy Qur'an: 8:5–6***)***"***

As Almighty Allah wanted to convince the Sahabah of the Holy Prophet's insistence on fighting the enemies and disregarding seizing their caravan, He revealed the verse involved. The explanation of the verse is put between parentheses in the following exposition:

"It is not for any prophet (***among those whom were chosen by Almighty Allah before Muhammad***) ***to have captives until he hath made slaughter in the land.*** (***Thus, your Prophet, following the norms of the Prophets who preceded him in time, shall not take captives before he fights and triumphs. From this cause, he did not care about the seizure of the caravan and the imprisonment of its owners—Abu-Sufyan and his companions***) ***Ye desire the lure of this world and Allah desireth*** (***for you***) ***the Hereafter*** (***through terminating the armed enemies***)***, and Allah is Mighty, Wise*** (***and might and wisdom, on that day, required eradicating the enemies and extinguishing their fire of polytheism***). (***Holy Qur'an: 8:67***)***"***

Reproaching and threatening those who desired for the properties of the polytheists' caravan, Almighty Allah then says,

"Had it not been for an ordinance of Allah which had gone before (***in His eternal Knowledge that He would prevent you against seizing the animals of the caravan and capturing its people, you would have captured them and seized the animals of their caravan; and had you done this***)***, an awful doom had come upon you on account of what ye took*** (***before you would fight and triumph***). (***Holy Qur'an: 8:68***)***"***

This is the exact meaning of the holy verse; and Almighty Allah is too Glorified to reproach His Prophet, as has been claimed by those ignorant people.25

During the battle of Uhud, the same Sahabah committed such acts that prove our exposition. Facing al-Madinah and turning the back to Mount Uhud, the Holy Prophet ordered the archers, who were fifty in number, to stay behind the army. Historians and traditionalists have confirmed that the Holy Prophet appointed `Abdullah ibn Jubayr as the commander of the archers and ordered him saying, "Pelt the horsemen with arcs so that they will not come upon us from the back; and never leave your place whether we win or lose."

Besides, the Holy Prophet urged them earnestly to keep their places and to obey their commander.

Nevertheless, they preferred their personal opinions to the Holy Prophet's orders as they did not comply with his emphatic instructions. When the battle reached its climax and the Muslim army beat the enemies so fiercely that Imam `Ali could kill the bearers of the enemies' standard one after another causing their standard to be thrown on the ground as none of them had the courage to raise it, the enemies absconded disorderly.

Hence, the Muslim army attacked their camp looting whatever they found there. On account of their avarice to gain such loots, the archers left their positions breaking the Holy Prophet's orders and paying no attention to the instructions of their commander. They said to him, "Why should we keep up our positions while we have seen how the enemies ran away?"

Yet, `Abdullah ibn Jubayr said, "I swear by Allah that I will never violate the order of Allah's Messenger. Together with less than ten archers, `Abdullah did not leave his position. Khalid ibn al-Walid, accompanied by `Ikrimah ibn Abi-Jahl, seized the opportunity and led a brigade of horsemen to attack the archers who were behind the Muslim army. They killed `Abdullah ibn Jubayr so savagely that they mutilated his limbs. They then stroke the Muslim army from the back raising their voices with the names of their idol-gods; Lat and `Uzza.[26]

It is worth mentioning that to refer to the witticism that although those who supported, welcomed, and defended the raising of personal opinions, especially by the Sahabah, in the face of the divine texts and the Holy Prophet's words and instructions have claimed that a mujtahid –one who rests upon his personal opinion in the face of the divine texts– will be given twice as the reward when his opinion hits the target and will be rewarded once when his opinion is wrong—although they maintain such a principle, they have not applied it to the Holy Prophet when they claimed that Almighty Allah blamed him –Allah forbid– for accepting ransoms in return for releasing the prisoners of the Battle of Badr! Moreover, they have fabricated the lie that the Holy Prophet, after the incident, wept heavily for he knew that the heavenly chastisement was on his doorstep; therefore, he said, "The heavenly chastisement is very close. If it will befall us, nobody will be saved from it except `Umar!"[27]

In short, a group of the Sahabah used to act upon their personal opinions disregarding the Holy Prophet's words and deeds; they therefore used to deem incorrect the Holy Prophet's deeds and declare openly that his deeds were in violation of the Divine Commissions –Allah forbid–.

On the other side, another group of the Sahabah believed in the obligatory compliance with the Holy Prophet's instructions and the forbiddingness of violating his words, deeds, and confirmations as evidenced by Almighty Allah's saying,

"And your Lord creates and chooses whom He pleases; to choose is not theirs. (***Holy Qur'an: 28:68***)***"***

Above and beyond, the Holy Qur'an is full of such verses confirming the impermissibility to go over the Holy Prophet's instructions:

"They only are the true believers who believe in Allah and His messenger and, when they are with him on some common errand, go not away until they have asked leave of him. Lo! those who ask leave of thee, those are they who believe in Allah and His messenger. So, if they ask thy leave for some affair of theirs, give leave to whom thou wilt of them, and ask for them forgiveness of Allah. Lo! Allah is Forgiving, Merciful. (***Holy Qur'an: 24:62***)***"***

"O ye who believe! Obey Allah, and the messenger when He calleth you to that which quickeneth you, and know that Allah cometh in between the man and his own heart, and that He it is unto Whom ye will be gathered. And guard yourselves against a chastisement which cannot fall exclusively on those of you who are wrong-doers, and know that Allah is severe in punishment. (***Holy Qur'an: 8:24-25***)***"***

It has been narrated that al-Zubayr ibn al-`Awwam, explaining the aforementioned verse, said,

"Although we were with the Messenger of Allah, we did not recognize that this verse intended us and nobody else."28

He is also reported to have said,

"We have been reciting this verse for ages without noticing that we might have been intended. We are now fully aware that the verse intended us and nobody else."29

According to al-Siddiy, the verse intended the warriors of the Battle of Badr by name. It thus was applied to them during the Battle of the Camel (al-Jamal) when they fought against each other.30

We have previously pointed out that too many were the situations on which `Umar ibn al-Khattab objected to the Holy Prophet; yet, some historians and biographers have considered them special talents that were given to `Umar exclusively after it had been made obscure to the others, including the Holy Prophet, so as to present what is advantageous and refrain what is not! One of such situations is `Umar's having prevented the Holy Prophet from recording his last will, which he described as 'perpetually protecting the Muslim community against deviation.'

While he was in the last hours of his honorable life, the Holy Prophet ordered the attendants to bring him a paper and a pen so that he would write for them a will that would protect them from deviation forever. Yet, `Umar said, "This man is hallucinating! Sufficient for us is the Book of Allah!"31

Let us make a comparison between the last hours of the honorable life of the Holy Prophet and the last hours of Abu-Bakr's life in order to allude to an important, yet ironical, affair. `Umar rejected and deterred from the carrying out of the Holy Prophet's final will that would, in the words of the Holy Prophet, save the ummah from deviation forever, but when Abu-Bakr, having been in the final hours of his life, wanted to appoint `Umar as the coming caliph, he uttered a few words then he was fainted. Hence, `Uthman ibn `Affan wrote down the name of `Umar ibn al-Khattab as the successor of Abu-

Bakr.

When the latter regained consciousness, he accepted `Uthman's personal dictation.[32] Historians have not regarded the recordation of `Umar's name as the next caliph as hallucination, but they have regarded the Holy Prophet's request to write down a document protecting his ummah from deviation as absolute hallucination!

We should thus wonder why Abu-Bakr was not accused of hallucination while the Holy Prophet, who does never speak out of desire in the words of the Holy Qur'an, was! In fact, the state of Abu-Bakr was greatly more intense than the Holy Prophet's.

In like manner, why did they accept the words of `Umar, while he was intensely ailed, that defined the names of the members of the so-called Shura Committee and reject the words of the infallible Prophet? Why did they oppose each other before the Holy Prophet while they all together accepted `Umar's will?

Why have we never heard that anybody had the courage to accuse `Umar of hallucination in spite of his too many contradictory words and deeds while they have dared to accuse the Holy Prophet of such a disgraceful charge although they, yet openly, confess that `Umar would have never reached the rank of the Holy Prophet?

Is it not rightful for every Muslim individual to declare his will? If so, why did `Umar stood against the declaration of the will of the Holy Messenger of Allah? Was the Holy Prophet less ranked than any other ordinary Muslim?

If the Holy Prophet did not appoint any individual as his successor leaving his ummah to select a leader for themselves, why did Abu-Bakr violate this Prophetic method when he nominated his successor?

Furthermore, how can one believe that the Holy Prophet left his ummah for themselves while he used to tell them about what the past generations had done to their religions and used to declare that people had not had full faith yet since they were very near to the pre-Islamic era (*Jahiliyyah*)? According to authenticated narrations, the Holy Prophet had never left al-Madinah before he would appoint an individual as his representative.[33]

Similarly, Prophet Moses did not go at Almighty Allah's Appointed Time before he had appointed his brother, Aaron, as his representative.[34] These facts are in violation of the claim that he left his ummah without leader.

Similarly, Abu-Bakr did not depart his subjects before he nominated `Umar as his successor so that, as has been claimed by his fans, he would avoid dispute and disagreements among the publics,[35] and `Umar, too, did not depart them before he nominated the six members of the so-called Shura Committee.

After all, it is unbelievable that the Holy Prophet left his ummah for themselves without nominating a

successor while, according to authenticated narrations, he emphasized on joining the phalanx of Usamah until the last spark of his honorable life. Undoubtedly, this indicates his interest in the matter of his successorship.

Throughout this study, the trend of those who followed and complied with the Holy Prophet's instructions thoroughly will be called "The School of Thorough Compliance with the Sacred Texts" while the trend of those who adopted and depended upon their personal views and opinions will be called "The School of Ijtihad and Opinionism."[36]

To sum it up, the aforesaid, as well as the coming, discussions prove unquestionably that Abu-Bakr and `Umar were not accustomed to follow everything said by the Holy Prophet; rather they used to depend upon their personal views in defining the good of a question in his presence. Of course, such a spirit was the product of their tribal tendency that was, in their conception, above everything.

During the lifetime and in the presence of the Holy Prophet, the companions generally followed two methods as regards their attitude to the Holy Prophet. One group purely adopted and followed every single word or commanded said by the Holy Prophet without any argument, while the other group, to which Abu-Bakr and `Umar belonged, presented the Holy Prophet's commandments to their personal viewpoints; if they were compatible, they would carry out otherwise they would follow their opinions violating the Holy Prophet's instructions. These two trends continued to exist even after the departure of the Holy Prophet.

For instance, although the Holy Prophet very frequently confirmed the impermissibility to observe fasting incessantly and, instead, instructed that to observe fasting on the first, middle, and last days of a month would be regarded as fasting all the days of one's lifetime,[37] some of the Sahabah did not stop observing fasting incessantly.

Another example is that although the Holy Prophet, during the Battle of Tabuk, permitted his companions to slaughter and eat the meat of camels, some of the Sahabah denied this matter.[38]

During the Battle of Uhud, five warriors from the polytheists' army attacked the Holy Prophet. One of them hit his forehead, another broke his scapula, another hit him on the cheek... etc. He then did not want the polytheists to know that he was still alive lest they would again attack the Muslims and him. When Ka`b ibn Malik knew that the Holy Prophet was not killed, he, intending to convey this good tiding to the Muslims, shouted that the Holy Prophet was still alive.

Yet, the Holy Prophet gestured him not to declare it so that the enemy would not attack him again. The man understood and kept silence. Then Abu-Sufyan overlooked the Muslim army and shouted, "Is Muhammad still among you?" The Holy Prophet ordered his army not to answer him at all. Abu-Sufyan then asked `Umar by name, "Did we kill Muhammad?" Breaking the Holy Prophet's order, `Umar shouted, "No, by Allah! He (the Prophet) can hear your words!" Having been happy for this reply, Abu-Sufyan said, "You (`Umar) have been more truthful that Ibn Qama."[39]

Although the Holy Prophet ordered, confirmatively, his army not to tell the enemies about his having been still alive, `Umar broke this order and informed Abu-Sufyan. Beyond doubt, `Umar followed his personal conjecture and he was definitely wrong.

One day, the Holy Prophet distributed the almsgivings in a definite way, but `Umar objected saying, "Allah's Messenger: there are others who are worthier than those whom you have given."[40] The Holy Prophet answered, "You are asking me to be unfair! You are forcing me to be either spendthrift or niggardly; yet I am not ungenerous."[41]

It has been narrated on the authority of `Abdullah that, once, the Holy Prophet distributed the almsgiving in a definite way, but one of Ansar objected saying, "I swear by Allah that this distribution has not been purely intended for the sake of Allah." I (`Abdullah the narrator) decided to bear this wording to the Holy Prophet. When I did, yet secretly, the Holy Prophet's color changed out of rage for he was very upset. He then commented, "(Prophet) Moses suffered injuries that were severer than this one; yet he could stand them."[42]

Talhah and `Uthman ibn `Affan are reported to have said, "How is it that Muhammad is allowed to marry our widows while we are not allowed to marry his? As soon as he dies, we will certainly have all of his women by lottery!" [43] Talhah intended to marry `□'ishah[44] and `Uthman Ummu-Salamah (the Holy Prophet's wives). By such words, they both wanted to hurt the Holy Prophet; therefore, Almighty Allah revealed to him saying,

"Nor is it right for you that ye should annoy Allah's Messenger, or that ye should marry his widows after him at any time. Truly, such a thing is in Allah's sight an enormity. (***Holy Qur'an: 33:53***)***"***

"Whether ye show what is in your minds or conceal it, Allah Calleth you to account for it. (***Holy Qur'an: 2/284***)***"***

"Those who annoy Allah and His Messenger - Allah has cursed them in this World and in the Hereafter, and has prepared for them a humiliating Punishment. (***Holy Qur'an: 33/57***)***"***

"The Prophet has a greater claim on the faithful than they have on themselves, and his wives are (***as***) ***their mothers.*** (***Holy Qur'an: 33/6***)***"***

Among the many incidents of this kind is the occurrence narrated by al-Bukhariy, *al-Sahih*, *Kitab al-□dab*, that some of the Sahabah[45] disdained to carry out one of the Holy Prophet's orders; he therefore was angry. He said,

"What for do some people disdain carrying out the order that I myself do. I swear by Allah that I am more knowledgeable and more pious than they are."[46]

Among the Sahabah, there were those who slandered the Holy Prophet in the matter of the distribution

of the almsgivings,[47] those who, when seeing some bargain or amusement, disperse headlong to it and leave the Holy Prophet's standing alone,[48] those who injured the Holy Prophet,[49] those who escaped participating in jihad,[50] those who raised their voices about the Holy Prophet's voice,[51] those who falsely ascribed... to the chastity of the Holy Prophet's wife,[52] those who conspired with each other to assassinate the Holy Prophet at the night of al-`Aqabah,[53] those who disobeyed the Holy Prophet[54]... etc.

On the other side, among the Sahabah were those who followed him on any matter that required collective action, those who complied with his commandments and refrained from matters that he deemed unlawful, and those who never broke his orders, and those who accepted to sleep in his bed in order to save him from assassination.

For instance, Handhalah, the one washed by the angels, never absented himself from any campaign led by the Holy Prophet except on one occasion after he had obtained the Holy Prophet's permission to stay with his bride on his wedding night.[55] In the same time, too many were the Sahabah who refused to join the Holy Prophet.

This paradox indicates that Handhalah belonged to the group of the Sahabah who purely followed the Holy Prophet's orders and instructions while the others belonged to the group of the Sahabah who followed their personal conjectures and opinions.

It is worth mentioning that the Holy Prophet, through such commandments, wanted to test definite individuals. The strange story of killing Dhu'l-Thadyah while he was in an elevated state of piety; the request of recording his will in the final hours of his honorable life; the appointment of the eighteen year old Usamah ibn Zayd as the commander of aged men like Abu-Bakr, `Umar and Abu-`Ubaydah—all these are points worthy of considerable investigation.

By giving the name of 'the group of identifying what is good and personal conjecture' to the group of the Sahabah who followed their personal opinions even if they would violate the Holy Prophet's orders, I mean that, whenever they were asked for explanation for their deeds, they always answered that they identified the advantage or that they attempted to infer the best but they failed! And one who attempts to infer the best (mujtahid) and finds it will be rewarded twice but one who attempts but fails will be rewarded once!

It also seems that most of the previously represented issues were in the form of a divine test for those Sahabah and purposed for distinguishing the obedient believer from the disobedient.

According to the Shari`ah, the followers must obey whatever the Holy Prophet instructs and refrain from doing whatever he forbids, whether his commandment and forbiddance are related to the religious or the ordinary affairs.

In other words, the Holy Prophet's orders must be always obeyed under any circumstance. Besides, the

followers do not enjoy any right of choice in this regard according to the following holy verse that reads,

"It is not fitting for a Believer, man or woman, when a matter has been decided by Allah and His Messenger to have any option about their decision: if any one disobeys Allah and His Messenger, he is indeed on a clearly wrong Path. (***Holy Qur'an: 33/36***)***"***

On the grounds of the aforementioned givings, it is very likely that the Holy Prophet's request for a paper and ink to record his will and the events that resulted from this request was only intended to uncover the reality of those Sahabah before the attendants as well as to expose their actual view about the Holy Prophet.

The same conclusion can be deduced from the nomination of Usamah ibn Zayd as the commander of the Muslims. When the Holy Prophet was informed that a group of the Muslims rejected the commandment of Usamah and thus refused to join his army, he went out and said,

"O People: Is it true that some of you have denied and rejected the commandment of Usamah? It is yet not strange from you, because you also denied my decision of nominating his father as your commander some time ago."56

As a conclusion, there were two trends during the life of the Holy Prophet; one trend includes those who followed their personal opinions even if that would lead them to violate the Holy Prophet's orders. Abu-Bakr and `Umar were among this trend. The other trend represented the sincere Sahabah who would never break the Holy Prophet's order whatever the consequence would be.

1. Sahih al-Bukhariy 5:2339 H. 6000; Sahih Muslim 4:2007, 2008 H. 2601, 2009 H. 2602; Musnad Ahmad ibn Hanbal 2:390 H. 9062, 488 H. 10341, 3:400 H. 15329; Sunan al-Darimiy 2:406 H. 2765.
2. Sahih al-Bukhariy 4:1833; Ibn Hajar al-Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 8:590; Tafsir al-Qurtubiy 16:303; Tafsir Ibn Kathir 4:206; Tafsir al-Tabariy 26:117-119.
3. Tafsir Ibn Kathir 2:358; Tafsir al-Tabariy 10:133-134; Tafsir al-Baghawiy 2:292.
4. Sahih al-Bukhariy 3:1321 H. 3414; Ibn Hazm: al-Ihkam fi Usul al-Ahkam 1:89.
5. Sahih Muslim 2:896 H. 1222; Musnad Ahmad ibn Hanbal 1: 50 H. 351.
6. Subul al-Huda wa'l-Rashad 5:53; al-Ahadith al-Mukhtarah 1:325; al-Tabaraniy: al-Mu`jam al-Kabir 1:72, 6:88.
7. Al-Muttaqiy al-Hindiy: Kanz al-'Ummal 1:193 No. 977; Musnad Ahmad ibn Hanbal 2:178, H. 6668, 185 H. 7641, 2:195 H. 6845; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukharjiy 9:100-101; al-Tabaraniy: al-Mu`jam al-Awsat 2:79 H. 1308, 3:227 H. 2995, 7:124 H. 7052.
8. Sunan al-Nassa'iy (al-Mujtaba) 6:142 H. 3401. According to Ibn Hajar al-`Asqalaniy's Fath al-Bari fi Sharh Sahih al-Bukhariy 9:362, the narrators of the Hadith are trustworthy. Al-Mubdi` 7:262.
9. Musnad Ahmad ibn Hanbal 2:195 H. 6845; Ibn Abi-`Asim: al-Sunnah 1:177 H. 406; I`tiqad Ahl al-Sunnah 4:627 H. 1119; al-Tabaraniy: al-Mu`jam al-Awsat 2:79 H. 1308; al-Muttaqiy al-Hindiy: Kanz al-'Ummal 1:383 H. 1661.
10. The story is recorded in Tafsir Abu'l-Sa`ud 2:219; Tafsir al-Tabariy 2:224; Tafsir al-Fakhr al-Raziy 11:3; al-Zamakhshariy: Tafsir al-Kashshaf 1:552; Tafsir Ibn Kathir 1:851-852.
11. Tarikh al-Tabariy 2:164; Ibn Kathir: al-Bidayah wa'l-Nihayah 4:313-314, 6:323; Ibn al-Jawziy: al-Muntadham 3:331; Ibn al-Athir: al-Kamil fi'l-Tarikh 2:255-6; Ibn Husham: al-Sirah al-Nubawiyyyah 4:70-8.
12. Ibn Hajar: al-Isabah fi Tamyiz al-Sahabah 2:255 No. 2203.
13. Ansar are the people of Yathrib (al-Madinah) who accepted, supported, and received the Holy Prophet and the

emigrants of Makkah (Muhajirun).

14. Ijtihad is a polysemous term in the Muslim jurisprudence. Lexically, it means the exertion of efforts in the attainment of a matter. In the initial emergence of Ijtihad, it took the meaning of the dependence on personal views and the issuance of personal judgments in the religious issues even if this would violate the sources of the Islamic laws since such judgment would agree with the interest, or the public interest. In the Sunnite jurisprudence, Ijtihad means the independent or original interpretation of problems not precisely covered by the Holy Qur'an, the Holy Sunnah, and the other sources of the Islamic law from the viewpoint of the Sunnite scholars, such as analogy (Qiyas), consensus (Ijma`)... etc. In the Shiite jurisprudence, Ijtihad means the exertion of all possible efforts in the deduction of the religious laws from their sources. To sum it up, the concept of Ijtihad in the Sunni doctrine is different from it in the Shiite. While it stands for the personal conclusion in the Sunni doctrine, it has its definite principles and fundamentals that cannot be contravened and are based upon Divine texts in the Shiite doctrine.

15. They claimed that the Holy Prophet had not known about the Divine revelation until Waraqah ibn Nawfal guided and taught him. Such false claim is absolutely contradictory to the authentically reported characteristics of the Holy Prophet such as his having been chosen for the final Prophethood since, or even before, the beginning of the creation and that he had the sign of Prophethood on his shoulder and many similar things. The Holy Prophet is in fact too perfect to require the teachings of Waraqah ibn Nawfal or any other mortal. Refer to Sahih al-Bukhariy 1:4 H. 3, 3:1241 H. 3212, 4:1894 H. 4670, 6:2651 H. 6581.

16. Ibn Hajar: al-Isabah fi Tamyiz al-Sahabah 1:484, Abu-Na`im: Hilyat al-Awliya' 3:227, Ibn `Abd Rabbih: al-'Iqd al-Farid 2:244-5, Ibn Kathir: al-Bidayah wa'l-Nihayah 7:298 and Musnad Ahmad ibn Hanbal 3:15.

17. The Dajjal (Imposter), like the Antichrist, is a personal opponent to Imam al-Mahdi, the Awaited, predicted in the narrations to appear before the end of the world.

18. Musnad Abi-Ya`liy 6:341 H. 3668; Abu-Na`im: Hilyat al-Awliya' 3:227; Subul al-Huda wa'l-Rashad 10:157. The same narration is recorded on the authority of Abu-Sa`id al-Khidriy in Musnad Ahmad ibn Hanbal 3:15 H. 11133; Ibn Kathir: al-Bidayah wa'l-Nihayah 7:299.

19. This famous incident has been recorded in the majority of the books of the Islamic history and Tafsir (Exegesis of the Holy Qur'an). See, for confirmation, Sahih al-Bukhariy 2:978 H. 2581 (as narrated on the authority of al-Masawwir ibn Makhramah and Marwan ibn al-Hakam), 3:1162 H. 3011 (as narrated on the authority of Sahl ibn Hunayf); Sahih Muslim 3:1411 H. 1785. The narration is also recorded, yet in brief, by al-Tabaraniy, in al-Mu`jam al-Kabir 1:72 H. 82 on the authority of `Umar ibn al-Khattab himself. It is also recorded by al-Bayhaqiy in al-Madkhal 1:192 H. 217. Ibn Hajar, in 5:347, comments, "The narration is recorded by al-Bazzar on the authority of `Abdullah ibn `Umar on the authority of `Umar himself (Musnad al-Bazzar 1:254 H. 148) and al-Waqidiy on the authority of `Abdullah ibn `Abbas... See also Ibn al-Jawziy: Tarikh `Umar ibn al-Khattab 58.

20. Musnad Ahmad ibn Hanbal 1:237 H. 2127, 1:335 H. 3103; Ibn Sa`d: al-Tabaqat al-Kubra 3:398; Musnad al-Tayalisiy 1:351 H. 2694.

21. Sahih al-Bukhariy 1:439 H. 1241; Ibn Sa`d: al-Tabaqat al-Kubra 1:139; Ibn Hajar al-`Asqalaniy: al-Isabah fi Tamyiz al-Sahabah 1:175.

22. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 1:537, 3:215 H. 4883; al-Bayhaqiy: al-Sunan al-Kubra 4:70 H. 6946; Musannaf Ibn Abi-Shaybah 3:63 H. 12127.

23. Sahih al-Bukhariy 4:1716 H. 4395. For more details about this incident, refer to Ijtihad al-Rasul 209-211.

24. Sahih Muslim 3:1385 H. 1763; Musnad Abi-`Uwanah 4:255 H. 6692; al-Bayhaqiy: al-Sunan al-Kubra 6:320 H. 12622.

25. `Abd al-Husayn Sharaf al-Din: al-Fusul al-Muhimmah 113.

26. `Abd al-Husayn Sharaf al-Din: al-Fusul al-Muhimmah 116.

27. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 14:175, 12:178; al-[illegible]mudiy: al-Ahkam 4:216; al-Ghazaliy: al-Mustasfa 170, 347; al-Sarakhsiy: al-Mabsut 5:475; Sharh Fath al-Qadir 5:475.

28. Tafsir Ibn Kathir 2:488-9.

29. Tafsir Ibn Kathir 2:488-9.

30. Tafsir Ibn Kathir 2:488-9.

31. Sahih Muslim 3:1259 H. 1637; Musnad Abi-`Uwanah 3:478 H. 5762. Moreover, in six positions of al-Sahih, al-Bukhariy

has referred to this incident. The other reference books of Hadith have reported `Umar's taking pride in playing the greatest role in the process of depriving the Holy Prophet of recording his will.

32. Tarikh al-Tabariy 2:353; Ma'athir al-Anafah 1:49; Ibn al-Jawziy: al-Muntadham 4:126.

33. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 2:367 H. 3294. About this narration, al-Hakim says, "This Hadith is of authentic series of narrators, yet they (i.e. al-Bukhariy and Muslim) have not mentioned it."

34. Sahih al-Bukhariy 4:1652 H. 4154; Sahih Muslim 4:1871 H. 2404; Sunan al-Tirmidhiy 5:638 H. 3724.

35. Sahih al-Bukhariy 1:54 H. 114, 3:1111 H. 2888, 1155 H. 2997, 4:1612 H. 4168, 5:2146 H. 4168, 6:2680 H. 6932; Sahih Muslim 3:1257 H. 1637, 3:1259 H. 1638; Sharh al-Nawawiy `Ala Muslim 11:89; al-Suyutiy: al-Dibaj `Ala Muslim 4:330.

36. For more details, refer to the author's book of Tarikh al-Hadith al-Nubawiy; al-Mu'aththirar fi `Ahd Abi-Bakr.

37. Sahih al-Bukhariy 2:697 H. 1874; Sahih Muslim 2:812 H. 1159; Sahih Ibn Habban 2:65 H. 352.

38. Sahih Muslim 1:56 H. 27; Musnad Ahmad ibn Hanbal 3:11 H. 11095; Musnad Abi-`Uwanah 1:7; Musnad Abi-Ya`liy 2:412 H. 1199. For more details, see Sahih al-Bukhariy, Kitab al-Jihad wal-Sayr (Section: Fighting and campaigns), Bab Haml al-Zad fi'l-Ghazw (Chapter: Supplying with food during campaigns.)

39. Ibn al-Athir: al-Kamil, Ibn Sa`d: al-Tabaqat and al-Sirah al-Halabiyyah.

40. Those whom the Holy Prophet gave shares of the almsgivings were the homeless Muslims (Ahl al-Suffah) who had to reside in the Masjid.

41. Sirat Ibn Ishaq 3:513; Tarikh al-Tabariy 2:71; Ibn Habban: al-Thuqat 1:232; al-Iktifa' Bi-maTadammanahu min Maghazi al-Rasul 2:80; Musnad Ahmad ibn Hanbal 1:20 (as related on the authority of al-A'mash on the authority of Shaqiq on the authority of Salman ibn Rabi'ah) and Sahih Muslim, Section: Zakat.

42. Sahih al-Bukhariy, Kitab al-□dab (Section: Etiquette) Bab: al-Sabr `Ala'l-Adha (Chapter: Steadfastness against injury) 5:2263 H. 389; Musnad Ahmad ibn Hanbal 1:411 H. 3904, 441 H. 4204.

43. Tafsir al-Qurtubiy 14:229; al-□lusiy: Ruh al-Ma`ani 22:74.

44. Tafsir al-Raziy 25:225; Tafsir al-Qurtubiy 14:229; Tafsir Ibn Kathir 3 :506; al-Suyutiy: al-Durr al-Manthur 6 :639; Tafsir al-Baghawiy 3 :541; al-Nahhas: Ma`ani al-Qur'an 5:373; al-□lusiy: Ruh al-Ma`ani 22:73; `Abd al-Basit ibn Khalil: Ghayat al-Sa'ul fi Sirat al-Rasul 223; al-Sirah al-Halabiyyah 1:448; Ibn Sa`d: al-Tabaqat al-Kubra 8:201; Ibn al-Jawziy: Zad al-Masir fi `Ilm al-Tafsir 6:416; Ibn Shakwal: Ghawamid al-Asma' al-Muhimmah 2:712. Al-Siddiy, however, narrated that it was `Uthman ibn `Affan who said so (see Dala'il al-Sidq 3:337-339).

45. Although in the text of al-Bukhariy's narration, the word mentioned here is 'people', they were in fact some individuals among the Sahabah. Yet, al-Bukhariy, as well as the other pro-Qurayshite narrators, used to make any bad behavior that is committed by the Sahabah as ambiguous as they can.

46. Sahih al-Bukhariy, Kitab al-□dab (Section: Etiquette) Bab: Man lam Yuwajih al-Nas bi'l-Itab (Section: Indirect Blame) 5:2263 H. 5750, 6:2662 H. 6769; Abu'l-Mahasin: Mu`tasar al-Mukhtasar 1:97.

47. The Holy Qur'an 9:58 "And of them there are those who blame you with respect to the alms; so if they are given from it they are pleased, and if they are not given from it, lo! they are full of rage."

48. The Holy Qur'an 62:11 "And when they see merchandise or sport they break up for It, and leave you standing. Say: What is with Allah is better than sport and (better) than merchandise, and Allah is the best of Sustainers."

49. The Holy Qur'an 33:57 "Surely (as for) those who speak evil things of Allah and His Messenger, Allah has cursed them in this world and the here after, and He has prepared for them a chastisement bringing disgrace."

50. The Holy Qur'an 9:38 "O you who believe! What (excuse) have you that when it is said to you: Go forth in Allah's way, you should incline heavily to earth; are you contented with this world's life instead of the hereafter? But the provision of this world's life compared with the hereafter is but little."

51. The Holy Qur'an 49:2 "O you who believe! do not raise your voices above the voice of the Prophet, and do not speak loud to him as you speak loud to one another, lest your deeds became null while you do not perceive." See also Sahih al-Bukhariy 4:1587 H. 4109, 6:2662 H. 6872.

52. The Holy Qur'an 24:11 "Surely they who concocted the lie are a party from among you. Do not regard it an evil to you; nay, it is good for you. Every man of them shall have what he has earned of sin; and (as for) him who took upon himself the main part thereof, he shall have a grievous chastisement."

53. The Holy Qur'an 9:74 "They swear by Allah that they did not speak, and certainly they did speak, the word of unbelief,

and disbelieved after their Islam, and they had determined upon what they have not been able to effect, and they did not find fault except because Allah and His Messenger enriched them out of His grace; therefore if they repent, it will be good for them; and if they turn back, Allah will chastise them with a painful chastisement in this world and the hereafter, and they shall not have in the land any guardian or a helper. 9/74" For details, refer to Sharh al-Nawawiy `Ala Muslim 17:12; al-Tabaraniy: al-Mu`jam al-Awsat 4:146 H. 3831, 8:102 H. 8100; al-Ahadith al-Mukhtarah 8:221 H. 260 (in this reference book, the compiler confirms the authenticity of the series of narrators); al-Haythamiy: Majma` al-Zawa'id 1:109 (He adds, the narration has been recorded by al-Tabaraniy and the series of its narrators is authentic); Ibn Kathir: al-Bidayah wa'l-Nihayah 5:20; Sahih Muslim 4:124 H. 2778, 2779 (yet in brief); al-Bayhaqiy: al-Sunan al-Kubra 8:198; Musnad Ahmad ibn Hanbal 4:319; Musnad al-Baghawiy 2:307.

54. The Holy Qur'an 4:81 "And they say: Obedience. But when they go out from your presence, a party of them decide by night upon doing otherwise than what you say; and Allah writes down what they decide by night, therefore turn aside from them and trust in Allah, and Allah is sufficient as a protector."

55. Sahih Ibn Habban 4:15 H. 7025; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:225 H. 4917 (He adds, This narration is authentic according to the criteria of al-Bukhariy and Muslim, yet they did not record it.); Sunan al-Bayhaqiy al-Kubra 4:15 H. 6605; Tuhfat al-Muhtaj 1:602; al-Tuhfah al-Latifah fi Tarikh al-Madinah al-Sharifah 1:310 No. 108; al-Sirah al-Halabiyyah 2:525; Tarikh al-Tabariy 2:69.

56. Sahih al-Bukhariy 4:1551 H. 4004; Sahih Muslim 4:1884 H. 2426; Musnad Ahmad ibn Hanbal 2:20 H. 4701.

As the second introduction and its appendages has been elaboration of our opinion as regards the prohibition of recording the Hadith, and in order not to avoid reference to some of the appertained wonderments and probabilities, it seems necessary to cite `Umar ibn al-Khattab's justifications for the prohibition of recording the Hadith. As a matter of fact, he presented two justifications only. First, he anticipated that the Muslims would be influenced by the Ahl al-Kitab and, second, he anticipated that the Muslims would follow the Holy Prophet's instructions and forsake the Holy Qur'an.

However, Ibn Hazm has regarded as improbable that `Umar's prohibition of recording the Hadith included the Holy Sunnah; rather the decision, according to Ibn Hazm's opinion, was aimed at the very tales of the past nations. In this regard, he says,

"The meaning of `Umar's prohibition of reporting and recording the Hadith, had this thing been true, is manifested in the narration that I recorded on the authority of Qaradhah.1 `Umar only prohibited reporting the narratives regarding the past nations and their likes. To prohibit reporting the conducts and norms of the Holy Prophet is absolutely violation. It is impermissible for anyone to believe that an ordinary Muslim individual may prohibit the spread of the Holy Prophet's heritage.

On this account, it will be extremely unacceptable to think that `Umar would do so. My proof is that `Umar himself reported many things from the Holy Prophet. Had the reporting of the Hadith been discommended, `Umar would have contradicted himself when he reported very much from the Holy Prophet. It is impermissible for any Muslim individual to believe that `Umar had prohibited a matter and than he himself did it."2

Imitating Ibn Hazm, Muhammad `Ajjaj al-Khatib deemed unacceptable to say the `Umar ibn al-Khattab prohibited the Sahabah from reporting and recording the Hadith or imprisoned `Abdullah ibn Mas`ud and

others when they violated this decision because this claim is contrary to sense.3

Nevertheless, a deep investigation in the events of the first age of Islam will unquestionably prove that the arguments of Ibn Hazm and his fans have not been accurate as they are far away from the reality. The uninterruptedness of the narrations that reported `Umar's having decided to prohibit recording and reporting the Hadith are undeniable and irrefutable.

Other narrations have confirmed that `Umar's decision generally included any sort of Hadith and any Sahabiy. Moreover, it has been authentically narrated that `Umar treated the reporters and recorders of Hadith with ultimate brutality. This fact cannot be denied save by unreasonable contenders.

On this account, Ibn Hazm and his fans have attempted to invent justifications for `Umar's deed. Yet, they have had nothing other than regarding as improbable or wonderments that are not based upon any scientific ground.

Regarding `Umar's ordering Qaradhah and his companions to reduce reporting the Holy Prophet's narrations, it must be exposed to one of two probabilities; either `Umar accused them all of fabricating lies against the Holy Prophet or he ordered them to conceal the revelations of Almighty Allah that were said to the Holy Prophet in private.

Neither Ibn Hazm nor would anyone of his fans accept any of these two probabilities. Yet, I accept the first probability provided that another matter is added to it. My proof on this is that `Umar used to accuse his officials of bribery and very often he seized half of their fortunes in addition to the fact that he used to be severe with them to the degree that his famous rod played on their bodies over and over again! `Umar's general behaviors with the Sahabah proves that he distrusted them, railed at them, and exposed their defects to the publics.

Because Ibn Hazm and his fans would never accept the two aforementioned probabilities, they have had to claim that `Umar prohibited reporting and recording the narrations concerning the manners of the past nations only. This voluntary claim cannot withstand in the face of the many evidences inferred from the narrations that recorded the decision of `Umar's having prohibited recording and reporting the Hadith.

To explain, the narrations intended have carried general sense and `Umar's conducts as regards his application of the decision of prohibition indicate generality, not specification, and his well-known brutality has been too excessive to include a definite sort of narration. `Umar prevented `Ammar ibn Yasir to report an undoubted incident (concerning the Dry Ablution; *Tayammum*) that `Umar himself witnessed during the lifetime of the Holy Prophet!

Thus, `Umar's decision of prohibiting reporting and recording the Hadith is not restricted to the narrations reporting the manners and tales of the past nations although it is probable that he opted for this justification in order to hide the actual purpose beyond his decision, which is related to the psychological backgrounds of `Umar who, during the lifetime of the Holy Prophet and in the beginning of the Divine

Mission, was prohibited from tracking and reporting the traditions of the Jews. Hence, his decision could act as negative reaction of the Holy Prophet's situation against his reporting the Jews' traditions.

As a result, `Umar bore malice against reporting and recording any tradition, including the Holy Prophet's, whether these traditions were authentic or not or whether they related to the manners of the past generations or not.

Khalid ibn `Urfutah narrated that `Umar said: Once, I... copied a book belonging to the Ahl al-Kitab and brought him before the Holy Prophet.

"What do you have in your hand, `Umar?" asked the Holy Prophet.

"This is a book that I have copied so as to increase my knowledge," answered I.

The Holy Prophet became so angry that both of his cheeks turned red. He then called people to gather. Having seen this situation, the Ansar knew that the Holy Prophet was enraged; they therefore armed themselves and surrounded the minbar. The Holy Prophet then said,

"O People: I have been given the comprehensives and seals of good wording (of knowledge), which has been briefed for me. I have hence given them to you as white and pure as they are. You must thus neither be confused nor be deceived by the nonbelievers."

Soon after that, I (`Umar) stood up and declared, "I have accepted Allah as my Lord, Islam as my religion, and you as the Messenger."

The Holy Prophet then descended from the minbar.[4]

According to another narration, `Abdullah ibn Thabit reported that `Umar ibn al-Khattab, once, came to the Holy Prophet and said, "As I have passed by one of my Jew friends, he recorded for me comprehensive paragraphs from the Torah. May I show them to you?" On hearing this, the Holy Prophet's face changed. I (`Abdullah) reproached `Umar saying, "May Allah spoil your brain! Can you not see what occurred to the Holy Prophet's face?" `Umar hence shouted, "I have accepted Allah as my Lord, Islam as my religion, and Muhammad as the Messenger."[5]

It has been authentically narrated that `Umar associated the Jews and copied some of their books. Having read these books, he liked their materials. He therefore read these books not for investigation and refutation; rather he was admired by their contents as he aimed at educating himself through them. For this reason only, the Holy Prophet became so angry since he had already warned his followers against associating with the Jews. Likewise, the Holy Qur'an, on more than one occasion, has declared the cunning and cheating of the Jews. In this regard, Almighty Allah says,

"O ye who believe! take not the Jews and the Christians for your friends and protectors: They are but friends and protectors to each other. And he amongst you that turns to them (for friendship)

is of them. Verily Allah guideth not a people unjust. (***Holy Qur'an: 5/51***)***"***

"Strongest among men in enmity to the believers wilt thou find the Jews and Pagans. (***Holy Qur'an: 5/82***)***"***

This incident had left a deep and negative reaction in `Umar's mentality due to which he stood so severely against the reporters and recorders of the Hadith some of whom were detained by him and others were beaten by his famous rod. From this cause also, he confirmed the decision of prohibition by saying, 'This is a false wish just like that of the Christians and the Jews.'

Supporting our discussion, Khalid ibn `Urfutah narrated that he, once, was sitting with `Umar when a man from (the tribe of) `Abd-Qays residing in Sus was brought before him.

"You are so-and-so from A`bd-Qays, are you not?" asked `Umar.

"Yes, I am," answered the man.

"You are living in Sus, are you not?" asked `Umar.

"Yes, I am," answered the man.

`Umar then hit the man with a rod he had in his hand. "What have I done, Amir al-Mu'minin?"6 shouted the man.

`Umar then ordered him to sit down. When the man did, `Umar recited, (the holy verses)

"In the Name of Allah, the All-compassionate and the All-merciful. Alif. Lam. Ra. These are verse of the Scripture that maketh plain. Lo! We have revealed it, a Lecture in Arabic, that ye may understand. We narrate unto thee (***Muhammad***) ***the best of narratives in that We have inspired in thee this Qur'an, though aforetime thou wast of the heedless."*** (***Holy Qur'an: 12/1-3***)

`Umar repeated these verses thrice and each time he recited, he beat the man with his cane.

"What have I done, Amir al-Mu'minin?" asked the man again.

"It was you who copied the Book of Daniel, was it not?" asked `Umar.

The man answered, "Well, I will carry out anything you will say."

`Umar thus instructed, "Go and erase it with fire and white wool. After that, you must not recite it ever again and must not show it to anybody at all. Beware! If I am informed that you will have recited it before anybody, I will kill you under punishment."

`Umar then related to the man his story with that book of the Jews that he had copied during the lifetime of the Holy Prophet... etc.7

If truth be told, the decision of prohibition in this narration would have been acceptably pleasing and accurate had it been dedicated to it. Yet, the purpose of the decision has been trailed by many personal opinions and intrusions that confused its path and contents.

Such a negative reaction occurred to Usamah ibn Zayd, too, when he killed a Muslim individual thinking that the man had only declared being Muslim because he feared of being killed. When Usamah was back, Almighty Allah revealed the holy verse,

"O ye who believe! When ye go abroad in the cause of Allah, investigate carefully, and say not to any one who offers you a salutation: 'Thou art none of a believer!' Coveting the perishable goods of this life. (***Holy Qur'an: 4/94***)***"***

Thus, Usamah became so fearful and hesitant that he abstained from participating in Imam `Ali's campaigns against the breachers, the violators, and the apostates, claiming that he would not kill Muslim individuals. Yet, he forgot the many holy verses, Prophetic deeds, Hadiths, and consensus of the Sahabah on the legality of putting to death the Muslim married who commits fornication, the Muslims who deny one of the fundamentals of Islam, the Muslims who violate the souls of other Muslims, and many others. Pretending to have forgotten all these Islamic laws, Usamah rested upon his personal views that to fight against the breachers, violators, and apostates is not permissible although his personal inferences were in violation of the Holy Qur'an and Sunnah.

By the notice of `Umar's negative reaction against the aforementioned incident that occurred to him in addition to his frequent encroachments against the Sahabah whom are accused of treachery and fabrication, detained and beat—by noticing all these factors, it becomes easy to understand why `Umar prohibited the others from reporting and recording the Hadith while he allowed himself to do it.

Because he was the caliph, he thought that he had full authority to report the Hadith while the others, because they were object to doubt, distrust, and flaw, must not enjoy such an authority.

Moreover, the conduct of `Umar ibn al-Khattab contradicts the justification of Ibn Hazm. It is known that `Umar was fond of the narratives of the Ahl al-Kitab as well as the Jews who converted to Islam and still kept the Torah, especially Ka`b al-Ahbar who brought to `Umar a book, whose edges were torn due to oldness, comprising the Torah and asked for permission to read it;8 hence, `Umar permitted him to read it day and night.9 In other words, `Umar ordered him neither to erase that book, nor to set fire to it, nor did he warn him against such thing.

When he conquered *Bayt al-Maqdis* (in Jerusalem), Ka`b al-Ahbar said to him, "Your deed was predicted by a Prophet five hundred years ago! Good tidings, Jerusalem! Al-Faruq (i.e. `Umar) will purify you from what you keep!"10

According to another narration, Ka`b al-Ahbar said to `Umar ibn al-Khattab, "In the Torah, it is written that this land, which was inhabited by the children of Israel (i.e. the Israelites), would be conquered at

the hands of a virtuous man." On hearing this, `Umar thanked Almighty Allah.[11]

Ka`b al-Ahbar also said to `Umar, "In the Torah, we read that 'Woe to the king of the earth from the King of the Heavens." `Umar added, "Except those who watch themselves." Ka`b al-Ahbar commented, "I swear by Him Who grasps my soul; it is written in the Torah in this very form (i.e. with the addition of `Umar)." `Umar thus raised his sound with '*Allahu Akbar*' and prostrated himself.[12]

When a man, who had absented himself in a hole in a mountain for four days, claimed that he had entered Paradise, `Umar ibn al-Khattab summoned Ka`b al-Ahbar and asked him, "Can you see in your books that a man belonging to our nation would enter Paradise and then come out of it?"

Ka`b al-Ahbar said, "Yes, I have read such a thing and, further, I can tell which one is that person if he is now among you."

`Umar said, "Yes, he is among us."

Ka`b al-Ahbar looked at the attendants and then pointed at the man![13]

One day, `Umar ibn al-Khattab summoned Ka`b al-Ahbar and asked, "How am I described (in the Torah)?"

Ka`b al-Ahbar answered, "You are described as an iron age."

"What comes next?" asked `Umar.

"Then will come a caliph killed by an unjust faction," answered Ka`b al-Ahbar.

"What comes next?" asked `Umar.

"Then will come ordeals!" answered Ka`b al-Ahbar.[14]

Furthermore, `Umar ibn al-Khattab sought the advice of Ka`b al-Ahbar in the most serious question of the Islamic nation; he consulted him about the leadership of the ummah, saying, "What is your opinion about the leadership of `Ali? I need your conception in this regard."

Ka`b al-Ahbar answered, "From the aspect of personal opinions, he is not fit enough. This is because he is very strict in the religious affairs. He never overlooks any flaw, never shows mercy in any mistake, and never acts upon his personal opinions."[15]

Ka`b al-Ahbar also came to `Umar ibn al-Khattab to inform him about his eminent death as mentioned in the Torah. He said to him, "You should, Amir al-Mu'minin, prepare your will, for you will die in three days."

"How do you know?" `Umar asked.

Ka`b al-Ahbar answered, "I read that in the Book of Allah—the Torah!"[16]

In addition, al-Bukhariy has recorded, in his book of *Sahih*, narrations that refute Ibn Hazm's justification. He narrated that it is permissible to report from the Children of Israel. In this connection, he has recorded on the authority of Abu-Hurayrah that the Ahl al-Kitab used to recite the Torah in Hebrew then translate it into Arabic for the Muslims. Commenting on this, the Holy Prophet said, "You should neither believe nor belie the Ahl al-Kitab; rather you should only repeat (the verse that reads):

***Say: We believe in Allah and* (*in*) *that which had been revealed to us, and* (*in*) *that which was revealed to Abraham and Ishmael and Isaac and Jacob and the tribes, and* (*in*) *that which was given to Moses and Jesus, and* (*in*) *that which was given to the prophets from their Lord, we do not make any distinction between any of them, and to Him do we submit.* (*Holy Qur'an*: (*2/136*))"**[17]

Ibn Kathir says, "When he converted to Islam during the reign of `Umar ibn al-Khattab, Ka`b al-Ahbar used to discuss, in the presence of the caliph, matters driven from the sciences of the Ahl al-Kitab. `Umar used to listen to him in order to encourage him and also because he was admired by these narratives. Many people thus sought `Umar's permission to write down these narratives of Ka`b al-Ahbar; therefore, they were permitted to report from the Children of Israel. However, a big amount of mistakes and a great deal of confusion occurred due to such."[18]

Although none is responsible for the contradictions between `Umar's deeds and words, the previous discussion removed the accuracy of all the justifications of Ibn Hazm and his fans in which they have spared no efforts for fabricating excuses for `Umar's unacceptable deeds.

Two More Justifications

Other authors have attempted to find other justifications for `Umar's decision. They have claimed,

"`Umar only wanted to protect the Hadith against fabrication through reducing the reporting and recordation of it; therefore, experts in Hadith and the truthful reporters were excluded from the decision."[19]

Such sayings cannot convince any rational! Protection is senseless since it is meaningless to prevent a trustworthy narrator from reporting the Hadith, taking into consideration that some of those whom were directly prohibited from spreading the Hadith were such trustworthy that the Holy Prophet said about them words of praise and respect.

To actually protect the Hadith is to urge such persons to report it so that others will spread the Holy Prophet's heritage and convey it throughout the Islamic regions and thus people would know the details of their religion saving themselves from ignorance with the religious rulings.

If `Umar's protection signifies the fear of a reporter's inaccuracy, oblivion, or the like flaws, this meaning

must be first applied to `Umar himself without expecting it from others and hence preventing them for reporting.

It is also so surprising to say that the experts in Hadith and the trustworthy reporters were excluded from `Umar's decision because it has been authentically narrated that `Umar jailed grand Sahabah, such as Abu-Dharr, `Abdullah ibn Mas`ud, Abu-Mas`ud al-Ansariy, and Abu'l-Darda' because of their having breached the decision. He also warned `Ammar ibn Yasir, Abu-Musa al-Ash`ariy and other Sahabah against violating it.

It is also very improbable to say that acts like prohibition, putting in jail, and beating were incompatible with `Umar's psychology for his having been the caliph and one of the grand Sahabah and thus he should be deemed far above committing such things! To refute it, we say that `Umar ibn al-Khattab has been well-known for his brutality and rough treatment since the lifetime of the Holy Prophet.[20] This is an irrefutable fact. He also continued such behaviors during the reign of Abu-Bakr.[21] When he came to power, his rod did not depart him for a single moment; he used to beat, punish,[22] detain,[23] exile, and displace peoples[24] for matters that could have been treated through other means of discipline and guidance. Finally, in the first days of his reign, he prayed to Almighty Allah to make him lenient![25]

Historians have conveyed various pictures of `Umar's norm as regards treating the subjects. Describing `Umar, the author of *Sharh Nahj al-Balaghah* says,

"`Umar's tempers and words were full of violence and patent abuse. He was intensely cruel, unsociable, harsh, and frowning. He regarded these features as virtues and any opposite quality would be defect."[26]

As a consequence, it is not strange for `Umar to adopt such a strict situation against anyone who would break his decision of prohibiting recording and reporting the Hadith, especially after he had been reproached by the Holy Prophet for having copied a book of the Jews. To add to the previous facts `Umar's overflowing tribalism and the danger that the reporting of the Holy Prophet's heritage would cause to the legality of his position of leadership, the matter becomes easily understandable.

Above all, `Umar detained Abu'l-Darda' who had disagreed with him on certain jurisprudential issues and detained Abu-Dharr and `Abdullah ibn Mas`ud who both disagreed with him as regards the issue of forbidding the temporary marriage. The same thing is applicable to the others whom `Umar disallowed to leave his capital.[27]

These incidents indicate that `Umar was extremely coarse to those persons because they reported Hadiths whose significances did not appeal to him or violated his personal legislations. On the other hand, he neither detained nor beat nor censured Abu-Hurayrah who reported more than 5374 Hadiths. He only satisfied himself with menacing and banishing him for a period before he permitted him alone to report the Hadith.

The most obvious evidence on `Umar's having enjoyed this feature is the narration that he, once, saw off

a group of the Sahabah that he had delegated to al-Kufah.

“Do you know why I am seeing you off?” asked he.

“Yes, we do,” they answered, “This is for the sake of our being the companions and supporters of the Holy Prophet.”

Replying them, `Umar said, “This is true. But I am seeing you off for another matter that I wanted to tell you in private… you must reduce reporting the Hadith and I am responsible for this decision.”[28]

Because they were from the Ansar—the group of the pure compliance with the Holy Prophet’s commandments whom are expected to report things that `Umar would not like to be spread among the Muslims lest his flaws would float to the surface—`Umar had to prevent them from reporting the Hadith or had to order them to restrict it so that his lack of experience would not come to view.[29]

As has been earlier proven, all the invented justifications that have been presented for defending `Umar’s decision of prohibiting the reporting and recording of the Hadith will never withstand the criticism and investigation that is based on logic and knowledge.

For that reason, the foundation on which they have built their opinions of finding suitable justifications for `Umar’s decision has been the big hallo that they sketched around `Umar’s personality in their mentalities as is seen in Ibn Hazm’s statement, “It is impermissible to anyone to believe that an ordinary Muslim may prohibit the spread of the Holy Prophet’s heritage. On this account, it will be extremely unacceptable to think that `Umar would do so.”

Moreover, other reasons, to be mentioned later on, prompted `Umar to prohibit reporting and recording the Hadith and expand the circle of personal inferences and identification of advantages. The proofs on which the adopters of this opinion depended were in fact present in the mentalities of some of the Sahabah, headed by `Umar, since the lifetime of the Holy Prophet. Yet, `Umar worked for establishing this idea.

Summary

The discussions of the first introduction can be summarized in the following points:

1) Since the age of the Holy Prophet, the Sahabah followed two different trends; some of them complied thoroughly with the sacred texts and the instructions of the Holy Prophet, while others followed their personal opinions and views.

2) Abu-Bakr and `Umar, the first and second caliphs, followed the second trend of Ijtihad and Opinionism.

3) `Umar ibn al-Khattab made expansive steps in the field of establishing the foundations of his personal

opinions that he unveiled during his reign.

4) One of the factors that urged `Umar ibn al-Khattab to prohibit the reporting and recording of the Hadith was the negative reaction that inflicted him due to his having copied the books of the Jews.

5) The justifications of Ibn Hazm as regards `Umar ibn al-Khattab's prohibiting from spreading the Hadith are actually baseless, because `Umar's decision was general. The conducts of `Umar with the Ahl al-Kitab in general and Ka`b al-Ahbar in particular, even during his reign, contradicts the claims of Ibn Hazm. Similarly, the two last justifications—that `Umar issued such decision due to his excessive carefulness to the religious affairs or that the decision would not befit his psychological personality—have been proven as inaccurate.

1. The narration that is reported on the authority of Qaradhah reads that `Umar send Qaradhah ibn Ka`b along with a group of the Sahabah to al-Kufah and ordered them to reduce reporting the Hadith by saying, "Reduce reporting the Hadith of the Messenger of Allah and I am responsible for this decision."
2. Ibn Hazm: al-Ihkam fi Usul al-Ahkam 2:226. In his book of 'Dala'il al-Tawthiq al-Mubakkir' 230, Dr. Imtiyaz Ahmad concluded the authenticity of the narrations of `Umar ibn al-Khattab's having detained the Sahabah in order to stop spreading the Hadith.
3. Muhammad `Ajjaj al-Khatib: al-Sunnah Qabl al-Tadwin 106-107.
4. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 52.
5. `Abd al-Razzaq: al-Musannaf 6:113 H. 10164, 10:313 H.19213; al-Haythamiy: Majma' al-Zawa'id 1:174 (where the narration reads as follows: `Umar said, "Allah's Messenger: These are comprehensive paragraphs from the Torah that were given to me by a friend of mine belonging to the Banu-Zurayq (a Jew tribe)." The Holy Prophet's face changed…).
6. Amir al-Mu'minin (the commander of the believers) is a title that the Holy Prophet granted for Imam `Ali exclusively. Yet, all the leaders of the Muslim States have used it for themselves. In fact, the first one who seized this title was `Umar ibn al-Khattab. (Translator)
7. Tafsir ibn Kathir 2:468; al-Ahadith al-Mukhtarah 1:216 H. 115.
8. This text demonstrates that Ka`b al-Ahbar came to `Umar after converting to Islam and during his reign.
9. Ibn Salam: Gharib al-Hadith 4:262; al-Harbiy: Gharib al-Hadith 3:95: al-Nihayah al-Athiriyyah 2:468.
10. Tarikh al-Tabariy 4:160.
11. Tarikh Dimashq 5:162.
12. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 12:575 H. 35797.
13. Yaqut al-Hamawiy: Mu`jam al-Buldan 4:386.
14. Al-Tabaraniy: al-Mu`jam al-Kabir 1:84; al-Haythamiy: Majma` al-Zawa'id 9:65 (He adds: Al-Tabaraniy has reported this narration whose series of narrators is trustworthy.)
15. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 12:81.
16. Tarikh al-Tabariy 3:264.
17. Sahih al-Bukhariy 8:160.
18. Ibn Kathir: al-Bidayah wa'l-Nihayah 1:19.
19. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 105.
20. Ibn Abi-Shaybah: al-Musannaf 3:171 H. 1352; al-Damiriy: Hayat al-Hayawan al-Kubra 1:71.
21. Sunan Sa`id ibn Mansur 5:132 H. 942; Ibn Abi-Shaybah: al-Musannaf 6:358 H. 32013, 7:434 H. 37056; al-Khallal: al-Sunnah 1:275 H. 337.
22. Tarikh al-Tabariy 2:270; Sharh Nahj al-Balaghah 1:181, 12:75; Ma'athir al-Anafah 3:339; Ibn Khallakan: Wafiyyat al-A`yan 3:14 No. 317.
23. Ibn Abi-Shaybah: al-Musannaf 5:294; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 1:193 H. 374; al-Dhahbiy: Tadhkirat al-Huffadh 1:7; Ibn `Asakir: Tarikh Dimashq 40:501; Mu`tasar al-Mukhtasar 2:380.

24. Masa'il al-Imam Ahmad 1:489; Ibn Sa`d: al-Tabaqat al-Kubra 3:285, 2:609; Ibn `Abd al-Barr: al-Isti`ab 1:326; Ibn Hajar al-`Asqalaniy: al-Isabah fi Tamyiz al-Sahabah 6:485 No. 8845, 6:182 No. 8142, 2:521 No. 2754; al-Tuhfah al-Latifah fi Tarikh al-Madinah al-Sharifah 1:264; Ibn `Asakir: Tarikh Dimashq 62:27, 23:408, 59:361; al-Dhahbiy: Tadhkirat al-Huffadh 2:609; Ibn Qutaybah: Gharib al-Hadith 2:544, 545; I`tiqad Ahl al-Sunnah 4:635 H. 1138; Ibn Makula: al-Ikmal 6:208; Tashifat al-Muhaddithin 2:896; al-Bayhaqiy: al-Sunan al-Kubra 3:231 H. 1586; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 7:4; Ibn `Abd al-Barr: al-Tamhid 9:89.
25. Ibn Sa`d: al-Tabaqat al-Kubra 3 :274 ; Ibn Abi-Shaybah: al-Musannaf 6:56 H. 29511, 7:256 H. 35835; Safwat al-Safwah 1:280.
26. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 1:183 and 6:327.
27. Tarikh al-Tabariy 2:679.
28. Ibn Sa`d: al-Tabaqat al-Kubra 6:7, Sunan al-Darimiy 1:85, Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 2:120, al-Dhahbiy: Tadhkirat al-Huffadh 1:7, al-Muttaqiy al-Hindiy: Kanz al-'Ummal 2:284 H. 4017 et al.
29. In my book of 'Wudu' al-Nabiy', I have proven that Qaradhah ibn Ka`b used to perform the ritual ablution by rubbing his feet and that he objected to those who washed their feet. Moreover, according to Shaykh al-Majlisiy, in Bihar al-Anwar 32:354 as mentioned in the book of 'al-Kafiyah fi Ibtal Tawbat al-Khati'ah', Qaradhah was one of the adherents (Shi`ah) of Imam `Ali. In this regard, it has been narrated on the authority of `Amr ibn Shamr on the authority of Jabir on the authority of Imam Muhammad al-Baqir that when Imam `Ali Amir al-Mu'minin approached al-Kufah after he had been in al-Basrah, the people, headed by Qaradhah ibn Ka`b, went out to welcome him. They met him before the river of al-Nadr ibn Ziyad and began to congratulate him for the victory and he was wiping sweat from his forehead. The first one to speak was Qaradhah who said, "All praise be to Allah Who supported your adherents, humiliated your enemies, and gave you victory over the tyrants, oppressors, unjust... etc."

Muslims believe that a caliph must enjoy two authorities:

(1) **Political Capacity:** A caliph must enjoy experience in the management of the ummah's affairs in both states of war and peace, protecting the frontiers of the Islamic State, confronting the enemies of the religion, and subjecting them to the Islamic laws as well as the other secondary affairs, such as organizing the economic affairs, covering the requirements of the needy and the like.

(2) **Scientific Capacity:** A caliph must be capable of issuing verdicts according to the rulings of the Holy Qur'an and the heritage of the Holy Prophet. During the lifetime of the Holy Prophet, people used to receive rulings directly from the Holy Prophet to whom they referred in any new question. In the caliphs' reigns, they should refer to the caliphs for learning the laws and the innovated affairs.

Furthermore, most of them did not reside in Makkah or al-Madinah and thus they should receive the religious knowledge from the companions of the Holy Prophet. Hence, the majority of Muslims should have received their religious directives from the caliph and their retinue taking into consideration the big difference between a caliph and the Holy Prophet.

During the Holy Prophet's lifetime, people considered him as legislator for he, in the word of the Holy Qur'an, never speaks out of desire.1 Accordingly, the Holy Prophet's instructions were so authoritative that none had the right to violate or disobey since their source was the Divine Revelation.

A caliph does not enjoy the authority of the Holy Prophet or a legislative role as regards the religious

laws;2 rather he is regarded as no more than a reporter from the Holy Prophet.

Having realized this fact, Abu-Bakr and `Umar, in the beginning, used to convey the religious laws as exactly as found in the Holy Qur'an and Sunnah. When they had to face an ambiguous issue, they would refer it to the grand Sahabah asking them whether they had heard from the Holy Prophet something in this regard. Then, they would convey the ruling to those involved in the issue. Let us now cite examples on this information:

(A) Maymun ibn Mahran is reported to have said, "When an issue is presented before Abu-Bakr, he used to refer to the Holy Qur'an first. If he found the answer, he would say it lest he would look in the Holy Sunnah. If he would not find the answer, he would ask people whether they had heard something in this regard from the Holy Prophet. One of them would say what he had heard from the Holy Prophet about the issue. When he could not find anything related, he would gather the most experienced ones and consult them. When they agree on a definite ruling, he would pass it."3

(B) Malik, Abu-Dawud, Ibn Majah, al-Darimiy and others have reported that Abu-Bakr, once, said to a grandmother who came asking for her share of an inheritance, "In the Holy Qur'an, I could not find anything related to your case. Also, I could not find anything in the Holy Sunnah. You should now wait until I consult people."

Al-Mughirah said, "When such a case was submitted before him, the Holy Prophet decided to give the one-sixth of an inheritance." "Does anyone else have anything in this respect?" asked Abu-Bakr. Muhammad ibn Muslimah al-Ansariy stood and confirmed al-Mughirah's claim. Thus, Abu-Bakr accepted.4

Like Abu-Bakr, `Umar used to ask the Sahabah on such issues and then judge.

(C) On the authority of al-Salamiy, al-Bayhaqiy narrated that `Umar consulted the people whether he would sentence to stoning punishment the lady who committed adultery with a shepherd who refused to give her water, while she was extremely thirsty, unless she would allow him to sleep with her.

(Imam) `Ali answered, "This lady was compelled; therefore I see that you should release her." Following `Ali's verdict, `Umar did.5

(D) `Umar asked Abu-Waqid al-Laythiy about the Surahs that the Holy Prophet used to recite in the Prayer of the Feast (*Salat al-*[illegible]*dayn*). "The Holy Prophet used to recite Surah of *Qaf* (No. 50) and Surah of *Iqtarabat* (*al-Qamar* 54)," answered Abu-Waqid.6

(E) On the authority of Sa`id ibn al-Musayyab, al-Hakim reported that while `Umar ibn al-Khattab was reciting the Holy Qur'an, he passed by the holy verse,

"Those who believe and do not mix up their faith with iniquity." (***Holy Qur'an: 6/82***)

He summoned Ubayy ibn Ka`b and asked, “Are we excluded from this verse because none of us has ever committed iniquity?” Ubayy answered, “Iniquity in this verse stands for polytheism as is proven by the holy verse,

“And when Luqman said to his son while he admonished him: O my son! Do not associate aught with Allah; most surely, polytheism is a grievous iniquity. (***Holy Qur’an: 31/13***)”[7]

(F) `Umar ordered to apply the sentence of whipping to one of the first Muhajirun because he had had strong drink. The man objected saying, “You should not sentence me to whipping penalty; I can prove it in the Holy Book of Allah (the Qur'an).”

“How is that?” asked `Umar.

“Almighty Allah says in the Holy Qur'an,

‘On those who believe and do deeds of righteousness there is no blame for what they ate, when they guard themselves from evil, and believe, and do deeds of righteousness, (***or***) ***again, guard themselves from evil and believe,*** (***or***) ***again, guard themselves from evil and do good. For Allah loveth those who do good.’*** (***Holy Qur’an: 5/93***)

I am one of those who believed, did deeds of righteousness, then guarded themselves from evil and believed and did deeds of righteousness. I participated with the Holy Prophet in the battles of Badr, al-Khandaq, and the Truce of al-Hudaybiyah as well as other campaigns.”

`Umar asked the attendants for an answer; therefore `Abdullah ibn `Abbas said, “The verse that you have cited as your excuse carried excuses for the deeds that were done in the pre-Islamic era and also carried arguments against the coming generations. This is because Almighty Allah says elsewhere,

‘O ye who believe! Intoxicants and gambling, (***dedication of***) ***stones, and*** (***divination by***) ***arrows, are an abomination,—of Satan's handwork: eschew such*** (***abomination***)***, that ye may prosper***(***Holy Qur’an: 5/90***)***’***

This holy verse carried a clear-cut prohibition of drinking strong drink.”

Having been convinced by `Abdullah’s refutation of the claim, `Umar said, “You have told the truth! Now, what do you think this man should undergo?”

(Imam) `Ali answered, “We see that because this man drank strong drink, he has raved; and because he has raved, he forged fabrications (against Almighty Allah); and the sentence of him who forges fabrications is to undergo eighty whips.” `Umar thus ordered to sentence the man to eighty whips as punishment.[8]

The aforementioned narrations, as well as many others that have not been mentioned for fear of

lengthiness, prove clearly that neither Abu-Bakr not did `Umar claim full knowledge with all the religious laws that were said by the Holy Prophet or that they, and none else, were versed in the Hadith; rather they, like the majority of the Sahabah, did not go through many issues of the religious legislation.

On this account, the exaggerated claim that they were the most acquainted with the Hadith and the most knowledgeable in the issues of the religious knowledge and laws has been based upon a purely extreme emotional, not rational, situation that is far away from the historical reality. Moreover, the majority of the reports that narrated or confirmed such claim are exposed to suspicion and uncertainty. One of such fake reports has been the following: Imam `Ali is reported to have said, "We were telling each other that an angel was talking on behalf of `Umar!"[9]

`Abdullah ibn Mas`ud is reported to have said, "If the knowledge of `Umar is put in a scale of a balance and the knowledge of all the peoples in the other, the scale of Umar's knowledge will certainly incline!"[10]

The Holy Prophet is reported to have said, "Had there been a prophet to come after me, `Umar would have certainly been that prophet!"[11] And, "In the past nations, there were individuals communicated by the angels. If this occurs to my nation, `Umar will certainly be the one communicated by the angels!"[12]

The likes of such exaggerated superstitions are too many. Similarly, too many are the motives and reasons beyond them.

One of the clear-cut issue is that had Abu-Bakr and `Umar enjoyed special knowledge in this respect, they would have directly given out religious verdicts without need for consulting the Sahabah in matters they ignored, no contradiction would have ever occurred in their opinions and verdicts, they would not have withdrawn many of their verdicts in view of the reports and opinions of the other Sahabah and `Umar would not have come to a point where he declared openly, 'All people are more knowledgeable than `Umar,'[13] and 'Even women in boudoirs are more knowledgeable than `Umar!'[14]

In conclusion, the recognition of the religious laws among the first generation of Islam was not attained except through pure compliance with the laws issued by Almighty Allah and the Holy Prophet. This fact was known by everyone during that period of the Islamic history. Similarly, neither Abu-Bakr and `Umar nor did any of the other Sahabah have the right to adopt their personal opinions in issues judged by clear-cut texts of the Holy Qur'an and Sunnah.

Nevertheless, they committed a breach of the Holy Prophet's orders on certain occasions when they adopted their personal views and violated the sacred texts.

Referring to a necessarily obvious fact, Ibn Hazm says, "The Holy Prophet, at issuing a verdict or a judgment, did not summon all the inhabitants of al-Madinah to inform them; rather it was sufficient in his view that the attendants listened to that judgment and they would certainly convey it to the others whom, after that, would not be allowed to claim unfamiliarity with that judgment.

Obviously, some of the Sahabah used to interpret a Hadith—that reached his hearing—in such an inaccurate way that it would lose its actual purport. In addition, some of them confessed that they were unaware of many religious laws. In this connection, Abu-Hurayrah declared,

"The Muhajirun, my brethren, were always engaged in making deals in marts; and the Ansar, my brethren too, were engaged by guarding their fortunes."15

It has thus been obvious that the exaggerated picture in which `Umar was given such special and unattainable rank was the product of an inordinate emotion that is rejected and denounced by `Umar himself. To make it more obvious, let us cite the following reports about the Sahabah's relationship with `Umar.

1. The Holy Qur'an reads, "Nor does he speak out of desire. 53:3"
2. Ibn Hazm: al-Ihkam fi Usul al-Ahkam 1:11 and Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam et al.
3. Ibn Qayyim al-Jawziyyyah: A'lam al-Muwaqqi'in 1:62; al-Bayhaqiy: al-Sunan al-Kubra 10:114.
4. Malik ibn Anas: al-Muwatta' 2:513 H. 4; Sunan Abi-Dawud 3:121 H. 2894; Sunan Ibn Majah 2:909 H. 2724; Sunan al-Darimiy 2:359.
5. Al-Bayhaqiy: al-Sunan al-Kubra 8:236; al-Tabariy: al-Riyad al-Nadirah 3,4:163-164 and Dhakha'ir al-`Uqba; Ibn Qayyim al-Jawziyyyah: al-Turuq al-Hikamiyyah.
6. Malik ibn Ansa: al-Muwatta' 1:180; Sahih Muslim 2:607, H. 14; Sunan Abi-Dawud 1:30 H. 1154; Sunan al-Tirmidhiy 2:23 H. 532; al-Bayhaqiy: al-Sunan al-Kubra 3:294; Sunan Ibn Majah 1:408 H. 1282; Sunan al-Nassa'iy 3:183 H. 184 (with little difference).
7. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:305.
8. Al-Hakim al-Nisapury: al-Mustadrak `Ala'l-Sahihayn 4:376; Sunan al-Daraqutniy 3:166 H. 245; al-Bayhaqiy: al-Sunan al-Kubra 8:320; Sunan al-Nassa'iy 3:252 H. 5288. In addition to al-Hakim, al-Dhahbiy, in Talkhis, decides this narration as authentic.
9. Tarikh Wasit 1:167; Min Hadith Khaythama 1:42; Abu-Na`im: Hilyat al-Awliya' 1:42; Muhibb al-Din al-Tabariy: al-Riyad al-Nadirah 1:376. Al-Tabariy, in al-Mu`jam al-Awsat 7:18 H. 6726, has recorded this narration on the authority of Abu-Sa`id al-Khidriy who reported the Holy Prophet as saying, "Among the nation of each and every Prophet that Almighty Allah sent, there must be one addressed by the angels (directly). If there is such an individual among my nation, he must be `Umar." The Holy Prophet was asked how one can be addressed by the angels. He answered, "The angels talk on behalf of him." Al-Haythamiy, in Mujma` al-Zawa'id 9:69, added, "One of the reporter of this narration is Abu-Sa`d, the slave of al-Hasan al-Basiry, whom I cannot tell. Yet, the others are trustworthy."
10. Al-Madkhal Ila'l-Sunan al-Kubra 1:126 H. 70; Ibn `Abd al-Barr: al-Tamhid 3:198; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:92 H. 4497; Jamal al-Din al-Muzziy: Tahdhib al-Kamal 21:325 No. 4255; Ibn Qayyim al-Jawziyyyah: A'lam al-Muwaqqi'in 1:20; Dr. Ruwas Qal`achiy: Fiqh `Abdullah ibn Mas`ud, the Introduction.
11. Sunan al-Tirmidhiy 5:619 H. 3686; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:92 H. 1279; al-Tabariy: al-Riyad al-Nadirah 2:287; Musnad Ahmad ibn Hanbal 4:154; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 7:51.
12. Sahih al-Bukhariy 3:1279 H. 3282, 3:1349 H. 3486; Sahih Muslim 4:1864 H. 2398; Sunan al-Tirmidhiy 5:285 H. 3776; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:86; al-Tabariy: al-Riyad al-Nadirah 2:287; Sunan al-Nassa'iy 5:39 H. 8119.
13. Al-Zamakhshariy: Tafsir al-Kashshaf 3:573; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 1:182; al-Jami` li'Ahkam al-Qur'an 14:277; al-Suyutiy: al-Durr al-Manthur 5:229; Ibn Hazm: al-Ihkam fi Usul al-Ahkam 2:253.
14. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 1:128.
15. Ibn Hazm: al-Ihkam fi Usul al-Ahkam 1:153. The narration is also recorded in Sahih Muslim 4:1940 H. 2492; al-Isfahaniy: Dala'il al-Nubuwwah 1:86 H. 78; Al-Dhahbiy: Siyar A'lam al-Nubala' 2:595.

(1) Mu`adh Ibn Jabal

(A) A man complained to `Umar ibn al-Khattab that after he had been away from his wife for two years, he found her pregnant. `Umar consulted people whether he would sentence her to the punishment of stoning. Mu`adh ibn Jabal said, "If she is guilty, the fetus in her womb is not. You should leave her until she gives birth. `Umar did and the woman gave birth of a baby whose father avowed for the similarity between them. Commenting on the matter, `Umar said, "Women are too inadequate to give birth of one like Mu`adh. Without Mu`adh, `Umar would have perished."[1]

(B) `Umar decided to sentence a retaliation punishment against a Muslim who had broken the head of a Dhimmi (a non-Muslim enjoying the protection of the Islamic state). Mu`adh intruded, "As much as I know, you are not allowed to decided such according to a report from the Holy Prophet." `Umar therefore gave the Dhimmi one dinar[2] as recompense, and he accepted it.[3]

(2) Zayd Ibn Thabit

(A) Mujahid narrated that when he was in Syria, `Umar decided to sentence the retaliation punishment to a Muslim who had killed a Dhimmi. But Zayd intruded, "You should not make your slave retaliate upon your brother!" `Umar therefore decided that the Muslim would undergo blood money.[4]

(B) Makhul narrated that `Abadah ibn al-Samit, once, asked a non-Muslim Bedouin to guard his riding animal while he would offer a prayer in the holy Mosque of Jerusalem. The man rejected and `Abadah, out of rage, hit him on the head.

The man complained before `Umar who decided to sentence retaliation punishment to `Abadah who claimed that his temper was so bad that he could not control himself. Yet, Zayd ibn Thabit intruded, "You should not allow your slave to retaliate upon your brother." Hence, `Umar decided that `Abadah would undergo blood money.[5]

(C) Zayd ibn Thabit narrated that `Umar, once, visited him... and said, "I visited you to counsel me about the share of a grandfather from his grandson's inheritance. Zayd apologized because he had known nothing about the matter. Once again, `Umar visited Zayd for the same matter. As he insisted, Zayd decided to write down his opinion. He also cited the following example, "This issue is like a tree that grew up on one trunk, which, later on, produced a branch.

That branch also produced another. The trunk thus supplies the first branch with water. If the first branch is cut, water will directly go to the second branch and if the second is cut, the water will directly go to the first." `Umar recited this before people and decided to depend upon Zayd's verdict.[6]

(3) Abu-'Ubaydah Ibn Al-Jarrah

`Umar ibn `Abd al-`Aziz narrated that `Umar decided to kill the Muslim individual who had killed a Dhimmi in Syria when he was there. Objecting to him, Abu-`Ubaydah said, "You are not allowed to do this." "Why am I not allowed to do it?" asked `Umar. "Is it lawful to kill a master as retaliation for his having killed his slave?" Abu-`Ubaydah asked. `Umar could not find a reply; he therefore decided that the Muslim should undergo one thousand dinars as blood money.7

(4) Hudhayfah Ibn Al-Yaman

One morning, `Umar met Hudhayfah ibn al-Yaman and greeted him. Hudhayfah said, "How do you expect me to be! Indeed, I dislike the right, love the temptation, testify the existence of a thing that I have not seen, learn by heart what has not been created, offer the prayer without ablution, and possess on this earth that which is not possessed by Almighty Allah in the Heavens."

On hearing this reply, `Umar became so enraged that he left hastily as he decided to harm Hudhayfah for such saying. On his way, he passed by `Ali ibn Abi-Talib who noticed his rage and thus asked, "What for are you so enraged, `Umar?"

"As I greeted Hudhayfah ibn al-Yaman, he said to me that he dislikes the right," said `Umar.

"This is true," said `Ali, "the man dislikes death, which is right!"

"He also said that he liked temptation!" added `Umar.

"This is true," said `Ali, "the man liked his fortune and sons; and Almighty Allah says,

'Your wealth and your children are only a temptation.' (***Holy Qur'an: 64/15***)"

"`Ali: he also claimed that he testified the existence of things that he had not seen!" added `Umar.

"This is also true," said `Ali, "He testifies of Allah's Oneness, the death, the Resurrection, the Judgment Day, Paradise, Hell, and the Path (*al-Sirat*) while he had not seen any of these."

"`Ali: he also said that he learnt by heart that which was not created!" added `Umar.

"This is also true," said `Ali, "He has learnt by heart the Holy Book of Almighty Allah—the Qur'an that is not created."8

"He also claimed that he offered prayer without performing the ritual ablution!" said `Umar.

"This is also true," said `Ali, "He prays to Almighty Allah to send blessings upon my cousin, the Messenger of Allah, without need for performing the ritual ablution. This is of course permissible."

“Abu’l-Hasan: he said a more serious thing,” said `Umar.

“What was that?” asked `Ali.

“He said that he possesses on this earth what is not possessed by Almighty Allah in the heavens!” explained `Umar.

“This is also true,” said `Ali, “the man has a wife and sons on this earth while Almighty Allah is too Exalted to have a wife and sons.”

Pondering over the answers of `Ali, `Umar confessed, “Son of al-Khattab would have perished were it not there `Ali ibn Abi-Talib.”9

(5) `Abdullah Ibn Mas`ud

Ibrahim al-Nakha`iy narrated that `Umar ibn al-Khattab decided to sentence death penalty to a man who had murdered another premeditatedly although some of the victim’s heirs pardoned the murderer. `Abdullah ibn Mas`ud intruded, “The soul of the murderer was in the hand of all of the victim’s heirs, but when one of them allowed him to keep it, it was thus given life. This one cannot take his due unless the others do.”

“What do you think the judgment must be then?” asked `Umar.

“I think that you must decide that the murderer will undergo the blood money and then you can exempt him from the share of the heir who pardoned him.” `Umar then agreed to this judgment.10

(6) Ubayy Ibn Ka`b

(A) Al-Hasan al-Basriy narrated that when `Umar ibn al-Khattab decided to distribute all the gold and silver that were in the Holy Ka`bah, Ubayy ibn Ka`b objected.

“What for do you object?” asked `Umar.

“Almighty Allah, through the Holy Prophet, has explained the expenditure of each and every fortune,” answered Ubayy.

“This is true,” confirmed `Umar.11

(B) Ibn Qayyim al-Jawziyyah has reported that `Umar intended to seize the fortunes of the Holy Ka`bah claiming that it did not need them. He also intended to order the people of the Yemen to stop dying their clothes with the urination of camels and to forbid the Muslims from the *Mut`at al-Hajj*.12

Objecting to all of these, Ubayy ibn Ka`b said, “Although they needed the fortune of the Holy Ka`bah,

neither the Holy Prophet nor did the Sahabah take it. Accordingly, you must not take it. The Holy Prophet and the Sahabah used to use the Yemeni clothes while they knew that they were dyed with the urination of camels. Yet, they did not warn people against using them. In the presence of the Holy Prophet, we practiced the *Mut`at al-Hajj* about the forbiddingness of which the Holy Qur'an has not said anything."[13]

(7) Al-Dahhak Ibn Sufyan Al-Kilabiy

Sa`id ibn al-Musayyab narrated that `Umar ibn al-Khattab decided that the blood money in an issue of slaughter would be distributed among the victim's kinsmen while the widow's share is nothing. But when al-Dahhak ibn Sufyan informed him that the Holy Prophet had ordered him to give the widow of Ashyam al-Dhababiy a share of his blood money, `Umar retracted his decision.[14]

(8) Shaybah Ibn `Uthman

Shafiq reported from Shaybah ibn `Uthman that `Umar, once, sat down and decided to distribute all the fortunes of the Holy Ka`bah among the poor Muslims.

"You are not allowed to do so," said Shaybah.

"What for?" asked `Umar.

"This is because neither the Holy Prophet nor did Abu-Bakr take anything of these fortunes although they need them more than you," explained Shaybah.

On hearing this, `Umar left the place.[15]

(9) `Abdullah Ibn `Abbas

Nafi` ibn Jubayr narrated on the authority of `Abdullah ibn `Abbas that he witnessed the event when a lady that had given birth of a child only six months after her marriage was brought before `Umar to judge. All the attendants disapproved of her but `Abdullah said to `Umar, "Do not be unfair!"

"How is that?" asked `Umar.

`Abdullah answered, "You should consider Almighty Allah's sayings (in the Holy Qur'an),

'And the bearing of him and the weaning of him is thirty months.' (***Holy Qur'an: 46/15***)

and

'Mothers shall suckle their children for two whole years.' (***Holy Qur'an: 2/233***)

As twenty four months is the period of the two whole years, six months remains for pregnancy as a minimum. Almighty Allah advances and delays the periods of pregnancy as He desires." On hearing this answer, `Umar accepted it.[16]

(10) `Ali Ibn Abi-Talib

(A) `Abdullah ibn `Abbas narrated that `Umar, once, decided to sentence to stoning punishment an insane woman who had committed fornication. While she was led to the place where she would undergo the punishment, `Ali passed by her and asked about the matter, "This is so-and-so, the insane. `Umar decided to sentence her to stoning punishment after he had consulted people."

`Ali asked them to take her back to `Umar. He then followed them and said to `Umar, "You should have known that the Messenger of Allah said that three categories of people are not condemned for any deed they would commit—these are the immature, the asleep, and the insane. This lady is insane. Perhaps, she committed this crime while she was in a brainstorm."

`Umar thus released the lady and repeated saying 'Allahu Akbar' as sign of his admiration of `Ali's answer.[17]

(B) A young woman was fond of one of the Ansar's youths but he did not respond to her. She therefore decided to resort to trickery; she took an egg, threw away its yolk, and poured the albumen on her dress and thighs.

She then came towards `Umar screaming and claiming that she had been abused by that young man. `Umar intended to punish that young man as soon as some women, whom he had appointed to see the traces of the crime, confirmed the existence of sperms on the young woman's dress and body.

Defending himself, the young man began shouting at `Umar to be sure of the question since he had not done it although she had sought to seduce him but he rejected. When `Umar referred the question to (Imam) `Ali, he looked at the traces on the dress, asked for a boiling water, poured it on the dress, and then the albumen solidified. As he smelled and tasted it, he knew that it was the white of an egg; therefore he scolded the young woman and she confessed of everything.[18]

(11) `Abd Al-Rahman Ibn `Awf

(A) `Abdullah ibn `Abbas narrated that `Umar, once, asked him whether he had heard anything from the Holy Prophet or the Sahabah as regards the doubts of the prayers. Meanwhile, `Abd al-Rahman ibn `Awf cam and asked about the question, "I heard the Messenger of Allah saying that if one doubts in the prayer… etc."[19]

(B) Qatadah reported that `Umar, once, was asked about the ruling if a lady was divorced twice in the pre-Islamic era and then divorced once in Islam. As `Umar excused, `Abd al-Rahman ibn `Awf said, "I

have the solution. Divorce before Islam is ineffective."20

Finally, even his wife corrected `Umar's information and cancelled his verdict when he wanted to forbid rise in dowries.21

The aforementioned examples prove evidently that the accurate course that should have been followed by the Sahabah was the full compliance with the judgments of Almighty Allah and the Holy Prophet and caliphs should have referred to the Holy Qur'an and Sunnah in the issuance of verdicts. This fact seemed to be firmly present in the mentalities of the Sahabah who corrected for the caliph his errors depending upon the Holy Qur'an and Sunnah.

These events also confirm that `Umar did not claim special rank in the knowledge of the religious laws or having a distinctive mentality that enabled him to extract the religious laws in such an idiosyncratic manner that bespoke his unique mastermind due to which the Divine Revelation used to depend his opinion and reproach the Holy Prophet for not having acted upon `Umar's opinions, and the Holy Prophet said, 'the Right is following `Umar wherever he would go'22 and `Umar carried the whole knowledge of the Holy Prophet as well as many alike fabrications that `Umar himself would have certainly denied had he heard them!

As has been previously demonstrated, `Umar's compliance with the Sahabah's opinions appertained to the religious laws, as well as the evidences that they used to infer from the Holy Qur'an and Sunnah, proves that he, on the first days of his reign, did not argue with them on their verdicts and proofs; yet, he, later on, changed his trend by confirming his personal opinions. He thus granted the caliphs a distinctive feature due to which they alone have had the right to issue religious verdicts. This issue will be discussed in details shortly.

The previous discussion can be summarized in the following three points:

1) `Umar ibn al-Khattab did not have full acquaintance with the Holy Qur'an and the Holy Prophet's instructions. Also, the Sahabah did not submit to his personal opinions.

2) The Holy Qur'an and the Holy Sunnah are the one and only sources of the Islamic legislation and, in the conception of the Sahabah including `Umar himself, nothing can ever replace or be as important as them.

3) From the aforecited texts, we conclude that `Umar ibn al-Khattab was about to be engaged in the most intense embarrassment, since it was not easy for the absolute ruler of the Islamic State to confess of his lack, in the field of knowledge, at all times, especially when we know that the majority of those who were experienced in the knowledge of the Holy Qur'an and Sunnah did not agree with `Umar in principle, conceptions, and values. The coming discussions will demonstrate these facts more obviously.

1. Sunan al-Daraqutniyll-qutniy: orded in saorthy is Abu-ddressed by the angels.ar.seligous is perosnal xts and the instructions of hte ent and that n 3:322 H. 281; al-Bayhaqiy: al-Sunan al-Kubra 7:443 H. 15335; Musannaf `Abd al-Razzaq

7:354 H. 13454; Musannaf Ibn Abi-Shaybah 5:543 H. 28812; Al-Dhahbiy: Siyar A'lam al-Nubala' 1:452; al-Muzziy: Tahdhib al-Kamal 28:111; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 12:202; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 12:120; al-Isabah fi Tamyiz al-Sahabah 3:427.

2. A currency

3. Al-Muttaqiy al-Hindiy: Kanz al-'Ummal 15:97; Musannaf `Abd al-Razzaq 10:100 H. 18511.

4. Al-Muttaqiy al-Hindiy: Kanz al-'Ummal 15:97 H. 40242; Musannaf `Abd al-Razzaq 10:100 H. 18509.

5. Al-Dhahbiy: Tadhkirat al-Huffadh 1:31 No. 16; al-Bayhaqiy: al-Sunan al-Kubra 8:32; al-Muttaqiy al-Hindiy: Kanz al-'Ummal 15:94 H. 40232;

6. Sunan al-Daraqutniy 4:93 H. 80; al-Bayhaqiy: al-Sunan al-Kubra 6:247; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 12:21.

7. Al-Bayhaqiy: al-Sunan al-Kubra 8:32; Al-Muttaqiy al-Hindiy: Kanz al-'Ummal 15:94 H. 40234.

8. The question whether the Qur'an was created or was existent since eternity is one of the issues of disagreement between the Muslim theologians. For details, refer to books of Islamic theology.

9. Ibn al-Sabbagh al-Malikiy: al-Fusul al-Muhimmah 35; al-Kinjiy: Kifayat al-Talib 218-9.

10. Al-Bayhaqiy: al-Sunan al-Kubra 8:60; al-Shafi`iy: Kitab al-Umm 7:329; al-Shaybaniy: al-Hujjah 4:385. In al-Muttaqiy al-Hindiy: Kanz al-'Ummal 11:33 H. 30513, there is another issue that occurred between `Umar and `Abdullah ibn Mas`ud. In the world of Ibn al-Qayyim (in I`lam al-Muwaqqi`in 2:237, `Abdullah ibn Mas`ud disagreed with `Umar in more than one hundred issues.

11. Al-Bayhaqiy: al-Sunan al-Kubra 5:159; al-Tabariy: al-Riyad al-Nadirah 1-2:339; Musannaf `Abd al-Razzaq 5:88 H. 9084; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 14:100 H. 38052.

12. For details on Mut`at al-Hajj, refer to the books of the Islamic laws.

13. Ibn Qayyim al-Jawziyyya: Zad al-Ma'ad 2:208.

14. Al-Shafi`iy: Kitab al-Umm 6:88; Sunan Abi-Dawud 3:129 H. 2927; Musnad Ahmad ibn Hanbal 3:452; Sunan Ibn Majah 2:883 H. 2642; Sunan al-Tirmidhiy 434; al-Bayhaqiy: al-Sunan al-Kubra 8:134; Al-Khatib al-Baghdadiy: Tarikh Baghdad 8:343.

15. Sunan Abi-Dawud 2:215 H. 2031; Sunan Ibn Majah 2:104 H. 3116; al-Tabariy: al-Riyad al-Nadirah 1-2:339; al-Tabaraniy: al-Mu`jam al-Kabir 7:300 H. 7195; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 3:456; Sahih al-Bukhariy 2:578 H. 1517, 6:2655 H. 6847; al-Bayhaqiy: al-Sunan al-Kubra 5:159 H. 9511; Musanaf Ibn Abi-Shaybah 6:466 H. 32976; Musnad Ahmad ibn Hanbal 3:410.

16. Musannaf `Abd al-Razzaq 7:352 H. 13449; al-Suyutiy: al-Durr al-Manthur 7:442; Fath al-Qadir 5:19.

17. Sunan Abi-Dawud 4:140 H. 4399, 4402; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 2:68 H. 2351; al-Bayhaqiy: al-Sunan al-Kubra 4:269, 8:264; Sunan al-Daraqutniy 3:138 H. 173; Sunan al-Nassa'iy 4:324 H. 7347.

18. Ibn Qayyim al-Jawziyyyah: al-Turuq al-Hikamiyyah 47 (as reported in al-`[illegible]miliy: al-Ghadir 6).

19. Musnad Ahmad ibn Hanbal 1:190; al-Bayhaqiy: al-Sunan al-Kubra 2:332.

20. Musnad Ahmad ibn Hanbal 3:482; Musannaf `Abd al-Razzaq 7:181 H. 16289.

21. Al-Zamakhshariy: Tafsir al-Kashshaf 1:258; Tafsir al-Qur'an al-`Adhim 1:467; Tafsir al-Qurtubiy 5:99; al-Suyutiy: al-Durr al-Manthur 2:446.

22. Dr. Nadiah al-`Umariy: Ijtihad al-Rasul 299.

Naturally, the continuity of finding faults with the caliph, namely `Umar ibn al-Khattab, would certainly impair his position and lessen his social status in the view of the Muslims. Furthermore, this would affect the structure of the position of caliphate as a whole. If the caliph allowed the Sahabah in general and the reporters in particular to find faults with him accusing him of ignorance and inaccuracy in the religious laws, they would certainly have the courage to stop in his face directly.

It would thus be necessary to provide a new course owing to which the phenomenon of finding faults in

the caliph's verdicts would be eliminated and also the caliph's deeds and personal judgments would be acceptably effective.

In fact, to compare the caliph's verdicts to the Holy Qur'an and Sunnah, which would demonstrate the differences between the sources of the Islamic legislation and the caliph's opinions, would give people the opportunity to criticize him and object to his judgments. As a result, the caliph's position will be disrespected by people.

On the grounds of the previous consequences, `Umar believed that it is necessary to strengthen the trend of depending upon personal judgments in front of the divine instructions and publicize the concept of Ijtihad among the Sahabah so that he would be excused in any verdict that he would issue. As a consequence, `Umar adopted two conceptions that moved to some of the Muslims thereafter;

(1) the dependence on personal views and

(2) the acceptance of the Sahabah's personal opinions as authority.

Later on in this book, we will present the historical progression of these two conceptions as well as their actuality. Let us first quote the statement of Muhammad `Abduh, the great Muslim intellectual, regarding the Sahabah's personal identification of the advantage. He says,

"As if they believed that the origin of a judgment in an issue is to do what is good, not to follow the religious laws, the Sahabah used to issue a judgment that is compatible to their personal identifications of the advantage even if such would violate the Holy Sunnah."1

Shaykh `Abd al-Wahhab Khallaf says,

"Whenever they could not find a text in the Holy Qur'an or Sunnah that is related to the issue with which they were dealing, the Sahabah would infer a judgment depending upon their personal views. In their practice of Ijtihad, they rested upon their talents that they had acquired from oral communication with the Holy Prophet as well as their familiarity with the secrets and general principles of the Islamic legislation. They, sometimes, compared the issues about which there was no holy text to similar issues explained in the Holy Qur'an or Sunnah.

On other occasions, they issued judgments depending upon their personal identification of the advantage without committing themselves to any other consideration. On this account, the scope of their Ijtihad in the matters that are not explained in holy texts was very much expansive that it could contain the people's needs and interests."2

Evidences on the accuracy of the aforesaid quotations are `Umar's personal verdicts some of which have been previously illustrated. The gentle reader has thus realized the scope of `Umar's Ijtihad that opposed the actuality of the Islamic legislation.

It is thus probable that `Umar's personal views that were not accepted by the Sahabah acted as motives beyond the issuance of the decision of prohibiting the reporting and recording of the Hadith. At any rate, the undoubted result in this respect is that both the trends of the adoption of personal opinions and the compliance with the sacred texts perpetuated after the departure of the Holy Prophet.

The trend of the adoption of personal views and the consideration of the Sahabah's opinions expanded its steps and did not stop at any red line after the departure of the Holy Prophet who was the only one to stop them.

Overstepping all bounds, the Sahabah's personal opinions crept into the issues about which there were clear-cut text from the Holy Qur'an and Sunnah. To give it a title, this trend should be called 'Ijtihad and Opinionism.'

Referring to the representatives of this trend, Dr. Muhammad Sallam Madkur says,

"Imitating the Sahabah in general and `Umar, the caliph, in particular who very frequently replaced some of the religious laws with others claiming having taken the advantage in consideration and interpreted the holy texts in a way compatible to the advantage, the generation that came next issued verdicts that were in violation of the Holy Sunnah, such as the permissibility of pricing of the goods although the Holy Prophet obviously prohibited such. On violating the Holy Prophet's instruction, they claimed that because people exceeded all limits, they have to be restrained through pricing their commodities."3

Further, `Abd al-Wahhab Khallaf says,

"When the men of legislation (among the Sahabah) existed in large numbers, disagreement in some of the religious laws occurred. In a definite incident, they gave various opinions. As a matter of fact, such disagreements were necessarily expected, because each one of those issuers of verdicts had his own scope of understanding the holy text and thus his own viewpoint since they did not comprehend the Holy Sunnah in the same degree and, definitely, some of them were present during a certain event from which others were absent.

Moreover, the advantages on the basis of which a verdict was issued were not estimated in the same way for the difference in the environments in which those authoritative individuals lived. For these reasons, miscellaneous judgments were issued in a certain issue.

The scope of disagreement between the authoritative men of legislation expanded more and more during the second century (of Hijrahh) when a class of mujtahids came into sight in the Muslim community.

However, in addition to the three aforesaid reasons beyond the disagreement among the Sahabah in issuing religious judgments, the reasons beyond the disagreement among the mujtahids of the second century were too many.

Some of them were related to the sources of the legislation, the various tendencies of the Muslims and the linguistic principles upon which the understanding of the holy texts relied.

On this account, the disagreement was not only in the verdicts and the secondary religious laws but also in the bases and plans of the legislation itself. Thus, each group formed a definite sect that adopted certain secondary laws inferred by a special plan of legislation."4

From the previous citation, we conclude that the multiplicity of the centers of giving legal opinions created the disagreements of opinions and Ijtihad. Such a disagreement would possibly occur among the Sahabah or between the caliph and them. Shedding light on this point, Dr. Madkur says,

"The Ijtihad of the Sahabah was not restricted to analogy; rather it included all the aspects of opinion where they rested upon intuition, nature, and observance of the spirit of the Islamic legislation in addition to a perfect recognition of the rational foundation of opinions and its role in the formation of the religious laws.

Hence, when they practiced Ijtihad, they were fully aware of what they were doing. Nevertheless, the aspects of their Ijtihad were miscellaneous; some depended upon analogy, others depended upon the identification of the advantage and so on.

The same thing can be said about the rational sources that were given terminological titles later on. It is natural that the Ijtihad that is based upon personal opinions results in disagreements in the viewpoints and variety in the verdicts. When the Muslim jurisprudents separated in the various regions of the Islamic State, they formed the core of the various trends that originated the two schools of Hadith and personal opinion (*Ra'y*)."5

In the course of presenting the evidences provided by those who deny considering the Sahabah's opinions as sources of the Islamic legislation, Dr. Dib al-Bagha says,

"The Sahabah disagreed with each other on several questions, such as the issue of a grandfather's share with the existence of the testator's brothers and the issue of a husband's saying to his wife, '*Anti `Alayya Haram*' (You are forbidden for me.' Had the sayings of the Sahabah acted as proofs against the following generations, the proofs of Almighty Allah would have been contradictory and any one of the coming generation would have had the right to follow the course, or verdict, of any of the Sahabah."6

The acceptance of the validity of Ijtihad will make the multiplicity of opinions valid. Likewise, the validity of the disagreement in Ijtihad leads to the validity of accepting contradictory opinions. As he used Ijtihad as the starting point and justification in the understanding of the Shari`ah, `Umar ibn al-Khattab should have allowed the others to act upon the same idea so that his Ijtihad would be valid, the others' words and interpretations would have supported his or, at least, his opinion would have been respected and accepted even unwillingly.

As he ordered Qaradhah to reduce reporting the Hadith and then permitted the Sahabah to declare their personal opinions, `Umar proved that he only intended to move the subject of the Islamic legislation from the sacred texts to the personal opinions.

Some of the Sahabah, however, referred to the inaccuracy of this idea since the right cannot be discerned by intellects –in other words, the right is too broad to be identified by ordinary intellects.– In this respect, Imam `Ali said,

"You have been trapped by confusion. Neither the right nor can the wrong be identified by men. On the contrary, if you realize the right, you will then realize its people."

Having expanded the circle of Ijtihad, `Umar wanted to grant himself a special standing in the Islamic legislation through permitting the others to act upon their personal opinions. He, the political leader of the Islamic State, understood that he would never be able to pass his personal opinions unless he enjoyed a legislative authority. Undoubtedly, he would always regard himself as the right party because he was the worthiest of legislating due to his position of leadership.

Actually, `Umar, step by step, became the only one who had the right to issue verdicts. A little while after that, he gave himself exclusively full rein to judge depending upon his personal views and to identify the advantage preventing the others from presenting their opinions since his views were always the most acceptable and irrefutable!

As a result, `Umar started identifying the features of the Ijtihad that he had invented so that he would have the lion's share. He therefore answered the questions without consulting any of the Sahabah and without allowing any other opposing opinion to be in motion.

He furthermore promulgated his personal opinions, after he had frequently sought the actual Sunnah, and insisted on his opinions even if they would violate the Holy Qur'an and Sunnah since he was the most knowledgeable in these fields. He once gathered the Sahabah and said to them, "Do not separate from me, for I am more knowledgeable than you are. I will hear from you and reply."7

He also did not allow `Ammar ibn Yasir and other Sahabah to remind him of what he had done during the Holy Prophet's lifetime.

Al-Nassa'iy narrated that a man came to `Umar and asked what he would do after he met the major ritual impurity (*Janabah*) while he had no water (with which he should perform the ritual ablution) at all. "Well, you should not perform the prayer such being the case," answered `Umar.

`Ammar then reminded `Umar of a similar incident that occurred to him during the Holy Prophet's lifetime. He said, "We were on a function when *Janabah* occurred to both of us. You then stopped offering the prayer while I rubbed my organs of ablution with dust and then offered the prayer.

When I told the Holy Prophet about that, he said, "What you have done was sufficient. Teaching me the

appropriate way, the Holy Prophet beat the dust with one hand then blew at it. He then rubbed his hand with the other and passed them over his face."

Having listened to this incident, `Umar said, "I do not know what that is."

`Ammar said, "If you wish, I will not tell it to anyone else."8

This narration shows that `Umar did not decide that one on *Janabah* should perform the Dry Ablution (*Tayammum*) instead of the ordinary ablution; rather he permitted such individuals to neglect offering prayers until they find water.

Commenting on the aforesaid narration, al-`Ayniy says that `Umar did not decide the Dry Ablution for those who are on *Janabah*. This is proven by `Ammar's saying to him, "You did not offer the prayer." `Umar dedicated the Dry Ablution to the minor ritual impurity and, following his Ijtihad, issued that one on *Janabah* should not perform the Dry Ablution as substitute.9

Commenting on the incident, Ibn Hajar confesses that `Umar's opinion in the issue is very famous.10

On the authority of al-A`mash, al-Bukhariy has recorded that Shaqiq said: I was sitting with `Abdullah and Abu-Musa al-Ash`ariy who said, "How is it acceptable for you to decide for one who is on *Janabah* and cannot find water of a whole month to stop offering the prayers until he finds water? Then, what do you say about the holy verse in the Surah of al-Ma'idah that reads,

'And if you are sick or on a journey, or one of you come from the privy, or you have touched the women, and you cannot find water, betake yourselves to pure earth and wipe your faces and your hands therewith. (***Holy Qur'an: 6/6***)*'*?"

Answering him, `Abdullah said, "If people were allowed in such cases, they would certainly perform the Dry Ablution even if water would be a few steps away from them."

"So, you have decided that for this reason only, have you not?" asked Abu-Musa.

"Yes, we have," answered `Abdullah.

Abu-Musa said, "Have you not heard what `Ammar said to `Umar about this issue when... etc."11

The aforementioned narration has proven `Umar's violation of the Holy Qur'an and the Sunnah when he issued such verdicts because of which `Ammar ibn Yasir and Abu-Musa al-Ash`ariy, two of the grand Sahabah, objected; and the Muslim jurisprudents have found strange the rulings that were created by `Umar.

From this cause, it is definitely unacceptable to regard such verdicts and personal opinions as laws of the Islamic legislation and to argue that the Sahabah had the ultimate right to use their personal views in the religious issues and to define the religion as whatever was said by those Sahabah, even if it violated

the Holy Qur'an and Sunnah!

Supposing that the aforesaid suppositions had been true, `Umar would not have had the right to order `Ammar, using words of scolding and warning, to hide that issue because, according to the supposed opinion, `Ammar concluded the religious ruling from the sacred text and from what he had heard from the Holy Prophet in addition to the spirit of the Islamic legislation that he had very well discerned, for he was one of the grand Sahabah. `Umar thus should not have objected to him; rather he should have respected `Ammar's opinion.

The same thing can be said about the other Sahabah; had all the Sahabah had the right to act upon their personal opinions, `Ammar, Abu-Musa, and the others should not have objected to `Umar as regards the issue.

I should thus wonder whether `Umar had not heard the narrations of Abu-Hurayrah, Abu-Dharr, and the other Sahabah concerning the Dry Ablution and the many narrations that reported from the Holy Prophet the necessity of the observance of the obligatory prayers that must not be stopped under any circumstance. In any event, sufficed to us is the following narration of `Imran ibn al-Husayn, the grand companion of the Holy Prophet:

The Holy Prophet, once, asked a man the reason for having not joined the Congregational Prayer.

"I am on *Janabah* and I could not find water," answered the man.

The Holy Prophet instructed, "You should have used dust (to perform the Dry Ablution). It is sufficient in such cases."12

All the previous narrations prove that `Umar was inaccurate in this issue and, accordingly, was not more experienced than others in the field of the religious issues, as was later on claimed by him, and was not marked with such an unparalleled mentality that enabled him to see what others could not see, as claimed by Dr. Nadiah al-`Umariy and her likes.

Not only did `Umar issue inaccurate religious laws, but also he issued various verdicts in the same issue. In this respect, Mas`ud al-Thaqafiy is reported to have said,

`Umar, once, issued that the paternal half-brothers, the mother, and the maternal half-brothers of a testator should be the partners in one-third of the legacy. When a man reminded him that he had issued another verdict in the same question, `Umar answered, "Well, that verdict was for that occasion and this verdict is for this one."13

These narrations confirm that `Umar worked for sketching the principles of his own jurisprudence regarding it as the only one that should be adopted. This view was in fact derived from the circumstances that he had to experience; yet it extended after him so largely that some of the Muslims have decided to regard the Sahabah's opinions as above the Words of Almighty Allah. In this respect,

Dr. Madkur says,

It is undeniable that all the religious rulings during the lifetime of the Holy Prophet were derived from the Divine Revelation; and this rule has not been violated except by those who have argued that the Holy Prophet had the right to depend upon his personal opinions in the issuance of religious verdicts.

However, al-Dawalibiy, in *al-Madkhal ila `Ilm Usul al-Fiqh* (A Preamble to the Islamic Jurisprudential Fundamentals), claims that the Holy Prophet founded Ijtihad as the third source[14] of the religious laws. This is in fact not accurate. Ijtihad was not regarded as source of the Islamic legislation during the Holy Prophet's lifetime.[15]

The followers of the Caliphate School have furnished a justifying analysis for `Umar's opinions that violated the Holy Qur'an and Sunnah by different ways.

If truth be told, `Umar's having invited the Muslims to adopt his personal opinions and to stop reporting and recording the Hadith was a political necessity imposed on him by the social reality, for the Holy Prophet did not say any single word in this respect.

Regarding the prohibition of reporting and recording the Hadith, had the Holy Prophet said anything about it, `Umar would have certainly reminded the Muslims of it and have betaken it as his argument. Yet, he declared his responsibility alone for this decision.

It was the surrounding conditions, some of which have been previously discussed, that forced him to invent this view and violate the sacred texts. On this account, `Umar's objectional situations with the Holy Prophet can be explained in the same way. In the pre-Islamic era, `Umar practiced some personal competences that he wanted to expand in Islam with the Holy Prophet. Yet, the difference between the two ages is extremely big.

It is also worth mentioning that some scholars have denied this fact regarding `Umar as one of those who committed themselves to the Holy Prophet's practice. For instance, it is narrated that while he was standing on the Rukn of the Holy Ka`bah, `Umar said, "I do realize that you are no more than a rock that neither harms nor is useful. But unless I saw my dear, the Holy Prophet, kissing and touching you, I would never kiss or touch you." He then approached and kissed it.[16]

It is also narrated that Ya`liy ibn Umayyah, once, was with `Umar ibn al-Khattab when he took his hand to touch the Rukn. "While you were circumambulating the Holy Ka`bah, did you see the Messenger of Allah touching it?" asked `Umar.

"No, I did not," answered Ya`liy.

`Umar commented, "So, let this thing. You should have in the Messenger of Allah an excellent example (i.e. you should imitate him in everything.)"[17]

Although such text cannot refute the fact that `Umar founded and practiced Ijtihad so expansively, they can prove that he did not intend to violate the sacred texts through adopting his personal opinions; rather he planned for another thing.18

By notice of the question that `Umar, through words and instructions, confirmed the necessity of adherence to the Hadith and negligence of personal opinions and the question that he did depend upon his personal opinions so expansively that he had to violate the sacred texts, one can conclude that it was the circumstances that forced him to adopt such a trend due to which he, intentionally or intentionally, had to violate the Holy Sunnah.

The perpetuity of the trend of finding faults with the caliph would have definitely created a gap between the political and scientific authorities of the Muslims which, as a result, would lead to the Muslims' abandonment of the habit of resting upon one person only, as was followed during the Holy Prophet's age, as well as their disrespect to that authority's spiritual standing.

Advancing as a pretext the identification of advantage, they have argued that the personal opinions of the Sahabah can stand as a third source of Islamic legislation besides the Holy Qur'an and Sunnah. Particularization has occurred even to this point; the opinions of Abu-Bakr and `Umar were regarded as the worthiest of being followed according to Hadiths that they have reported from the Holy Prophet.

All the Muslims realized that the ruling of any new incident would be deduced from the sacred texts and the Holy Prophet's words, deeds, and confirmations and, in this field, nobody at all is allowed to issue personal verdicts. Because the caliph did not comprehend all the words of the Holy Prophet or did not have the capacity of interpreting them, he founded analogy to act as the justification of his personal opinions so that the others will say that the caliph's opinion was based upon a definite source of the Islamic laws.

Thus, Ijtihad has become such a familiar thing for the Muslims that it could be practiced by all the Sahabah taking into consideration that some of them issued verdicts originated from personal views while the others' verdicts were based upon the sacred texts although they did not accept reporting anything except the Holy Qur'an or the Holy Prophet's words and practices.

Such being the case, those Sahabah worked in the frame of the accurate deduction from the source of the Islamic legislation through following nothing but the proper ways that take to the exact denotations of the sacred texts and, thus, this is not regarded as personal opinions.

Nevertheless, the truth is something else; the legislation of Ijtihad was no more than a political step taken by `Umar so as to stop any criticism of his verdicts and make everybody follow him. In this respect, it has been narrated while Abu-Musa al-Ash`ariy informed people about the legality of the temporary marriage, one of the attendants interrupted him saying, "Slow down in issuing such verdicts! You do not know what Amir al-Mu'minin, `Umar, has decided in this matter."

As he was asked about the matter, `Umar answered, “I know that the Holy Prophet and the Sahabah practiced the temporary marriage. Yet I dislike for people sleeping with their women under the trees. Then, they will come to the Hajj with wet heads.”19

This wording and its like confirm the idea of the religious laws’ having yielded to `Umar’s personal opinions. Thus, although he was one of the grand Sahabah, Abu-Musa al-Ash`ariy could not inform about the legality of the temporary marriage because he did not know the caliph’s situation about it. He should have waited until a decree would come from `Umar.

Furthermore, `Umar condemned others because they had issued personal verdicts. He said, “How do you issue verdicts while you are not the leader? None should enjoy this right except the leaders.”20

After the investigation of the accompanying conditions of the Islamic legislation, it has been possible to say that the claims of regarding the Sahabah’s personal views as proofs and the taking advantage of the concept of the Holy Prophet’s Ijtihad, such as his inaccuracy in the issues of the redemption of the prisoners of the Battle of Badr, the offering prayers to the body of a hypocrite, and the fabrication that he said, ‘I am no more than an ordinary mortal. If I instruct you about a religious question, you should obey; but if I instruct you out of my own opinion, you should not, because I, like any other mortal, may be right or wrong,’21 as well as similar things—all these were no more than worthless claims sketched in order to support `Umar’s personal views and to justify his decisions.

When the caliph consulted the Sahabah about a religious question or when the Sahabah asked him about such an issue, this meant that everybody desired to identify the very decision of Almighty Allah and the Holy Prophet in that question.

Accordingly, had the personal views of `Umar been regarded as sufficient proofs for issuing religious laws, the Sahabah would have followed him and would not have objected and reminded him of the Holy Prophet’s decision in that respect and he himself would not have retreated on many occasions.

Obviously, the Sahabah’s objections to `Umar and to each other prove that the so-called ‘*Sirat al-Shaykhayn*’ (the conducts of Abu-Bakr and `Umar) was not taken as proof by the first generation of the Muslims up to the foundation of the Shura Committee. Had the Hadith that reads, ‘Follow the two who will come after me—Abu-Bakr and `Umar’ been true, the Sahabah would have certainly adhered to it and would not have objected to Abu-Bakr and `Umar on many occasions.

In the course of presenting the evidences provided by those who deny considering the Sahabah’s opinions as sources of the Islamic legislation, Dr. Dib al-Bagha says,

“Unanimously, the Sahabah who enjoyed the right of Ijtihad agreed upon the permissibility to disagree with each other. As a result, neither Abu-Bakr nor did `Umar object against those who disagreed with them on religious issues;22 rather they asked each mujtahid to adopt his personal views. Had the Sahabah’s opinions been within the sources of the Islamic legislation, it would have been obligatory

upon each of them to follow the other. This is of course impossible."[23]

As a matter of fact, people wanted to know the conducts of the Holy Prophet, not Abu-Bakr and `Umar. Yet, the caliph did not know all the aspects of the Holy Prophet's conducts. Therefore, he had to face a serious problem for which he should have found a solution.

The Sahabah, through reporting and recording the Hadith, would reveal before the people their caliph's weak opinions and detachment from the Islamic legislation; and this would naturally do wrong to the fresh entity of the caliphate through making a separation between the political and scientific leaderships, which would serve neither the general situation nor the caliph's decision. As a result, it became necessary to put a plan and sketch a course that would take the caliph out of this ordeal.

First of all, `Umar adopted the claim that personal opinions and analogy can stand as proofs on the validity of a religious law. Although he had denied these two matters, `Umar adopted them again since they acted as supports for issuing personal opinions.

We have previously cited some examples in which the Sahabah used the styles of simile and exemplification in order to convince `Umar of their objections to him, such as the narration of Abu-`Ubaydah who said to `Umar 'Is it lawful to kill a master as retaliation for his having killed his slave?' and Zayd ibn Thabit who likened the testator to a tree... etc.

Hence, analogy and simile were the rational exit that some people have taken as courses to the recognition of the religious rulings while the Sahabah had adopted them for convincing `Umar who also adopted them, though he had concentrated on analogy, for convincing people of his personal views. In his epistle to Shurayh, `Umar says,

"You should judge according to the Book of Allah (the Holy Qur'an) and nothing else. If you face an issue whose judgment is not existing in the Holy Qur'an, you should move to what the Messenger of Allah had decided. If you face an issue whose judgment is existing neither in the Holy Qur'an nor was said by the Messenger of Allah, you should judge according to the consensus of people.

If you face an issue whose judgment is existing neither in the Holy Qur'an nor in the Sunnah nor has been mentioned by anyone, you should then either use your own opinion or suspend it. In fact, I think it will be better for you to suspend."[24]

In a similar epistle, `Umar says to Abu-Musa al-Ash`ariy,

"You should first recognize the matches and examples of an issue so that you will compare one to another. Afterwards, you should follow the most similar to the right."[25]

Ibn Hazm doubted that `Umar had sent the aforesaid epistle to Abu-Musa al-Ash`ariy and accepted the one directed to Shurayh with little reservation.[26] Dr. Nadiah al-`Umariy says,

“Although `Umar ibn al-Khattab used the term of analogy in his epistle to Abu-Musa, these terms and rules were not common during that period.”27

Although analogy, in its terminological concept, was used many ages after the Rashidite Caliphate, the results of its seeds and origins emerged clearly with Abu-Bakr and `Umar chiefly. This fact cannot be denied except by unreasonable contenders. Whether he did or did not use analogy as a term, `Umar practiced and applied it in his jurisprudential opinions.

The present critiques of the methodology of Abu-Bakr and `Umar and their fans as regards the sources of the Islamic legislation were not unnoticed by the majority of the Sahabah; rather many of them, on many occasions, opposed the personal opinions, analogies, and the so-called identifications of the advantage on the grounds of which many of the religious laws were modified, suspended, or distorted.

Moreover, having not been sufficed with opposition, condemnation, and finding faults, some of the grand Sahabah declared a general rule, though has been mentioned by both the Holy Qur'an and Sunnah, saying that it is unlawful to use personal opinions in the religious questions because any opinion that is not deduced from the two sources of the Islamic law will definitely indicate imperfections of the code of the divine law and the conveyance of the Holy Prophet. No Muslim would ever claim such imperfections.

It will also indicate that the Sahabah recognized a general law that had not been realized by the Legislator; or that some religious laws had been concealed from the publics; or that some of the Sahabah recognized the laws that the conveyor, namely the Holy Prophet, had not shown to people! In fact, some of these indications contributed greatly in the materialization of the concept of Ijtihad and personal opinions (Opinionism).

Because the imperfect mentalities of human beings cannot comprehend all the advantages of the rulings, Almighty Allah has not granted anybody the right to issue judgments. It is He, the All-knowing of what is good and what is bad, Who is the only source of all laws.

Thus, the code of the Islamic law is perfect and meticulous; and all of its laws have been demonstrated through the aspects of identification to which the Holy Prophet guided the choice ones.

It is thus the mission of those whom are described as ‘firmly grounded in knowledge’ (*al-rasikhun fi'l-`ilm*) to show the religious rulings to the people and to deduce them from the Holy Qur'an and Sunnah as exactly as commissioned by Almighty Allah avoiding depending upon their personal identifications of the advantage and the tendencies of their imperfect intellects.

In addition to many of the grand Sahabah, Imam `Ali and `Abdullah ibn Mas`ud declared this fact when they affirmed that men’s understandings are too short to realize the purposes of the divine legislations; they (the people) therefore think that a definite law is not found in the Holy Qur'an. In this respect, Imam `Ali is reported to have said,

“The knowledge of all things is existing in the Qur'an; yet, men’s intellectualities are too short to recognize it.”28

`Abdullah ibn Mas`ud is also reported as saying,

“The judgments of all questions are shown in the Qur'an; yet, our intellects are too short to realize them. Almighty Allah says:

And We have sent down unto thee (***also***) ***the Message; that thou mayest explain clearly to men what is sent for them.*** (***Holy Qur’an: 16/44***)”29

The aforesaid quotations prove that all the religious laws are existing in the Holy Qur'an and the Holy Prophet is commissioned to show them to the people; therefore, Almighty Allah has ordered the believers to refer to the Holy Prophet. He says,

“O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination. (***Holy Qur’an: 4/59***)”

This holy verse also confirms that every matter of dispute is existing in the Holy Qur'an and Sunnah. Had this not been accurate, Almighty Allah would not have ordered us to refer to the Holy Prophet since it is illogic to refer to the unqualified.

Rejecting completely the arguments of Isma’il Ad-ham and Ahmad Tawfiq Shawqiy and their likes who have called for adherence to the Holy Qur'an and negligence of the Holy Sunnah, I just want to hint at the point that it was possible for the mindful Sahabah who lived with the Holy Prophet to conclude the religious law from the Holy Qur'an; and when this was arduous, he would find it in the Holy Sunnah.

As a general rule, all the religious rules are existing in the Holy Qur'an and Sunnah; it is thus impossible to refer to personal views or analogy. If a Sahabiy could not deduce the law, this would not mean that the law did not exist there, because if he referred to the other experts, he would find the answer.

Many examples have been cited on `Umar’s having referred to the Sahabah when he could not recognize a religious ruling. It is thus unacceptable for `Umar to say in his instructions to Shurayh, “If you face an issue whose judgment is existing neither in the Holy Qur'an nor was said by the Messenger of Allah, you should judge according to the consensus of people.”

Not all the religious laws that which we ignore were not explained by the Holy Prophet; therefore, `Umar should not have instructed his official to act upon his personal opinions. Too many are the narrations that have carried warnings against dependence upon personal opinions. Having contradicted his instruction to Shurayh, `Umar said on another occasion,

“O People: Trust not your opinions about the religious affairs. I used to object to the Messenger of Allah out of my personal view… On that day when people of Makkah and the Messenger of Allah agreed to sign a truce, they rejected his suggestion to begin the truce with the phrase ‘*Bism-illahir-rahmanir-rahim* (In the Name of Allah; the All-compassionate, the All-merciful)’ claiming that they had not yet believed in the Messenger of Allah. They insisted to write down instead, ‘*Bismik-Allahumm* (In Your Name; O Allah)’ Although the Messenger of Allah accepted, I rejected ferociously until the Messenger of Allah said to me, ‘I have accepted and you are still rejecting!’ Only then did I accept.”30

From the following saying of `Umar himself, it is understood that one who depends upon one’s personal views in the issuance of the religious laws is in fact unacquainted with the Holy Sunnah:

“Beware the Opinionists, for they have become the enemies of the Sunnah. When they have been too short to comprehend it or to catch it, they have vied with it using opinion; they had therefore gone astray and misled the others.”31

This is extremely ironic! `Umar, once, defended and legislated the resting upon personal opinions in the face of the Holy Prophet’s words and deeds so intensely that he prevented them from carrying out the Holy Prophet’s order of bringing a paper and a pen to write down his final will and claimed that the Holy Messenger of Allah was hallucinating!

The one and only explanation of such ironic situations is that `Umar passed through two different stages each of which imposed him to take a definite situation.

In case there are several aspects of analogy, what should an analogist, on the criteria of `Umar, do to choose the one more acceptable by Almighty Allah? If analogy has been one of the sources of the Islamic legislation, the one whom should be sentenced to whipping penalty must be the accuser of atheism rather than the accuser of fornication.

Similarly, there must be no difference in the ruling regarding the discharge of semen and the discharge of the menstruation blood as regards the re-performance of the obligatory prayer since the ritual bathing (*ghusl*) must be done for both the discharges.

In the same manner, the pre-seminal fluid, the urination, and the semen are having separate rulings while their source is the same. As a religious ruling, it is unlawful to look at women’s hairs while it is lawful to look at their faces. The ruling concerning the hunting of games is the same whether it was intentional or unintentional while the ruling of intentional murder is different from the unintentional. All these religious rulings are against analogy.32

Beyond dispute, analogy is generally based upon conjecture against which the Muslims are warned according to Almighty Allah’s saying:

“And pursue not that of which thou hast no knowledge. (***Holy Qur’an: 17/36***)***”***

"But they have no knowledge therein. They follow nothing but conjecture; and conjecture avails nothing against Truth. (Holy Qur'an: 53/28)"

Is analogy not based upon the difference of views about the religious laws; while there must not be any contradiction between the religious laws?

Al-Wafi al-Mahdiy says,

"The Sahabah rested upon analogy. As they elected Abu-Bakr as the successor of the Holy Prophet, they rested upon the incident that the Holy Prophet had appointed Abu-Bakr as his representative in the congregational prayer. Hence, they said, 'We must accept for leading our worldly affairs the one whom the Holy Prophet had accepted for the religion.'

Abu-Bakr, too, rested upon analogy; he compared the zakat to the obligatory prayer and said, 'I will certainly fight against anyone who differentiates between the prayer and the zakat.' When he appointed `Umar as his successor, Abu-Bakr compared the will to the contract."33

Although this topic necessitates more presentation, let us suffice with this amount so that the gentle reader will have a thorough view about the conceptual trends during the first age of Islam and identify the roots of the fundamentals of the Islamic jurisprudence.

A Perspective On The Matter

In many narrations, Imam Ja`far al-Sadiq explained the reason beyond Abu-Bakr and `Umar's having rested upon analogy and personal opinions:

Nu`man ibn Muhammad ibn Mansur al-Maghribiy, the judge of Egypt, narrated that one day, a man asked Imam Ja`far al-Sadiq why the ummah disagreed about the religious issues and laws while the religion is one and the Prophet is one. Imam Ja`far al-Sadiq answered him with a question, "As much as you know, did they (the Muslims) disagree on such issues during the Holy Prophet's lifetime?"

"Of course not," answered the man, "They would not disagree because they would refer all their affairs to the Holy Prophet."

"Thus was the reason!" explained Imam Ja`far al-Sadiq, "Had they carried out the Holy Prophet's commission and chose the one whom he had nominated as their leader, they would not have disagreed.

Rather, they elected those who were not full aware of all the questions that were filed before them. They therefore referred these questions to the Sahabah who gave various opinions and thus disagreement was originated. Had there been only one definite person before whom the issues were filed and who would certainly give a definite answer, as was done during the Holy Prophet's lifetime, they would not have disagreed."34

In al-`Ayyashiy's book of *Tafsir*, it has been narrated that Imam Ja`far al-Sadiq said,

"Those people thought that they were so experienced in the religious affairs that they comprehended anything needed by the ummah. Yet, they did not learn all the instructions of the Holy Prophet nor did they convey to them his knowledge. When issues of the religious rulings were referred to them, they would not have knowledge with them or with the Holy Prophet's instructions in that respect.

Moreover, they would be embarrassed if people would accuse them of ignorance or if they could not find answers for the people's questions and, as a result, people would refer their issues to the sources of knowledge.

They therefore used opinions and analogy in the religion of Almighty Allah, abandoned the Holy Prophet's knowledge, and adhered to heresies about which the Holy Prophet said, 'All innovated things are heresies.'

Had they referred the questions that they ignored to Almighty Allah, His Messenger, and those of authority (*Uli'l-Amr*) among them, those among them who can search out the knowledge of it, namely the Household of Muhammad, would have certainly known it."[35]

Nu`man, the judge, narrated on the authority of Muhammad ibn Qays on the authority of his father that al-A`mash said...

"When those who lack knowledge managed the affairs of the ummah, they referred the questions that were directed to them to the people who, as a result, gave different opinions causing disagreement."[36]

The Sahabah's Learning From The Holy Prophet

Ibn Hazm, as well as other scholars, has excused that the hardships of life prevented the Sahabah from learning from the Holy Prophet. He says,

It is known for everybody that the Sahabah surrounded the Holy Prophet in al-Madinah; yet each one of them had to work and seek earnings taking into consideration the harsh circumstances that they had to experience.

This fact has been reported in many narrations. For instance, the Holy Prophet, Abu-Bakr, and `Umar, once, had to leave their houses because of the harsh hunger that they felt. The Sahabah therefore had to work in marts, manage ranches of date-palm trees, and the like.

Only did a party of them attend before the Holy Prophet on specific times whenever they could find spare time. This is also an undeniable fact which was expressed by Abu-Hurayrah who said, 'The Muhajirun, my brethren, were always engaged by making deals in marts; and the Ansar, my brethren too, were engaged by guarding their date-palm trees. As for me, I was such a poor man that I

accompanied the Messenger of Allah so as to satisfy my appetite.'[37]

Having confessed of this truth, `Umar said, 'I have missed learning this (issue) from the Hadith of the Messenger of Allah. I was engaged in making deals in marts.'"[38] It has been narrated that `Umar alternated with another man (from the Nizar tribe) on visiting the Holy Prophet for learning.

The aforesaid narration of Abu-Hurayrah had added to us a new information about Abu-Bakr and `Umar who cared for commerce more than learning the religious affairs from the Holy Prophet. On the other side, we notice the existence of other Sahabah for whom the Holy Prophet prayed knowledge and understanding. About `Abdullah ibn Mas`ud, the Holy Prophet said, 'You are a learnt boy.' About `Abdullah ibn `Abbas, he said, 'O Allah! Increase his knowledge in the religion.'[39]

The same thing is applicable to other Sahabah. Nonetheless, those Sahabah whom were praised by the Holy Prophet as having been acquainted with an amount of knowledge have never been declared as having had full knowledge with the Holy Qur'an and the Sunnah save `Ali ibn Abi-Talib about whom the Holy Prophet, very frequently, confirmed that he learnt his entire knowledge. Moreover, the Holy Prophet used to be alone with him twice a day during which he taught him his knowledge.[40] In this respect, Imam `Ali used to say,

'Ask me any question about the Book of Allah, for I certainly am acquainted with the knowledge of the revelation of each and every verse, whether it was revealed at night or on day, or on a mount or in a plain.'[41]

For more details, let us cite the following narrations:

Al-Bukhariy has narrated on the authority of `Ubayd ibn `Umayr that Abu-Musa al-Ash`ariy, once, asked permission to see `Umar but he was not permitted because `Umar seemed to be busy. He therefore returned. When `Umar asked them to let him in, they searched for him until he was found.

'Why did you leave?' asked `Umar.

'We have been ordered of doing so when we are not permitted,' answered Abu-Musa.

'Bring a proof on this claim lest I will hurt your back and belly,' threatened `Umar.

Hence, Abu-Musa left `Umar to bring witnesses. As he passed by a group of the Ansar and asked them to witness, they were so certain of the matter that they suggested to him to take the youngest among them since even he heard the Holy Prophet's instruction in that regard. Abu-Sa`id al-Khidriy thus came with Abu-Musa and testified the matter.

Commenting on it, `Umar said, 'I have missed learning this (issue) from the Hadith of the Messenger of Allah. I was engaged by making deals in the marts.'[42]

The Holy Qur'an has also mentioned the matter of asking permission on more than one occasion:

"If ye find no one in the house, enter not until permission is given to you. (***Holy Qur'an: 24/28***)***"***

"O ye who believe! Enter not the Prophet's houses until permission is given you. (***Holy Qur'an: 33/53***)***"***

Finally, asking permission is not only a religious instruction but also a human manner.

Why did `Umar threaten hurting Abu-Musa's back and belly if he would not prove his claim? Was it for the sake of careful investigation in the Hadith? If Abu-Sa`id al-Khidriy had not witnessed that the Holy Prophet warned against entering on somebody without asking permission, what would `Umar have done with Abu-Musa? This situation of `Umar is completely contradictory to the conception of the Sahabah's ultimate decency.

If Abu-Musa is regarded as one of the decent Sahabah, `Umar's asking for investigation will be meaningless? `Umar should have taken his time before accusing the Sahabah and should not have jumped to conclusions before investigation! Even if we yieldingly accept that `Umar only wanted to investigate that matter carefully, the following narration will be meaningless:

In *al-Madkhal ila 'Ilm Usul al-Fiqh*, al-Dawalibiy narrates on the authority of `Ubayd al-Qasim ibn Sallam, in his book of *al-Amwal*, that a Bedouin, once, came to `Umar and complained, 'In the pre-Islamic era, we fought for our land and then we converted to Islam on it. From what are you then protecting it?'

This statement made `Umar so angry that he nodded his head down, puffed, and played at his mustache.[43] Having noticed his anger, the Bedouin went on repeating his statement. (As he relied upon the idea of the identification of advantage, and without investigation in the Holy Qur'an or Sunnah,) `Umar answered, 'The fortune is Allah's; the subjects are His servants; I swear that unless I... etc.[44]

It has been narrated on the authority of Bujalah on the authority of `Abdullah ibn `Abbas that `Umar ibn al-Khattab, once, passed by a boy who was reading from the Holy Qur'an the following verse,

'The Prophet is closer to the Believers than their own selves, and his wives are their mothers,' (***Holy Qur'an: 33/6***)

with the addition, 'and he is as their father.' On hearing this, `Umar ordered the boy to erase that sentence. The boy rejected since the copy was Ubayy ibn Ka`b's. `Umar then went to Ubayy and asked about the matter. Ubayy answered with strict language, "While you were engaged in making deals in marts, I was engaged in the Holy Qur'an."[45]

A similar narration is that when Ubayy ibn Ka`b recited the holy verse,

'Nor come nigh to adultery: for it is a shameful (***deed***) ***and an evil, opening the road*** (***to other evils***)***,'*** (***Holy Qur'an: 17/32***)

adding 'and odious' after 'a shameful', `Umar came and asked him about it. Yet, Ubayy answered, "I have heard it directly from the mouth of the Holy Prophet while you were making deals in the mart of al-Baqi`."[46]

A third narration is that when `Umar heard a boy reciting a holy verse in a definite way, he asked him about it. The boy referred to Ubayy as his teacher. `Umar hence went to Ubayy and asked about it.

"The Holy Prophet himself recited it in this way before me while you owere merchandising in the mart of al-Baqi`," said Ubayy to `Umar.

"This is completely true," answered `Umar.[47]

It has been narrated on the authority of Idris al-Khawalaniy that Ubayy ibn Ka`b, while reciting the holy verse,

"While the unbelievers got up in their hearts heat and cant—the heat and cant of ignorance—Allah sent down His tranquility to his Messenger and to the believers," (***Holy Qur'an: 48/26***),

added the phrase 'Had you got up in your hearts heat and cant like theirs, the Sacred Mosque would have been full of mischief,' in the middle of it. When `Umar was informed about this, he became angry and summoned Ubayy. He then asked a number of the Sahabah, among whom was Zayd ibn Thabit, to be present. He then asked Zayd to recite the Surah of al-Fath (that includes the verse involved) and Zayd recited it without that addition.

Hence, `Umar reproached Ubayy. Defending himself, Ubayy asked permission to speak. When he was granted permission, he said to `Umar, "Indeed, you know that I was permitted to be present before the Holy Prophet while you were on the door. Now, if you permit me to recite as same as I was taught by the Holy Prophet, I will; otherwise I will not recite a singly letter of the Qur'an from now on."

Yet, `Umar permitted him.[48]

According to another narration, Ubayy said to `Umar, "You indeed know that I frequently attended before the Holy Prophet while you were absent; and I was permitted to visit him while you were not; and I was given knowledge at that time. Hence, if you want me to confine myself to my house, I will do it and will then never say anything more in this respect."[49]

The aforesaid narrations may carry the idea that Ubayy ibn Ka`b had recited the Holy Qur'an erroneously; therefore, `Umar came to correct it for him. Yet, this is not quite true, because Ubayy was taught the knowledge of the Holy Qur'an in a special way.

In this regard, Anas ibn Malik narrated that the Holy Prophet, once, said to Ubayy, “Almighty Allah has ordered me to recite the Surah of al-Bayyinah (No. 98) before you in particular.”

“Has the Lord mentioned me by name?” asked Ubayy.

“Yes, He has,” answered the Holy Prophet.’

On hearing this, Ubayy wept.50

Any further details on this matter will take us away from our main topic, which is that `Umar’s knowledge has not been as exactly as depicted by some scholars; rather he spent most of his time making deals in markets.

Further, his situations were not purposed for careful investigation in the reporting of the Hadith and he was not given special knowledge by the Holy Prophet; rather, and to be more precise, he alternated on visiting the Holy Prophet. He was also reported to have said, “I was engaged by making deals in the marts,” the same statement that was, more than once, said to him by Ubayy ibn Ka`b.

Away from debasing `Umar, this fact is only intended to show the actual manners of the Sahabah in general and `Umar in specific during their stay with the Holy Prophet. As a result, the haloes that were later on drawn around their characters have not been actual.

In plain words, what has been said about `Umar ibn al-Khattab’s aptitude in the fields of conquests and military is different from his role in the prohibition of the recordation and reporting of the Hadith and setting fire to the records of Hadith.51

At the same time as we do not pretend to forget `Umar’s Islamic conquests, we do not accept his decisions regarding the reduction in reporting and the prohibition of recording the Hadith.

Unfortunately, the majority of scholars have confused these two matters. When one objects to `Umar’s role in resting upon personal opinions in the religious questions, their answer will be concentrated on his military achievements. Such irony indicates a gloomy thought that lacks accuracy and perspicacity.

A personal fitness in the military management does not necessarily mean the capacity of the mastership of issuing religious verdicts since defense of the authority and expansion in the frontiers of the State are matters that promote the caliph and the Muslims although they have nothing to do with the educational structure of the caliph’s personality.

Although history has granted al-Mu`tasim, the `Abbasid caliph, loftiness sublimity when he responded to the lady who raised her voice with his name calling for help, it has not concealed his lack of education, knowledge, and religious wisdom.

According to the previous discussion, we can list three of the grand Sahabah with the names of those

who objected to `Umar. Those three were `Ammar ibn Yasir, Abu-Sa`id al-Khidriy, and Ubayy ibn Ka`b.

1. Muhammad Rashid Rida: Tafsir al-Manar 4:31.
2. `Abd al-Wahhab Khallaf: Khulasat Tarikh al-Tashri' al-Islami 40.
3. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad 303.
4. `Abd al-Wahhab Khallaf: Khulasat Tarikh al-Tashri' al-Islami 72.
5. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad 79-80.
6. Dr. Mustafa Dib al-Bagha: Athar al-Adillati'l-Mukhtalafi fiha fi'l-Fiqh al-Islamiy (The Influence of the disagreed proofs on the Islamic Jurisprudence) 247.
7. Ibn Kathir: Tarikh Dimashq 40:500; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 10:293 H. 29479.
8. Sunan al-Nassa'iy 1:169; al-Bayhaqiy: al-Sunan al-Kubra 1:209; Musnad Ahmad ibn Hanbal 4:190; `Abd al-Razzaq: al-Musannaf 1:239 H. 215 with little difference. At any rate, the same incident has been narrated in another form in the following reference books of Hadith: Musnad Ahmad ibn Hanbal 1:319; Sunan Abi-Dawud 1:88 H. 322; Sunan al-Nassa'iy 1:168; al-Bayhaqiy: al-Sunan al-Kubra 1:209.
9. Al-`Ayniy: `Umdat al-Qari (A commentary on al-Bukhariy's al-Sahih) 4:19.
10. Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy (A commentary on al-Bukhariy's al-Sahih) 1:352.
11. Sahih al-Bukhariy 1:69; Sunan Abi-Dawud 1:87 H. 321; al-Darqutniy: al-Sunan 1:179 H. 15.
12. Sunan al-Darimiy 1:189-190; Sahih al-Bukhariy 1:96; Sunan al-Nassa'iy 1:171; al-Bayhaqiy: al-Sunan al-Kubra 1:216-7; Taysir al-Wusul 3:115; al-Khatib al-Baghdadiy: Tarikh Baghdad 8:377.
13. Al-Bayhaqiy: al-Sunan al-Kubra 6:255 H. 12247, 10:120.
14. The two sources of the Islamic laws are the Holy Qur'an and Sunnah.
15. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 356.
16. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin as quoted from Musnad Ahmad ibn Hanbal 1:64 H. 325; Musnad Ibn al-Ju`d 1:316 H. 2152; al-Nassa'iy: al-Sunan al-Kubra 2:400 H. 3918; Musnad al-Shamiyyin 2:395 H. 1567; Shu`ab al-[illegible]man 3:451 H. 4040; Fayd al-Qadir 3:409.
17. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 86 as quoted from Musnad Ahmad ibn Hanbal 1:37 H. 253, 1:45 H. 313; Akhbar Makkah 1:150 H. 184; al-Ahadith al-Mukhtarah 1:418 H. 297.
18. In this discussion, we suppose, yet condescendingly, that the kissing of the Black Stone is a feature of compliance with Almighty Allah's orders. However, this issue also indicates `Umar's ibn al-Khattab's unawareness of the religious laws. Imam `Ali has told that the Black Stone profits the people and that it will, on the Resurrection Day, witness for those who come to and kiss it. Besides, the Holy Prophet told that the Black Stone is one of the Paradise's precious stones; hence, to kiss it is a sort of eagerness to Paradise and one of its features. The Holy Prophet has also told that the Black Stone is Almighty Allah's right hand on earth with which He shakes hands with His servants exactly as one shaking hands with his friend. Finally, the Holy Prophet is also reported to have said that one who misses paying homage to the Holy Prophet but kisses the Black Stone will be regarded as having sworn allegiance to Almighty Allah and His Apostle. See Sharh al-`Umdah 3:436; Sharh Fath al-Qadir 1:449; Fath al-Bari fi Sharh Sahih al-Bukhariy 3:463; `Awn al-Ma`bud 5:229 Ch. 48; Musannaf `Abd al-Razzaq 5:39 H. 8920; `Umdat al-Qari 9:240; Irshad al-Sari 3:190; Nasb al-Rayah 3:116; Subul al-Huda wa'l-Rashad 1:176.
19. Sahih Muslim 2:896 H. 157; Musnad Ahmad ibn Hanbal 1:50; Sunan al-Nassa'iy 5:153; al-Bayhaqiy: al-Sunan al-Kubra 5:20; Taysir al-Wusul 1:340 H. 30; Sunan Ibn Majah 3:992 H. 2979; al-Bayhaqiy: al-Sunan al-Kubra 2:348; Musnad al-Bazzar 1:346 H. 226; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 3:418.
20. Sayyid Ja`far Murtada al-`[illegible]miliy: al-Sahih min Sirat al-Nabiy al-A'dham 1:79; Mu`ammar ibn Rashid: al-Jami` 2:992 H. 2979; Musnad Ahmad 1:50 H. 351.
21. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 349.
22. This is in fact not accurate; `Umar condemned, threatened, and punished many of those who objected to his opinions. Many examples have been previously cited and many others will be later on shown.
23. Dr. Mustafa Dib al-Bagha: Athar al-Adillati'l-Mukhtalafi fiha fi'l-Fiqh al-Islamiy 347.
24. Ibn Qayyim al-Jawziyyah: A'lam al-Muwaqqi'in; Sunan al-Darimiy 1:71 H. 167; Musannaf Ibn Abi-Shaybah 4:543 H.

22990; al-Bayhaqiy: al-Sunan al-Kubra 10:115.
25. Sunan al-Daraqutniy 4:206-7; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 12:91; al-Bayhaqiy: al-Sunan al-Kubra 10:150.
26. Dr. Turkiy: Munadharat if Usul al-Shari'ah bayna Ibn Hazm wa'l-Bajiy 398.
27. Dr. Nadiah Sharif al-`Umariy: Ijtihad al-Rasul 226.
28. `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 329; al-Kulayniy: al-Kafi 1:60 H. 6; al-Qanduziy: Yanabi` al-Mawaddah 3:218. Imam al-Sadiq is also reported as saying, "The explanation of each and every matter about which two may disagree is existing in the Book of Allah; yet, men's intellects cannot comprehend it."
29. `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 329 as quoted from Ibn Abi-Hatam; Tafsir al-Tabariy 14:162; Tafsir Ibn Kathir 2:583.
30. Al-Tabaraniy: al-Mu'jam al-Kabir 1:72; Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i); al-Madkhal Ila'l-Sunan al-Kubra 1:192 H. 217; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 13:289.
31. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 11:102; Sunan al-Daraqutniy 4:146 H. 12; I`tiqad Ahl al-Sunnah 1:123 H. 201; Ibn Hajaf al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 13:289; al-Madkhal Ila'l-Sunan al-Kubra 1:190 H. 213.
32. Dr. Turkiy: Munadharat if Usul al-Shari'ah Bayna Ibn Hazm wa'l-Bajiy 416 as quoted from Ibn Hazm: al-Ahkam.
33. Al-Wafi al-Mahdiy: al-Ijtihad fi'l-Shari'ah al-Islamiyyah 63.
34. Nu`man: Sharh al-Alfadh 1:90.
35. Al-`Ayyashiy: Tafsir 2:331-2; al-Hurr al-'□miliy: Wasai'l al-Shi'ah 27:61; al-Burhan 2:476 H. 6; al-Majlisiy: Bihar al-Anwar 5:297. Nu`man the judge, in Ikhtilaf Usul al-Madhhab, Dar al-Andalus Press, 1973, records the same narration.
36. Al-Qadi Nu`man al-Maghribiy: Sharh al-Akhbar 1:196. A similar narration is recorded in Kitab Sulaym ibn Qays al-Hilaliy 2:105.
37. Sahih al-Bukharjiy 1:55 H. 118, 2:827 H. 2223; Sahih Muslim 4:1939 H. 2492; Musnad Ahmad ibn Hanbal 2:240 H. 7273.
38. Ibn Hazm: al-Ihkam fi Usul al-Ahkam 2:254.
39. Sahih al-Bukhariy 1:66 H. 143; Sahih Muslim 4:1927 H. 2477; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:615 H. 6280.
40. Ibn `Asakir: Tarikh Madinat Dimashq 42:386; al-Hakim al-Hasakaniy: Shawahid al-Tanzil Li-Qawa`id al-Tafdil 1:48.
41. Tafsir al-San`aniy 3:241; Ibn Sa`d: al-Tabaqat al-Kubra 2:338; Ibn `Asakir: Tarikh Madinat Dimashq 42:398; Ibn Jarir al-Tabariy: Dhakha'ir al-`Uqba fi Manaqib Dhawi'l-Qurba 1:83; Ibn Hajar al-`Asqalaniy: al-Sawa`iq al-Muhriqah 2:375; Fath al-Malik al-`Aliy 75.
42. Sahih al-Bukhariy 6:2676 H. 2920; Sahih Muslim 3:1694 H. 2153; Musnad Ahmad ibn Hanbal 4:400, 403; Sunan Ibn Majah 2:1221 H. 3706; Musannaf Ibn Abi-Shaybah 5:268 H. 25968.
43. Al-Tabaraniy, in al-Mu'jam al-Kabir 1:66 H. 45; and Ibn Shabbah, in Tarikh al-Madinah al-Munawwarah 3:839; and Abu-`Ubayd, as mentioned in Ibn Sa`d's al-Tabaqat al-Kubra 3:326; and Ibn Qudamah, in al-Mughni 5:338; and Ibn Hajar al-`Asqalaniy's Fath al-Bari fi Sharh Sahih al-Bukhariy 6:177; and in Mawahib al-Jalil 6:10; and Ahmad ibn Hanbal's al-`Ilal wa-Ma`rifat al-Rijal 2:73; have recorded on the authority of Zayd ibn Aslam on the authority of '□mir ibn Abudllah ibn al-Zubayr that whenever he became angry, `Umar used to play with his mustache and puff.
44. Al-Wafi al-Mahdiy: Ma'l-Ijtihad fi'l-Shari'ah al-Islamiyyah 74 as quoted from al-Dawalibiy, in al-Madkhal ila 'Ilm Usul al-Fiqh 10. The narration is also recorded in al-Madkhal Ila `Ilm al-Usul 100, al-Muhadhdhab 1:427, and al-Mughni 5:338.
45. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:305; al-Bayhaqiy: al-Sunan al-Kubra 7:69; al-Qurtubiy: Tafsir 14:125-6.
46. Al-Suyutiy: al-Durr al-Manthur 4:179; al-Muttaqiy al-Hindiy: Kanz al-'Ummal 2:568 H. 4744; al-Shawkaniy: Fath al-Qadir 3:225.
47. Al-Zamakhshariy: Tafsir al-Kashshaf 2:304; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:305; al-Suyutiy: al-Durr al-Manthur 3:269.
48. Al-Suyutiy: al-Durr al-Manthur 6:79; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 2:245 H. 2891; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 2:568 H. 4745.
49. Tafsir al-Qur'an al-'Adhim 4:314; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 2:595 H. 4816 (as reported from Ibn Abi-Dawud).

50. Sahih al-Bukhariy 3:1385 H. 3598, 4:1896 H. 4676; Sahih Muslim 1:550 H. 799; Sunan al-Tirmidhiy 5:665 H. 3792; Musnad Ahmad ibn Hanbal 3:130, 5:122.
51. Jirji Zaydan: Tarikh al-Tamaddun al-Islami (History of the Islamic Urbanism).

Mr. Khalid Muhammad Khalid says,

"`Umar ibn al-Khattab neglected the sacred texts of the Holy Qur'an and Sunnah when the advantage (*maslahah*) imposed him to do so. While the Holy Qur'an ordains that the party called '*al-Mu'allafah Qulubuhum* (those whose hearts have been reconciled to the Truth)' must have a share in the Zakat, `Umar canceled this share saying, 'We will not give anything for the sake of being Muslim.

Then whosoever will, let him believe, and whosoever will, let him disbelieve' although the Holy Prophet and Abu-Bakr did observe this share. Similarly, while Abu-Bakr permitted selling the bondmaids who have given birth of children to their masters, `Umar forbade it.

Also, the Holy Sunnah and the consensus of the Muslims have decided to treat the three statements of divorce that are uttered on one occasion as one only, but `Umar violated the Holy Sunnah and infringed the consensus."1

Ibn Qudamah says,

"It is impermissible to ignore the rulings of the Holy Qur'an and Sunnah unless there is an abrogation. Yet, abrogation is not subjected to probabilities; rather it must be issued during the lifetime of the Holy Prophet because it must be included by a sacred text; and sacred texts stopped after the demise of the Holy Prophet and the termination of the age of Revelation.

In addition, a Qur'anic law cannot be abrogated by any text other than the Qur'an itself. How was it then possible for them to neglect the judgments of the Holy Qur'an and Sunnah and, instead, invent others out of their personal opinions? Or how was it possible for them to neglect texts from the Holy Qur'an and Sunnah and adopt a personal view said by one of the Sahabah although the personal views of the Sahabah are preceded to the so-called '*Qiyas*'? "2

Rashid Rida, the author of *Tafsir al-Manar*, says,

"Nowadays, the imperialist powers that work for enslaving all the Muslims through keeping them away from their religion are dedicating a part of their budgets to the Muslims whom are inclined to other religions. Such efforts of inclination have taken several forms, such as protecting them or seducing them to disturb the Islamic countries or disunite the Islamic unity. The Muslim authorities should have exerted similar efforts for encouraging others to be Muslims."

According to the expression of `Umar ibn al-Khattab, it seems that he understood that the share of the *al-Mu'allafah Qulubuhum* was given as bribe for Islam or was restricted to those who had actually

converted to Islam.

In other words, his speech is another picture of the speech of the missionaries who rest upon the policy of supplying people with food and medicine so as to make them convert to Christianity.

He should have understood that the Holy Prophet, through dedicating a share of the zakat to that party, did not want to seduce them to convert to Islam by money; rather he aimed at preparing their hearts to receive the invitation to Islam so that they would believe by heart.

The Holy Prophet's ways for achieving this aim were various; he once appointed one of them as the commander of a Muslim campaign, consulted with them about some affairs of the Muslims and so on. The question had nothing to do with the power or weakness of Islam; the Holy Prophet only wanted them to be faithful believers.

The following citation of Dr. Muhammad `Ajjaj al-Khatib disproves the justification of `Umar as regards the deprivation of the *al-Mu'allafah Qulubuhum* of their shares from the zakat:

"On the Makakh Conquest day, the Holy Prophet ordered his companions and army to uncover their shoulders and trot so that the polytheists would notice their power and toleration that would express the power of Islam.

During his reign, `Umar thought that the purpose of this act had been no more existent. Yet, he said: For which reason are we now uncovering our shoulders and trotting? Allah has fortified Islam and defeated atheism and its people. Nevertheless, we must never neglect anything that we used to do during the lifetime of the Messenger of Allah."3

This is irony! According to this text, `Umar complied with the sacred texts; therefore, he can be added to the group of those who followed the sacred texts completely. According to the previously cited narrations and discussions, he was at the top of those who followed Ijtihad, adopted personal opinions in the issuance of religious verdicts, and identified the advantages that were unknown for the sacred texts!

Had he abided by the sacred text, he would have certainly followed the Holy Prophet as regards the share of the *al-Mu'allafah Qulubuhum*; and had he been a mujtahid, he should have pointed out the matters upon which he rested in preferring a ruling to another!

It is worth mentioning that Dr. Nadiah al-`Umariy, in her book of *Ijtihad al-Rasul*, has thoroughly discussed the issue of the three-time divorce in the course of citing examples on the scholars' disagreement about the Ijtihad. In this regard, she says:

Originally, the validity of divorce is materialized when it is said on three different occasions. In this respect, the Holy Qur'an reads,

'Divorce must be pronounced twice and then* (*a woman*) *must be retained in honor or released in

kindness.' (***Holy Qur'an: 2/229***)

The purpose beyond the separation of the divorce is that a husband will be given an opportunity to think deeply over the marital bond that the Almighty has confirmed the significance of its continuity. After the two times of divorce, Almighty Allah says,

'And if he hath divorced her (***the third time***)***, then she is not lawful unto him thereafter until she hath wedded another husband.'*** (***Holy Qur'an: 2/230***)

This is the divorce as has been explained in the Holy Qur'an; it is valid only when it is separated (i.e. repeated on different occasions).

What should the ruling be if a husband wastes the opportunity and pronounces the form of divorce three times on one occasion? As a matter of fact, you cannot find in the Holy Qur'an any text that treats this question; yet, the Holy Sunnah has something about it.

It has been narrated that after Rukanah ibn `Abd had pronounced the form of divorce in his wife's face three times on the same situation, he was deeply grieved; he therefore referred the question to the Holy Prophet. 'How did you divorce her?' asked the Holy Prophet.

'I pronounced the form of divorce three times,' answered Rukanah.

'Were the three times on the same situation?' asked the Holy Prophet.

'Yes, they were,' answered Rukanah.

'Well,' said the Holy Prophet, 'These three utterances are regarded as one. You thus can take your wife back.' Rukanah therefore take his wife back.4

Nevertheless, the people, during the reign of `Umar ibn al-Khattab, underrated the divorce that most of them pronounced the form of divorce three times on the same situation. `Umar therefore considered what was advantageous for them and decided to regard the three-time divorce that was said on the same occasion as valid.5

However, have the Muslim jurisprudents, throughout ages, agreed to what `Umar had done? The majority have agreed to `Umar while others have not!6 In my conception, the judgment in this matter relies upon the people's advantages; if the men in authority consider, as `Umar did, that the advantage requires deciding the three-time divorce as valid, they should then do; but if they consider that the public advantage requires regarding it as one only, they should also do it.

Yet, up to two years after the reign of `Umar, the three-time divorce was regarded as one. On this account, Ibn al-Qayyim has decided that to regard such divorce as one (i.e. not final) is more corresponding to the public advantage in the late ages as it will block the path before any social

corruption.[7]

Ibn al-Qayyim then makes a comparison among the various ages and the difference in the public advantages that is the result of the public's circumstances.[8]

Undoubtedly, the Ijtihad of `Umar has influenced the Muslim jurisprudence. The Malikiyyah School[9] and the Hanbaliyyah School[10] have decided him who pronounces divorce three times on the same situation as sinful because he has wasted the opportunity granted to him by the Islamic Legislation.

The Shafi`iyyah School,[11] as well as Ibn Hazm, have decided it as opposite to the most preferred; yet it is not banned because the text appertained is general. The Hanafiyyah School[12] have decided it as heretic when its utterance is the same or when it is said in the same interval between two periods of menstruation of the wife.[13]

Dr. Mustafa al-Bagha, after quoting `Umar's opinion about the divorce, says,

"This matter is one of these whose rulings have changed according to the change of the time. As they recognized `Umar's excellent policy of disciplining his subjects, the Muslim jurisprudents have agreed to him on this point and carried out his decision."[14]

As a matter of fact, there is a number of questions that must be provided in this respect: How did `Umar identify the advantage and understand the spirit of the Islamic legislation in the question of the shares of the *al-Mu'allafah Qulubuhum*? Yet, the refutations of Ibn Qudamah and the Rashid Rida have been previously cited.

Is it acceptable that `Umar, alone, recognized what is good for the publics while neither the Holy Prophet nor did Abu-Bakr recognize it?

Is it rational that Abu-Bakr and the Holy Prophet, who is connected to the Divine Revelation, might ignore what is good for the publics? If it is allowable for mortals, save the divinely commissioned leaders of the ummah (namely, the holy Infallibles), to change the religious laws according to the change of time and place, what are the extents of such permission?

It is possible that some of the secondary rulings may be changed when they compete with matters that are more important, or when their titles are, in a general manner changed; but how can we accept the claims of those who violate the religious rulings claiming the change of their titles although we do realize that the principles and purposes of the religious rulings are originated by Almighty Allah and are known by the Infallibles only?

In case one of the Infallibles informs us about the change of a religious ruling, we must then accede to him because the Infallibles are the divinely commissioned leaders of this ummah whose mission is to convey the instructions and ordains of Almighty Allah.

However, when such a change is made on bases of guesswork and conjecture, it cannot be acceptable. The same thing can be applied to the purposes beyond the religious rulings; in most cases, they involve wisdoms rather than causes.

For instance, it is said that the purpose beyond the forbiddingness of adultery is that the semen of two, or more, men will not be confused and then a baby may be ascribed to a man by mistake.

This is in fact the wisdom, not the purpose, of forbidding adultery. According to many narrations, the decision of defining a term of waiting for divorcees and widows has been made for the very aforesaid wisdom.

Yet, if the womb of a woman is removed by a surgical operation or if a woman is decisively recognized as barren, will it be obligatory upon such women to observe the terms of waiting defined by the Islamic legislation? The answer is yes; because Almighty Allah has imposed such periods on women for an advantage recorded in the Preserved Tablet (*al-Lawh al-Mahfudh*) and not allowed for people to see.

Hence, it is impulsive to exclude such women from observing the term of waiting decided by the code of the religious law on the claim of the nonexistence of the cause of the decision. In any event, some of the religious rulings are dependent upon definite causes. For instance, wine is forbidden so long as it intoxicates; and when intoxication is absent, it is legal to have it. On this account, the rule that "the much amount of a drink the little of which is intoxicating is forbidden" has been decided.

However, the case is very different with the rulings invented by Abu-Bakr and `Umar; they contrived rulings that are nonexistent in the Islamic legislation or are opposite to rulings that are openly mentioned in the sacred texts.

Besides, they stretched and shrank rulings as they claimed advantage while it is known for everybody that unless all-inclusive knowledge with the principles and purposes of the religious laws is attained and unless there is a divine commission, none is permitted to act freely with the religious rulings.

For the above mentioned discussion, Abu-Bakr and `Umar did not enjoy such knowledge and were not commissioned for such positions. Besides, as he decided the three-time divorce as final, canceled the share of the *al-Mu'allafah Qulubuhum*, and prohibited the temporary marriage, `Umar wanted for his decisions to be perpetual, not subject to the advantage. Thus, he blocked the way in the face of anyone who would claim that `Umar's decisions were secondary or subject to his authorities as caliph.

Even if we yieldingly accept the change of the religious laws according to the change of advantages; what was the advantage of canceling those religious rulings? Who is authorized to identify such advantages? Were the substitute rulings based upon personal passions and opinions or upon observance of the religious laws and proofs? If there were a proof and a sacred text; what are they?

Alluding to the stipulations of the satisfactory advantages, Shaykh Khallaf says,

“There are three stipulations for the achievement of advantage;

(1) an advantage must be actual, not illusory. In plain words, it must be confident that the issuance of a verdict will truly achieve advantage and prohibits damage. In case it is only conjectured that an advantage can possibly be achieved without comparing it to the damage that can possibly be drawn, advantage is thus not actual rather illusory.

(2) An advantage must be general, not specific or personal. It must be confident that the issuance of a verdict will achieve advantage to or deter damage from the largest number of people, not an individual or a small group of individuals. Thus, when the issuance of a verdict achieves a personal advantage apart from the publics, it will not be acceptable.

(3) The issuance of such a verdict must not be contradictory to a religious ruling or principle that is openly mentioned in a sacred text.”15

On the light of the aforementioned stipulations, let us ask whether `Umar’s decisions have achieved advantage to or deterred damage from the largest number of the publics taking into consideration the problems and confusions of life along with all of its pressures that make it difficult to go against one’s habit.

For instance, if a husband wastes the opportunity of returning his wife, through pronouncing the utterance of divorce three times on the same occasion, will it be obligatory upon him to succumb to `Umar’s ruling and lose his wife?

In the word of Dr. Nadiah, “the wisdom of separating the utterances of divorce is to give the husband the opportunity to think deeply about the matter. This is the divorce as has been explained in the Holy Qur'an; it is valid only when it is separated (i.e. repeated on different occasions).”

What can we say to those who confess that the wisdom of specifying the pronouncing of the utterances of divorce on different occasions as the stipulation of its validity is to give the husband the opportunity to think deeply about the matter and then, falling in irony, they themselves claim that it was the public advantage that made `Umar decide the three-time divorce that is said on one occasion as final?

Undoubtedly, it is fanaticism that has made them fall in such irony! It is definitely irrational to say that it is advantageous to regard the three-time divorce as one but the breaking of this issue was based upon advantage! Unfortunately, Dr. Nadiah has said such while she was fully aware that it was `Umar, neither the Holy Qur'an nor the Sunnah, who violated the law and decided its opposite.

It is now absolutely impossible to accept the claim that `Umar’s decisions were derived from the Holy Qur'an or that his decisions were not in violation of the sacred texts although the advantage that he adopted was completely opposite to the Holy Qur'an.

Of course, uttering the word ‘three’ after the form of the divorce does not validate it. It is as same as

saying '*Allahu Akbar five times*' instead of repeating the statement five times or saying '*SubhanAllah one hundred times*' instead of repeating it one hundred times! Many of the scholars have decided divorce twice is enough for the materialization of divorce. Going over the holy verse,

"Divorce must be pronounced twice," (***Holy Qur'an: 2/229***)

al-Jassas says that a two-time divorce definitely validates the divorce, because one who utters the form of divorce twice cannot be regarded as two divorces. In the same manner, one who pays two dirhams cannot be regarded as paying twice unless each dirham is given on a definite occasion.

The same thing is applicable to the divorce; therefore, the verse indicates that in order to validate the divorce, it must be said on two different occasions. In addition, the verse carries warning against gathering the two divorces on the same occasion.16

`Umar's personal jurisprudence has affected the religious rulings; and it is known to everybody that he subjugated the religious laws to the advantage that he, personally, considered or supposed to be the perfect cause upon which a ruling must rest.

He therefore modified the rulings according to what he would consider as suitable or advantageous and canceled the actual advantages that are realized by none save Almighty Allah.

About the proof of seeking the advantage, Dr. Mustafa al-Bagha says,

"The Sahabah, as is indicated by too many incidents, decided definite rulings for the incidents according to their personal consideration of the advantages that bring about benefit and prohibit damage depending upon their own thoughts. They then regarded such considerations as sufficient for the issuance of religious rulings."17

Hinting at the same point, al-Wafi al-Mahdiy says,

"When the Islamic conquests continued incessantly, especially during the reign of `Umar, various nations of various civilizations were included to the Islamic authority. As a result, the Muslims had to encounter complicated problems, whether in the military, financial, personal, or penal affairs, that they had not known before.

They therefore had to use analogy when they could not find related texts neither in the Holy Qur'an nor in the Holy Sunnah. Before that, they used to rest upon Ijtihad through the Holy Qur'an and then the Holy Sunnah. When they could not find anything in these two sources, they would consult the experienced Sahabah.

When they also could not find anything with those, they would use personal opinions. `Umar, for instance, used to ask whether the involved issue had been treated by Abu-Bakr or not. Analogy (*Qiyas*), Equitable Preference (*Istihsan*), advantage (*Maslahah*), and blockade of excuses (*Sadd al-Dhara'i`*)—all

these matters were well-organized in the opinions on which they depended. In this age, consensus (*Ijma`*), which is a new source of the Islamic Legislation since it was not present in the first age of Islam, has emerged.

When he could not find a solution neither in the Holy Qur'an nor in the Sunnah, Abu-Bakr would refer the matter to a legislative body. `Umar did the same thing, too. Any decision that was made by that legislative body would be regarded as issued by all of them...[18]

To sum it up, when the Holy Prophet was among them, the Sahabah used to refer to him in the religious questions in most cases. Yet, when he departed life, they lost their religious authority. Therefore, their Ijtihad entered upon a more serious stage.

In the words of Mr. Mustafa al-Zarqa', the Sahabah's custom, during the Holy Prophet's lifetime, was to listen to and follow him and to refer to him in any question that would face them.

In other words, they depended totally upon him in the understanding and guidance as regards each and every matter. By his demise, they suddenly moved to the stage of Ijtihad since the authority had left them and his constitutional heritage, namely the Holy Qur'an and Sunnah, replaced his oral elucidations. Since then, it has been unavoidable to resort to Ijtihad, in an unlimited way, for solving the emergent questions."[19]

Ijtihad was thus the shield of the first generations and, at the same time, has been the justification of the next generations for their ancestor's deeds. A deep investigation of the so-called acceptable advantages (*al-Masalih al-Mursalah*) proves that they all were invented for correcting the Sahabah's deeds.

They have regarded Abu-Bakr's nominating `Umar as his successor—while they have claimed that the Holy Prophet did not nominate any successor—as acting upon the advantage of the ummah and the protection of the Muslims' unity.[20]

Similarly, they have justified `Uthman ibn `Affan's setting the copies of the Holy Qur'an to fire as he had only intended to make all the people follow the same copy[21] so as to save them from disagreement. For fear of lengthiness, the other innumerable examples on such justifications will be avoided.

To have a look at the general fundamentals of the Islamic jurisprudence proves that the so-called *al-Masalih al-Mursalah* have not been among the subjective fundamentals as is confirmed by all the Muslim schools of law except that of Malik ibn Anas who regard them as independent fundament.

The advantages have been classified as canceled, acceptable, and considerable and the latter has been further classified into necessary, exigent, and preferable. Resting upon these classes, the rulings and branches of the Islamic jurisprudence have been defined.

Items Of Ijtihad

Let us throw more light on `Umar's situation about the religious rulings to see whether his personal judgments stopped at this level or pushed their way to include other religious affairs. Although we can dispense with the details of this topic, our elucidation of the issue of prohibiting reporting and recording the Hadith forces us to give a thorough idea about the jurisprudential side of `Umar's personality and the items and major issues of the Islamic jurisprudence form which he benefited in the formation of his personal opinions and judgments.

`Umar ibn al-Khattab legislated the *Salat al-Tarawih* (the recommended nightly prayers during Ramadan) describing it as "the best heresy."[22] As he liked the statement of *"al-Salatu Khayrun mina'l-Nawm* (Prayer is better than sleeping)" after he had heard it from a Sahabiy, `Umar added it to the adhan (declaratory call to prayers) of the Fajr (morning) Prayer and canceled the statement of *"Hayya `Ala Khayr al-`Amal* (Come to the best of deeds)" which was used during the Holy Prophet's lifetime claiming that such a statement would prevent the Muslims from jihad![23]

He also prohibited the weeping for the dead,[24] decided that the sign of attaining maturity is to be six spans tall[25] while it has been authentically narrated that the Holy Prophet said, "Maturity is attained when wet dreams occur."[26] `Umar decided to deprive the non-Arabs of any share of the legacies and excluded those whom are born in the Arab lands[27] while the Holy Prophet is authentically reported to have said, "Except by means of piety, no Arab individual should be preferred to a non-Arab,"[28] and, likewise, Almighty Allah says in the Holy Qur'an,

***"Verily, the most honored of you in the sight of Allah is* (*he who is*) *the most righteous of you."* (*Holy Qur'an: 49/13*)** [29]

Regarding the doctrinal provision (Hadd) of the drinkers of intoxicants, `Umar issued various rulings; he once decided to sentence them to eighty-lash punishment[30] and, at other times, made them sixty only. He also ordered to omit twenty lashes of the sentence for fear of pain.[31] It has been also narrated that `Umar, while leading a congregational prayer, omitted the Reciting[32] in the Maghrib (Sundown) Prayer.

After he had finished the prayer, he was reminded that he had omitted the Reciting. "Were the Genuflection and Prostration good?" asked he. "Yes, they were," he was answered. "Well, it does not matter!" answered he.[33] Yet, it has been authentically narrated that the Holy Prophet said,

"The prayer of him who neglects reciting the Surah of al-Fatihah (The Opening Chapter; No. 1) is invalid."[34]

`Umar is also reported to have whipped his two sons because they had the surnames "Abu-`sa (father of Jesus)" and "Abu-Yahya (father of Jonah)" claiming that Prophet Jesus and Prophet Jonah had no fathers![35]

Husham ibn `Urwah has narrated on the authority of his father that `Umar, one Friday, recited the Surah of al-Sajdah (Prostration; No. 32) and after reciting the Verse of Prostration,[36] he descended the minbar and prostrated himself. People, of course, followed him.

On another occasion, he recited the same verse, but when people prepared themselves to prostrate, he said, "Calm down! It is not obligatory upon us to prostrate ourselves at the reciting of these verses; rather it is optional." He therefore prevented people from prostration.[37]

This violation of the religious rulings has left its effects on the schools of Islamic law causing the Muslim jurisprudents to give different rulings regarding the obligatoriness or optionality of the prostration after reciting the Verses of Prostration.

Thus, the Malikiyyah scholars,[38] the Shafi`iyyah scholars,[39]and the Hanbaliyyah scholars [40] have decided such prostrations as *Sunnah* (a norm that has been done by the Holy Prophet) while the Hanafiyyah[41]have decided them as obligatory.

Explaining Malik's *al-Muwatta'*, al-Zarqaniy says, "The most famous jurisprudential opinions as regards the prostration after reciting the Verses of Prostration are that they are *Sunnah* and highly recommended (*Fadhilah*)."[42]

Yet, it has been narrated on the authority of Abu-Hurayrah that the Messenger of Allah, while reciting the Surah of al-Najm (the Star; No. 53), prostrated himself and thus all the attendants prostrated except two men.[43]

Zayd ibn Thabit yet narrated that the Messenger of Allah, while reciting the Surah of al-Najm, did not prostrate.[44] It has been further narrated that the Holy Prophet said,

"Prostration is obligatory upon him who hears and recites the Verses of Prostration."[45]

Many similar narrations have been fabricated for the sake of justifying `Umar's decision and the opinions of the various Sunnite jurisprudential schools. The matter will be more obviously understood if an investigation is made to the effects of the Sahabah's personal opinions on the Islamic law.[46]

For instance, Malik ibn Anas, the founder of the Malikiyyah jurisprudential school, argues that because `Umar neglected prostrating himself in the presence of the Sahabah none of whom objected to him or was reported to have opposed, his act can be taken as valid.

On this account, Malik decided the prostration as recommended since the Sahabah, in his conception, were the most knowledgeable with the religious laws![47]

Referring to the narrations that report the permissibility of Ijtihad during the Holy Prophet's lifetime, Dr. Madkur says,

“As a matter of fact, none of these narrations can ever prove that anyone other than the Holy Prophet, who received directly the Divine Revelation, did ever enjoy any legislative authority in that age.

These narrations have discussed partial issues some of which were adopted only after it had been impossible to refer to the Holy Prophet directly owning to long distance or fear of missing the opportunity; others were issued practically not legislatively. We thus can argue that the Holy Prophet did not require Ijtihad in this very sense.

After the departure of the Holy Prophet and, more precisely, during the age of the Sahabah that ends with the elapse of the first century after the Hijrah, the Sahabah, because of the expansion of the Islamic State and the conquests, had to encounter new questions that they had never known before.

They therefore had to experience the jurisprudential questions, especially after the cessation of the Divine Revelations, so as to find solutions for the first-time issues that occurred to their cursorily incremental state that comprised miscellaneous countries and races.”[48]

From the above, we can conclude that `Umar rested upon pure personal opinions in issuing religious laws without referring to the Holy Qur'an or the Holy Prophet’s practices and confirmations.

Moreover, he, on several occasions, violated the clear-cut texts of the Holy Qur'an -such as in the case of the divorce-[49] and the Holy Sunnah -such as in the case of killing the man who was engaged in offering prayers[50] and the case of the Disastrous Thursday,[51] which is preventing from carrying out the Holy Prophet’s order of bringing him a pen and a paper so as to record his final will- because he thought that the advantage would be achieved on the violation of these orders.

Even if we consider the personal opinions of the Sahabah as sources of the Islamic legislation and even if we consider all the Sahabah as ultimately decent, it is still unfeasible to violate the clear-cut texts of the Holy Qur'an and Sunnah. The Sahabah who violated the sacred texts should have at least freed the others from following their personal opinions and, such being the case, they would possibly be excused.

Although Ijtihad is defined as doing one’s utmost and exerting all efforts for the sake of deducing a religious ruling from the Holy Qur'an and Sunnah, `Umar used to issue verdicts before he would skim through the pages of the Holy Qur'an or review the Holy Sunnah. A little ponderation over the question of the woman who was pregnant only six months after marriage would have made `Umar deduce the possibility that her pregnancy was illegal. Yet, he immediately sentenced her to the doctrinal provisions (*Hudud*) that must be undergone by the fornicatresses!

Likewise, had he weighed up the question of depriving the Holy Ka`bah of its share, he would not have decided to seize that share. Without the intrusion of Shaybah ibn `Uthman and Ubayy ibn Ka`b who told him that the Holy Prophet and Abu-Bakr did not seize the fortunes of the Holy Ka`bah although they needed these fortunes more than he did, `Umar would have proceeded in his decision.
Similarly, all the aforementioned issues prove that `Umar used to issue religious verdicts without any

ponderation over the Holy Qur'an and Sunnah. Nevertheless, he wanted the Sahabah to follow his personal opinions and violate what they had personally seen and heard from the Holy Prophet!

Had the Sahabah's opinions been added to the sources of the Islamic law, it should have been obligatory upon `Umar himself to adopt the Sahabah's opinions, especially in the questions that they had directly heard from the Holy Prophet. Similarly, it should have been obligatory upon him to accept their verdicts and opinions for they acted as arguments against him and he, thus, should not have forced them to follow his personal opinions.

It is now permissible to wonder how it was possible for `Umar to threaten `Ammar, Ubayy ibn Ka`b, Abu-Musa al-Ash`ariy, and others. In this respect, he said to Abu-Musa, "You must prove your claim or I will hurt you."[52] To Ubayy, `Umar said, "You must retreat what you have said," he then pulled him to the Masjid... etc.[53] To `Abdullah ibn Mas`ud, `Umar said, "You are reporting too much from the Messenger of Allah."[54] To Abu-Hurayrah, he said, "If you do not stop reporting from the Messenger of Allah, I will banish you to Dus."[55] `Umar also whipped Tamim al-Dariy for the same reason.[56]

In order to find excuses for `Umar and belittle the influence of the Sahabah's objections to him, Sunnite scholars have decided that the foremost Sahabah are not bound to follow each other![57]

In view of the abovementioned narrations, it seems that the decision that the foremost Sahabah are not bound to follow each other is effective only on the Sahabah who objected to `Umar; yet Sunnite scholars have projected sanctity on the Sahabah who agreed to him and criticized any objection to the caliphs and their fans. They have even regarded the conducts of Abu-Bakr and `Umar as an indisputable source of the Islamic law although they have not decided the inerrancy of those Sahabah.

As he concentrated on analogy, `Umar only wanted to fix his personal opinions; and as he insisted on resting upon personal views, he only wanted to find himself a higher standing in the Islamic State. He therefore used to behave as if he was the legislator whose decisions must not be broken. Yet, when he was objected by a deep-seated intellectual trend depending upon a unanimous proof cited from the Holy Qur'an or Sunnah, `Umar would have to submit and retreat.

Hence, the arguments that the Sahabah's opinions are regarded as sources of the Islamic legislation and that the caliph has the right to issue verdicts depending upon his consideration of the advantage—these two arguments were the base and purpose of the Caliphate School of Jurisprudence.

So far, our conclusions can be defined in the following points:

1) Abu-Bakr and `Umar were not characterized by any feature that would distinguish them from the others.

2) The Muslims separated into two intellectual trends after the departure of the Holy Prophet.

3) `Umar ibn al-Khattab worked painstakingly for forcing the others to accept and act upon his personal

opinions.

4) The Sahabah's opinions cannot be taken as sources of the Islamic law because they violated `Umar's opinions and he violated theirs in numerous issues.

5) The conception of the Sahabah's ultimate decency is proved as unfounded since `Umar often belied and distrusted the Sahabah's claims and vice versa.

6) The arguments that it is possible for the Sahabah to dispute with each other but it is impermissible to refute their opinions—these arguments were fabricated for the purpose of justifying their disagreements in issuing religious verdicts in the first age of Islam. Sarcastically, such disagreement has been decided as constructive!

7) The fundamentals of Ijtihad, such as analogy, Equitable Preference, and advantage, have been proven untrue because they were founded later on owing to temporal necessities and because they are found neither in the Holy Qur'an nor in the Holy Sunnah.[58]

Such being the case, the Sahabah escalated their objections to the adoption of personal views and Ijtihad through means of reporting from the Holy Prophet since much reporting of the Holy Prophet's heritage would naturally prove the disagreement between the Holy Prophet's school and the school of Ijtihad.

Moreover, the Holy Prophet's school comprises edificatory truths that are opposite to the intents of the Ijtihadists. These truths can be manifestly shown through any investigation to the books of Hadith and Islamic history.

In this manner, a group of the Sahabah objected to the adoption of personal views and Ijtihad, called for the derivation of the religious laws from the Holy Qur'an and Sunnah only and rejected the baseless opinions and conducts of the Sahabah in general and Abu-Bakr and `Umar in particular. The other group of the Sahabah argued the legitimacy of `Umar's opinions regarding them as sources of the Islamic law that must be followed.

In brief, reporters and recorders of the Hadith lined themselves with the group of the pure compliance with the sacred texts and thus corresponded to the spirit of the Islamic law, which encourages learning, and to the instructions of the Holy Prophet who concentrated on recording the items of knowledge.

Thus, they reported and recorded the Hadith as much as they could. On the other side, those who prohibited reporting and recording the Hadith lined themselves with the group of Ijtihad and personal opinions, following the ruling authorities.

Unfortunately, reporters and records of the Hadith had to suffer humiliation and disparagement during the ages of the caliphs to the degree that al-Hajjaj ibn Yusuf al-Thaqafiy, the governor of Iraq during the regin of `Abd al-Malik ibn Marwan the Umayyad ruler, stamped on the hand of Jabir ibn `Abdullah al-

Ansariy and the necks of Sahl ibn Sa`d al-Sa`idiy and Anas ibn Malik so as to mark them as unwelcomed persons and ordered the people to leave them and not to listen from them.59

1. Khalid Muhammad Khalid: al-Dimuqratiyyatu Abada (Democracy forever) 155.
2. Ibn Qudamah: al-Mughni 2:526.
3. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 86 as quoted from Musnad Ahmad ibn Hanbal 1:297 H. 317 with authentic series of narrators. Also, Sunan Abi-Dawud 2:178 H. 1887.
4. Musnad Ahmad ibn Hanbal 1:265 H. 2387; al-Bayhaqiy: al-Sunan al-Kubra 7:339 H. 14764; Ibn Rushd al-Qurtubiy: Bidayat al-Mujtahid 2:50; Ibn Qayyim al-Jawziyyyah: A'lam al-Muwaqqi'in 3:32; al-Shawkaniy: Nayl al-Awtar 7:16-20.
5. Dr. Nadiah Sharif al-`Umariy: Ijtihad al-Rasul 240.
6. Al-Qurtubiy: Tafsir 3:129.
7. Ibn Qayyim al-Jawziyyyah: A'lam al-Muwaqqi'in 3:48.
8. Dr. Nadiah Sharif al-`Umariy: Ijtihad al-Rasul 242.
9. One of the four major Sunnite jurisprudential schools founded by Malik ibn Anas.
10. One of the four major Sunnite jurisprudential schools founded by Ahmad ibn Hanbal.
11. One of the four major Sunnite jurisprudential schools founded by Muhammad ibn Idris al-Shafi`iy.
12. One of the four major Sunnite jurisprudential schools founded by Abu-Hanifah.
13. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 177.
14. Dr. Mustafa Dib al-Bagha: Athar al-Adillati'l-Mukhtalafi fiha fi'l-Fiqh al-Islamiy 277. The majority of the Sunni jurisprudents have accepted `Umar's decision in this regard.
15. `Abd al-Wahhab Khallaf: `Ilm Usul al-Fiqh 86-9.
16. Al-Jassas: Ahkam al-Qur'an 1:378.
17. Dr. Mustafa Dib al-Bagha: Athar al-Adillati'l-Mukhtalafi fiha fi'l-Fiqh al-Islamiy 54.
18. See Al-Wafi al-Mahdiy: al-Ijtihad fi'l-Shari'ah al-Islamiyyah 46. As a matter of fact, `Umar used to join Abu-Bakr with the Holy Prophet as being one of the sources of the Islamic legislation. He thus said to the one who warned him against seizing the money paid to the Holy Ka`bah because neither the Holy Prophet nor did Abu-Bakr do such, "These two men must be followed." See Sahih al-Bukhariy 6:2655 H. 6847; Musnad Ahmad ibn Hanbal 3:410; Usd al-Ghabah fi Tamyiz al-Sahabah 3:8 (Biography of Shaybah ibn `Uthman al-`Abdariy). Apparently, it was `Umar ibn al-Khattab who was the first to give a value to the opinions of Abu-Bakr after his death. This was in fact the first step that he took in order to guarantee that his personal opinions would be given a value after his death. From such a step and its likes, the so-called 'Sirat al-Shaykhayn (Conducts of Abu-Bakr and `Umar)' was invented as a substitute for the Holy Prophet's traditions (Sunnah) that `Umar prohibited.
19. Al-Wafi al-Mahdiy: al-Ijtihad fi'l-Shari'ah al-Islamiyyah 69-70. The words of Dr. Mustafa al-Zarqa' have been quoted from al-Fiqh al-Islami fi Thawbihi'l-Jadid 1:167.
20. Tarikh al-Tabariy 2:353; Ibn Sa`d: al-Tabaqat al-Kubra 3:200; Ibn al-Jawziy: al-Mutadham 4:126.
21. Ibn al-Athir: al-Kamil fi'l-Tarikh 3:7-8; Abu-Bakr al-Maliqiy: al-Tamhid wa'l-Bayan 1:62-63; Ibn Kathir: al-Bidayah wa'l-Nihayah 7:218.
22. Sahih al-Bukhariy 2:707 H. 1906; Malik ibn Anas: al-Muwatta' 1:114 H. 250; Ibn Shibbah: Tarikh al-Madinah al-Munawwarah 2:713; al-Tabariy: al-Riyad al-Nadirah 1:309; al-Ya`qubiy: Tarikh 2:140; Ibn Sa`d: al-Tabaqat al-Kubra 5:59.
23. Of course, there are other reasons and motives that made `Umar add this statement to the adhan and to cancel the original statement. In an independent survey, I, the author of the book, have explained all these aspects under the title of "al-Adhan Bayna al-Asalah wa'l-Tahrif (The Adhan Between Genuineness and Distortion)." This study has taken three volumes the first of which has been published under the title of "Hayya `Ala Khayt al-`Amal al-Shar`iyyah wa'l-Shi`ariyyah."
24. Sahih al-Bukhariy 1:432 H. 1226 (In this reference book of Hadith, it is written that `[illegible]'ishah condemned for his having narrated such a Hadith, saying, "By Allah I swear, the Messenger of Allah has never said that Almighty Allah would torture the dead believer when his family weep for him! Rather, the Messenger of Allah said that Almighty Allah would increase His torture upon the disbelievers even if their family members weep them." `[illegible]'ishah then said, "(In order to prove the falsity of

`Umar's claim) you may listen to the Holy Qur'an that reads, 'And no bearer of burden shall bear the burden of another.") Sahih Muslim 2:238; Sunan al-Nassa'iy (al-Mujtaba) 4:18 H. 1858); Musnad Ahmad ibn Hanbal 1:237 H. 2127, 1:335 H. 3103 (In this book, it is written that `Umar ibn al-Khattab beat the women who wept for the demise of Ruqayyah, the Holy Prophet's daughter, but the Holy Prophet warned him against so.) al-Zarkashiy: al-Ijabah... 67; Ibn Shabbah: Tarikh al-Madinah al-Munawwarah 2:676, 3:905.

25. Al-Aminiy: al-Ghadir 6:171 as quoted from al-Muttaqiy al-Hindiy: Kanz al-'Ummal (on the authority of Ibn Abi-Shaybah, `Abd al-Razzaq, Musaddad and Ibn al-Mundhir as is recorded in al-Tabaraniy's al-Mu'jam al-Awsat.)

26. Musnad Ahmad ibn Hanbal 6:100-101; al-Hakim: al-Mustadrak `Ala'l-Sahihayn 2:59.

27. Malik ibn Anas: al-Muwatta' 2:502 H. 14; al-Mudawwanah al-Kubra 8:338.

28. Musnad Ahmad ibn Hanbal 5:411.

29. Al-Haythamiy: Majma' al-Zawa'id 3:273.

30. Al-Bayhaqiy: al-Sunan al-Kubra 8:318-319 as quoted from Ibn Hazm: al-Muhalla; Musannaf `Abd al-Razzaq 11:42.

31. Al-Bayhaqiy: al-Sunan al-Kubra 8:317-318; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 12:137; al-Fa'iq 3:229.

32. The Reciting (of the Surah of al-Fatihah and another optional one) is one of the chief parts of the obligatory prayers. All Muslim jurisprudents have decided that any omission of the Reciting invalidates a prayer.

33. Al-Bayhaqiy: al-Sunan al-Kubra 2:347-381.

34. Musnad Ahmad ibn Hanbal 2:241 H. 7289, 2:478 H. 10201; Sunan Abi-Dawud 1:217 H. 822; Sunan al-Tirmidhiy 1:194 H. 247; Sunan al-Nassa'iy 2:137 H. 38; Sahih al-Bukhariy 1:63 H. 723; Sahih Muslim 1:297 H. 395; Sunan al-Darimiy 1:213 H. 1242.

35. `Abd al-Razzaq: al-Musannaf 11:42; Sunan Abi-Dawud 4:291 H. 2963; al-Bayhaqiy: al-Sunan al-Kubra 9:310; al-Shaybaniy: Taysir al-Wusul 1:47 H. 7; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 12:44. The following narration is quoted from Ibn Sa`d: al-Tabaqat al-Kubra 5:69:

`Umar ibn al-Khattab, once, summoned all the boys who carried the names of the Prophets and detained them in a room so as to change their names. Yet, the boys' fathers could prove that most of those boys were named by the Holy Prophet himself. `Umar therefore had to release them.

36. According to Islamic jurisprudence, it is obligatory to prostrate oneself after reciting the Four Verses of Sajdah (namely, 32:15, 41:37, 53:62 and 96:19). Hence, there are other verses of prostration at the reciting of which prostration is optional.

37. Dr. Turkiy: Munadharat if Usul al-Shari'ah bayna Ibn Hazm wa'l-Bajiy 297; Malik ibn Anas: al-Muwatta' 1:206 H. 484; Sharh Ma`ani al-□thar 1:354; al-Bayhariy: al-Sunan al-Kubra 2:321 H. 3574, 3:312 H. 5587; Ibn `Abd al-Barr: al-Tamhid 19:128.

38. Ibn Qudamah: al-Mughni 1:688 and al-Sharh al-Kabir 1:816; al-Nawawiy: al-Majmu' 4:61.

39. Al-Shafi`iy: Kitab al-Umm 1:119; al-Shashiy: Hilyat al-`Ulama' 2:122; al-Nawawiy: al-Majmu` 4:69.

40. Al-Nawawiy: al-Majmu' 4:61.

41. Al-Nawawiy: al-Majmu' 4:61; al-Sarakhsiy: al-Mabsut 2:4; Nur al-□dah 1:80; al-Hidayah fi Sharh al-Bidayah 1:87.

42. Sharh al-Zarqaniy 2:27.

43. Dr. Mustafa Dib al-Bagha: Athar al-Adillati'l-Mukhtalafi fiha fi'l-Fiqh al-Islamiy 355; Sunan al-Darimiy 1: 342; Sunan Abi-Dawud 2:59 H. 1406; Sahih al-Bukhariy 1:363 H. 1017 (In this reference book, it is written that `Abdullah said that the Holy Prophet recited Surah of al-Najm in Makkah and, on reciting the Verse of Prostration therein, prostrated himself. Following him, the others also prostrated themselves except one old man who took a sum of stones in his hand and raised it to his forehead claiming that it was sufficient to do such. Yet, this man was then killed as infidel.") Similar narrations are recorded in Sahih Muslim 1:405 H. 576, Sunan al-Darimiy 1:407 H. 1465, al-Shafi`iy: Kitab al-Umm 1:135; al-Bayhaqiy: al-Sunan al-Kubra 2:321 H. 3572.

44. Sunan al-Nassa'iy 2:160; Sunan al-Darimiy 1:343; Sunan Abi-Dawud 2:58 H. 1404; Sahih al-Bukhariy 1:364 H. 1022.

45. Dr. Mustafa Dib al-Bagha: Athar al-Adillati'l-Mukhtalafi fiha fi'l-Fiqh al-Islamiy 355; al-Sarakhsiy: al-Mabsut 2:4; Bada'i` al-Sana'i` 1:180; Nasb al-Rayah 2:178.

46. For instance, see Dr. Mustafa Dib al-Bagha: Athar al-Adillati'l-Mukhtalafi fiha fi'l-Fiqh al-Islamiy 353-433.

47. Dr. Mustafa Dib al-Bagha: Athar al-Adillati'l-Mukhtalafi fiha fi'l-Fiqh al-Islamiy 355 as quoted from Ibn Qudamah: al-Mughni 1:446; Ibn Rushd al-Qurtubiy: Bidayat al-Mujtahid 1:214; al-Zarqaniy: Sharh al-Muwatta' 2:194-196.

48. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 43-44.
49. Sahih Muslim 3:130 H. 1417. It has been narrated that `Abdullah ibn `Abbas said, "During the age of the Holy Prophet, the reign of Abu-Bakr, and the first two years of `Umar ibn al-Khattab's reign, the three-time divorce was decided as one. Yet, `Umar ibn al-Khattab said, 'People are rushing in a matter for which they have been given respite; therefore, we will oblige them to this decision.' He thus did." See al-Durr al-Manthur 1:668.
50. Ibn Hajar al-`Asqalaniy: al-Isabah fi Tamyiz al-Sahabah 484; Abu-Na`im: Hilyat al-Awliya' 3:227; Musnad Ahmad ibn Hanbal 3:15.
51. Sahih al-Bukhariy 1:54 H. 114, 6:2680 H. 6932; Sahih Muslim 3:1259 H. 1637; Musnad Ahmad ibn Hanbal 1:324 H. 2992, 1:336 H. 3111.
52. Sahih al-Bukhariy 5:2305 H. 5891; Sahih Muslim 3:1694 H. 1203; al-Bayhaqiy: al-Sunan al-Kubra 8:339; Ibn Hajar: al-Wuquf `Ala'l-Mawquf 1:114 H. 148.
53. Ibn Sa`d: al-Tabaqat al-Kubra 4:21; Ibn `Asakir: Tarikh Madinat Dimashq 26:371; Jalal al-Din al-Suyutiy: al-Durr al-Manthur 5:231.
54. Al-Tabaraniy: al-Mu`jam al-Awsat 3:378 H. 3449; al-Haythamiy: Majma` al-Zawa'id 1:149; al-Dhahbiy: Siyar A'lam al-Nubala' 7:206, 11:555.
55. Al-Sarakhsiy: al-Usul 1:341; al-Muhaddith al-Fasil 1:554; al-Dhahbiy: Siyar A'lam al-Nubala' 2:601; Ibn Kathir: al-Bidayah wa'l-Nihayah 8:106; Ibn Shabbah: Tarikh al-Madinah al-Munawwarah 3:800.
56. Bughyat al-Bahith `An Zawa'id Musnad al-Harith 1:328 H. 214; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 8:49 H. 21810; Al-Dhahbiy: Siyar A'lam al-Nubala' 2:248.
57. Dr. Mustafa Dib al-Bagha: Athar al-Adillati'l-Mukhtalafi fiha fi'l-Fiqh al-Islamiy 339.
58. All the points that the have lately presented as proofs on the legality of Qiyas, Istihsan, and the like invented principles are refutable and baseless.
59. Ibn al-Athir: Usd al-Ghabah fi Tamyiz al-Sahabah 2:336 (Biography of Sahl ibn Sa`d al-Sa`idiy); Ibn `Abd al-Barr: al-Isti`ab 2:664 No. 1089; al-Muzziy: Tahdhib al-Kamal 12:189.

Let us cite some examples on the continuity of the two trends for the purpose of making the matter more obvious:

Ibn Sa`d has recorded that `Abdullah ibn al-`Ala' asked al-Qasim to dictate to him some of the Hadiths. Al-Qasim said,

During the age of `Umar ibn al-Khattab, the records of Hadith increased vastly that `Umar ordered people to bring any record they had kept. When all the records were brought before him, `Umar set them to fire and said, "This is a Mishna just like that of the Christians and the Jews."1

In view of such incidents, many questions that search for convincing answers jump to the mind of the readers: Why did the records of the Hadith increase in the reign of `Umar ibn al-Khattab, not any other caliph? What is the significance of such an occurrence? Why did `Umar set them to fire, instead of erasing them with water of burying them? Why did `Umar do in hurry without investigation or thorough examination? Why did both Abu-Bakr and `Umar select the same method of annihilating the records of the Hadith, which is setting them to fire?

Although the intellectual trend of the majority of the Sahabah was against wiping out the records of the Hadith, the other trend of Ijtihad, having been the executive authority, insisted on its opinion and hence

wiped out these records. What for was such belittlement and indifference to the Sahabah's opinions that were congruent to the Holy Prophet's Hadith and conducts as well as the spirit of the Islamic legislation?

The gentle readers will certainly conclude the answers of these questions from the previous as well as the coming narrations. First of all, let us cite the following narration:

Sa`id ibn Jubayr narrated that `Abdullah ibn `Abbas said that the Holy Prophet permitted the temporary marriage. Yet, `Urwah ibn al-Zubayr intruded to say that Abu-Bakr and `Umar prohibited it. Having been very resentful of `Urwah's answer, `Abdullah ibn `Abbas said,

"I see coming that you shall certainly perish! 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!"2

According to another narration narrated by `Abd al-Barr and Ibn Hazm, `Abdullah ibn `Abbas said,

"I am sure that you will not stop such things until you are chastised by Allah! I am reporting to you from the Prophet and you are reporting to me from Abu-Bakr and `Umar!"3

According to a third narration, `Abdullah ibn `Abbas said,

"I am reporting to you from the Prophet and you are bringing to me what was said by Abu-Bakr and `Umar!"

According to a fourth narration, `Abdullah ibn `Abbas said,

"I see coming that you shall be inflicted by stones from the heavens!"4

Yet, `Urwah answered, "I swear by Allah that Abu-Bakr and `Umar were more knowledgeable than you are as regards the Sunnah of the Messenger of Allah."5

On this statement, al-Khatib al-Baghdadiy commented,

"`Urwah was right. Yet it is unacceptable to follow anybody in violating what has been authentically proven as said by the Messenger of Allah."6

It has been also narrated that `Abdullah, son of `Umar ibn al-Khattab, learnt people that Almighty Allah has revealed the temporary marriage and the Holy Prophet passed it. Some objected to him that he was disagreeing with his father. His answer was "You should have followed the Holy Prophet's Sunnah, not `Umar's!"7

According to another narration, he answered, "Whose commandment should I follow? The Holy Prophet's or my father's? Indeed, the Holy Prophet did it."8

 It has been narrated on the authority of `Abd al-A`la that Zayd ibn Arqam, while leading a Deceased

Prayer, repeated the *Takbir* (the statement of *Allahu Akbar*) five times. Hence, Abu-`sa `Abd al-Rahman ibn Abi-Layla, the official jurisprudent of the State, hurried towards Zayd, took him from the hand, and said, "Have you forgotten (the number of the *Takbir*)?" "No, I have not," answered Zayd, "I personally followed my dear, the Holy Prophet, in such a prayer when he repeated the *Takbir* five times only. I therefore shall never leave it."9

A similar narration has been narrated from `sa, the manumitted slave of Hudhayfah ibn al-Yaman, who confirmed that his master reported to him that the Holy Prophet repeated the *Takbir* five times only while he was offering a Deceased Prayer.10

Wabrah ibn `Abd al-Rahman narrated that a man came to `Abdullah ibn `Umar and asked whether it is valid to circumambulate the Holy Ka`bah while being *Muhrim* (entering into *Ihram*: putting the pilgrimage uniform and entering the state of being performing the obligatory rites of the ritual Hajj). "Nothing prevents you from it," answered `Abdullah ibn `Umar. The man added, "We have been told by so-and-so that it is unlawful to do so before the pilgrims' return to the *Mawqif*. Yet, I do not like that man since you seem to be more pious than he is." Giving details of the question, `Abdullah ibn `Umar answered, "The Messenger of Allah, while being *Muhrim*, performed a pilgrimage, circumambulated the Holy Ka`bah and roamed between the Safa and Marwa. If you are truthful, you should then follow the practice of Messenger of Allah rather than so-and-so."11

He is also reported to have said that the Messenger of Allah instructed not to prevent the bondmaids from offering their prayers in mosques. Yet, one of his sons expressed that they were preventing them from such. This statement made `Abdullah ibn `Umar very angry that he said, "I am reporting to you from the Messenger of Allah and you say that you are preventing!"12

According to another narration, `Abdullah ibn `Umar chided him saying, "I have said that the Messenger of Allah instructed and you insist on violating him!"13

It has been narrated that `Umar hit Tamim with his rod because he was offering a two-Rak`ah supererogatory prayer although `Umar had warned them against such. Tamim, as having been in the prayer, pointed to `Umar to sit down and `Umar did. When he finished his prayer, Tamim asked `Umar why he had hit him. "You know that I have prohibited you from offering such a prayer," answered `Umar. But Tamim said, "I offered such a prayer while I was with the Messenger of Allah who is certainly superior than you are." `Umar commented, "Well, I have not meant you and your likes; but I anticipate that the coming generations will offer prayers in the period between the `Asr (afternoon) Prayer and the Maghrib (sundown) Prayer passing by the very hour during which the Holy Prophet warned against offering any prayer; hence, they will connect the two obligatory prayers in the same way as they have connected the Dhuhr (noon) and `Asr Prayers."14

It has been also narrated that Abu-Ayyub al-Ansariy, after the demise of `Umar, returned to offering a supererogatory prayer between the `Asr and Maghrib Prayers after he had stopped during the reign of

`Umar. When he was asked about the reason, he answered, "`Umar used to hit with his rod anyone who would offer such a prayer."15

It has been narrated on the authority of Zayd ibn Thabit that Abu-Bakr, after his campaign against the people of Yamamah, ordered him to allow the alive to inherit their shares from the deads' legacies and to cancel the shares of the deads. `Umar also ordered Zayd to do the same thing with the individuals of the `Amwas tribe whom were plagued.16

The abovementioned narrations hint at the points of disagreement among the Sahabah. The majority of such disagreements were in the issues of the Islamic jurisprudence and the secondary rulings of the religion. By the application of his new policy, `Umar wanted all the Sahabah to follow his opinions without dispute.

They therefore rejected that because his opinions were contradictory to what they had witnessed from the Holy Prophet, such as in the case of the *Takbir* of the Deceased Prayer, the supererogatory prayer between the `Asr and Maghrib Prayers, the temporary marriage… etc. Nevertheless, `Umar, after he had not been able to impose his opinions on them, justified that he did not mean them; rather he meant the coming generations!

The obligation of acting upon the personal verdicts of `Umar was one of the fundamentals of the his new policy; as a result, `Ammar ibn Yasir said to him, "If you wish, I will not tell it to anyone else." Similarly, Ubayy ibn Ka`b loathingly said, "If you want me to confine myself to my house, I will do it and will then never say anything more in this respect."

All such narrations confirm the existence of pressure and threat, which has been manifestly presented in abovementioned narrations, such as `Umar's threatening `Ammar and Abu-Musa with whipping as well as his actual hitting Tamim and Abu-Hurayrah. This threat, too, proves that a clash between the two trends actually occurred during that period.

It is now unfeasible for anyone to deny that `Umar ibn al-Khattab did prohibit reporting and recording the Hadith. Similarly, any attempt to arouse doubts around the narrations that reported `Umar's prohibiting the spread of the Hadith and detaining some of the grand Sahabah is refuted by the clear-cut historical events and reports about `Umar's practical and conceptual issues.

All such historical texts have supported and confirmed the prohibition of the recordation and reporting of the Hadith and, at the same time, decided as worthless all the justification of Ibn Hazm, al-Dhahbiy, and their likes who claimed that the decision of the prohibition and the detainment of the Sahabah were not compatible to `Umar's psychology and standing!

For more confirmation, let us cite the following example concerning the distribution of the lands in Iraq and Egypt that were conquered by the Muslim warriors by force during the reign of `Umar ibn al-Khattab. As has been confirmed by the Holy Qur'an, one-fifth of such spoils of war must be deposited in

the public treasury and then expended on the categories defined by the holy verse,

"And know that whatever thing you gain, a fifth of it is for Allah and for the Messenger and for the near of kin and the orphans and the needy and the wayfarer." (***Holy Qur'an: 8/41***)

The other four-fifths must be distributed among the warriors as is declared in the holy verse and was practiced by the Holy Prophet in Khaybar.

As usual, the warriors came to `Umar asking for distributing the one-fifth and giving them their shares. Yet, `Umar said, "What shall we say to the other Muslims who will find these lands distributed, inherited, and seized? This is indeed not accurate!"

`Abd al-Rahman ibn `Awf asked, "What is the accurate opinion, then? The lands and the non-Muslims therein are within the spoils of war that Almighty Allah has given exclusively to the warriors."

"This is true, but I do not think so," answered `Umar.

The warriors then talked very much with `Umar about the matter showing that it would not be fair to give the lands that they could occupy by their own swords to others who neither participated nor even saw these lands. Whatever they said, `Umar answered with "This is my opinion!"

Finally, they had to succumb and say, "It is up to you."[17]

Of course, such a furious clash between the Sahabah, about one of the simplest jurisprudential terms, would have never occurred during the Holy Prophet's lifetime where there was an authority to whom all the Muslims would refer as regards any issue.

Hence, because the Muslims did not gather around the divinely commissioned authority, their personal opinions and disagreements in the religious affairs increased causing dispute and even fighting. Immediately after the departure of the Holy Prophet, the negative consequences of the Muslims' negligence of the divinely commissioned authorities appeared although the Holy Prophet had warned them against such in many traditions, such as the famous Hadith of *Arikah* and the other Hadiths of the warning against personal opinions.

Imam `Ali and the honest Sahabah not only were depressed for the seizure of the political leadership of the Muslims but also they felt greater pains for the occurrence of such disagreements, separation, and violations of the unity and religious authority of the Muslims.

For this very reason, the complaints of Imam `Ali, Anas, `Ammar, and many other Sahabah increased during that period. Hudhayfah ibn al-Yaman, the keeper of the secret regarding the names of the hypocrites among the companions of the Holy Prophet, warned so sorrowfully against disagreements and contradictions of opinions that occurred after the waste of the actual authority of Islam and the foundation of ungrounded leaderships.

In this respect, it has been narrated on the authority of al-Barra' ibn `zib immediately after the departure of the Holy Prophet, Hudhayfah ibn al-Yaman, in the presence of al-Miqdad ibn al-Aswad, `Abadah ibn al-Samit, Salman al-Farisiy, Abu-Dharr, and Abu'l-Haytham ibn al-Tayhan, said,

"I swear by Allah that my prediction shall take place. I have not told lies and I will not be belied. Those people are intending to restrict the matter (of the leadership) to the Muhajirun. You can ask Ubayy ibn Ka`b about it. He has also have knowledge of this."

They therefore went towards Ubayy's house. As they knocked the door, Ubayy stood behind the door and asked whom it was. Al-Miqdad talked to him, but Ubayy asked him why he had come.

"Open the door! The matter for which I am here is more serious than being discussed through closed doors," said al-Miqdad.

Yet, Ubayy said, "I will not open my door. Now, I know exactly why you are here. You have come asking about the matter of the Meeting (in Saqifah). Have you not?"

"Yes, we have," answered they.

"Is Hudhayfah with you?" asked Ubayy.

"Yes, he is," answered they.

Here, Ubayy said,

"The matter is as exactly as informed by Hudhayfah. I therefore will never open the door of my house until the predicted thing will occur. What will come next will be more catastrophic! I have nothing to do other than complaining about it to Almighty Allah!"18

It has been also narrated that Ubayy ibn Ka`b said,

"The parties of that Meeting (of Saqifah) have destroyed themselves. I swear it by the Lord of the Ka`bah. Yet, I am not lamenting over them; rather I lament over the Muslims who shall perish for such."19

A third narration reads that Hudhayfah said,

"I will say such a great word about it that I do not care whether you will keep me alive or kill me."20

Hence, the following names can be added to the list of the Sahabah who disagreed with `Umar as regards jurisprudential issues:

1. Zayd ibn Arqam,

2. Al-Barra ibn `zib,

3. `Abdullah ibn `Umar,

4. Salman al-Farisiy,

5. Abu-Hurayrah,

6. Tamim al-Dariy,

7. Al-Miqdad ibn al-Aswad,

8. Abu-Dharr al-Ghifariy, and

9. The warriors to whom Almighty Allah has restored21 among the Sahabah and others.

The Sahabah Objecting To Opinionism

To be surer about our claim and discussions, more investigation in the situations of the forecited Sahabah is required since it is insufficient to mention a single incident or situation; rather it is necessary to study the general features of those Sahabah's religious and jurisprudential trends.

As I examined thoroughly the personalities of those Sahabah, I found that most of them had compiled books or, in other words, the majority of the authors of the first age of Islam disagreed with the Opinionists and the adopters of Ijtihad. In fact, the compilations of those Sahabah acted as frank objections against the policies of `Umar. Let us now refer to those Sahabah in brief:

(1) Imam `Ali ibn Abi-Talib (martyred in AH 40)

None can ever deny the fact that Imam `Ali used to write down the Divine Revelations and the dictations of the Holy Prophet. Ummu-Salamah, the Holy Prophet's wife, narrated that Imam `Ali, once, was with the Holy Prophet when the latter asked for a piece of leather (to write on). He then dictated to Imam `Ali who filled the face, back, and even edges of that leather with the Holy Prophet's dictations.22

As has been confirmed by more than ten of his disciples, Imam `Ali used to keep a paper comprising dictations of the Holy Prophet in the sheath of his sword.23 Previously, many situations of Imam `Ali's disagreement with the opinions of `Umar have been cited.

(2) Ubayy ibn Ka`b al-Ansariy (died in AH 22)

Abu'l-`[illegible]liyah narrated that Ubayy ibn Ka`b had compiled a big book about the exegesis of the Holy Qur'an.24 It has been previously proven that Ubayy disagreed with `Umar and declared that he did not enjoy a distinctive knowledgeability of the religious affairs and that he did not agree to his decision of prohibiting reporting and recording the Hadith.

(3) Mu`adh ibn Jabal (died in AH 18)

When the Holy Prophet sent Mu`adh to the Yemen, he gave him a book in which he dictated the rulings of the alms as well as many Hadiths.25 Musa ibn Talhah kept that book or a copy of it.26 In addition, Ibn `’idh kept copies of Mu`adh’s books.27

All these reports prove that Mu`adh ibn Jabal recorded many books that could survive in spite of `Umar’s decision of setting all the records to fire after he had prohibited and threatened Mu`adh. Yet, examples on Mu`adh’s situations against `Umar have been previously cited.

(4) Hudhayfah ibn al-Yaman (died in AH 36)

Examples on Hudhayfah’s situations with `Umar have been previously cited, especially his words with `Umar ibn al-Khattab in which he said that he hated the right, liked the seductions... etc. Hudhayfah ibn al-Yaman used to write down the Holy Prophet’s dictations about the alms of dates,28 the taxes of Hijaz,29 and the taxes on date-palm trees.30

Al-Zubayr ibn al-`Awwam was the Holy Prophet’s clerk of the alms, but when he would be absent, Jahm ibn al-Salt and Hudhayfah ibn al-Yaman would replace him31 according to the order of the Holy Prophet himself.32

(5) `Abdullah ibn Mas`ud al-Hudhaliy (died in AH 32)

Juwaybir has narrated on the authority of al-Dahhak that `Abdullah ibn Mas`ud said: “During the age of the Messenger of Allah, we used to record nothing of the Hadith except those appertained to the *Tashahhud* (a major section of the obligatory prayer) and *Istikharah* (Seeking goodness from Almighty Allah).33 It has been also narrated on the authority of Ma`an that `Abd al-Rahman, son of `Abdullah ibn Mas`ud, showed him a book and swore that it had been written by his father personally.34

Yet, it has been narrated that `Abdullah ibn Mas`ud prohibited the recordation of the Hadith. This is in reality a fabrication and is refuted by the aforesaid reports, as well as many others, and by the fact that he was detained by `Umar for his having violated the decision of prohibiting reporting and recording the Hadith.

Other narrations have affirmed that `Abdullah ibn Mas`ud erased the contents of some papers that comprised narrations. On the assumption that these narrations are authentic, it is possible that these papers comprised narrations of the Jews and Christians, as has been previously proven.35

It has been also narrated that `Abdullah ibn Mas`ud disagreed with `Umar on many issues or, as is quoted from Ibn al-Qayyim, on one hundred questions.36 This fact proves that he joined the group of the thorough compliance with the sacred texts and proves the falsehood of the narration reporting his having said,

“If all the people enter upon a certain path but `Umar enters upon another, I will surely take the path of `Umar!”[37]

(6) `Abd al-Rahman ibn `Awf (died in AH 31)

Later on, we will discuss in details the role that `Abd al-Rahman played in sketching the conducts of Abu-Bakr and `Umar and his standing in the view of `Umar in particular. Yet, nothing has been reported from him concerning the recordation of the Hadith.

(7) Abu-`Ubaydah ibn al-Jarrah

This man died before the caliphate of `Umar and did not record any book.

(8) Zayd ibn Thabit (died in AH 45)

It has been narrated that Zayd was the first to compile a book about the rulings of inheritance. Ja`far ibn Burqan narrated that he had heard al-Zuhriy saying,

“Unless Zayd ibn Thabit compiled a book on the rulings of heritage, they would be unknown by the people.”[38]

Zayd, however, disagreed with `Umar on the issues of the share of grandmothers (from the heritage), the retaliation of Muslims who kill Dhimmis, and other issues.

(9) `Abdullah ibn `Abbas (died in AH 68)

It has been reported from Salma that she saw `Abdullah ibn `Abbas carrying tablets that comprised the writings of Ibn Abi-Rafi’ about some of the Holy Prophet’s deeds.[39] It has been also narrated that he left numerous books after his demise.[40] Many narrations have been reported from him confirming the necessity of recording knowledge.[41]

Yet, the narration of Tawus that `Abdullah ibn `Abbas disliked recording the knowledge requires thorough investigation because it opposes many other narrations. Previously, we have cited his disagreement with `Umar regarding the issue of the lady that became pregnant only six months after her marriage.

(10) Al-Dahhak ibn Sufyan al-Kilabiy

The Holy Prophet wrote a message to al-Dahhak instructing him to give the widow of Ashyam al-Dibabiy her due from the legacy of her husband.[42] Al-Dahhak, then, sent a message to `Umar telling him about the contents of that message.[43]

(11) Shaybah ibn `Uthman al-`Abdariy (died in AH 57)

Al-Muzziy, in *Tahdhib al-Kamal* 12:604, has written the biography of Shaybah without mentioning that he had compiled a book. Yet, he referred to the aforementioned narration concerning his disagreement with `Umar on the issue of the fortune of the Holy Ka`bah.

(12) A woman that found fault with `Umar

It is probable that this woman was Fatimah bint Qays, al-Dahhak's elder sister, about whom Abu-Salamah reported some narrations. Muhammad ibn `Amr narrated that Abu-Salamah reported that Fatimah bint Qays compiled a book in which she related her story…44 According to one of her narrations, `Umar said to her, "We should not neglect the Book of our Lord and the Sunnah of our Prophet because of a statement said by a woman whom we cannot tell whether she is honest or not!"

(13) `Ammar ibn Yasir (martyred during the Battle of Siffin)

`Ammar is one of the excellent and grand Sahabah. Having been one of the adherents to Imam `Ali, he was martyred during the Battle of Siffin. The Holy Prophet predicted his martyrdom at the hands of the despotic party.

Although any compilation of `Ammar cannot be found, he joined the school of reporting the Hadith since he, in the issuance of religious verdicts, thoroughly complied with the sacred texts, he objected to the caliphs' adoptions of personal views and imitated the jurisprudential course of Imam `Ali.

(14) Abu-Musa al-Ash`ariy (died in AH 42)

It has been narrated that Abu-Musa al-Ash`ariy, replying to the message of `Abdullah ibn `Abbas, wrote that the Holy Prophet used to… etc.45 Abu-Zayd Bakr ibn `Abdullah said, "The Shahid `Ali Library in Turkey keeps a manuscript compiled by Abu-Musa al-Ash`ariy."46

It has been also narrated that he defended the recordation of the Holy Sunnah. Later on, we will discuss in details the jurisprudential course of Abu-Musa to prove whether he backed the Opinionists or the compliers with the sacred texts.

(15) Sa`d ibn Malik; Abu-Sa`id al-Khidriy (died in AH 74)

Abu-Sa`id is reported as saying, "Except the Holy Qur'an and Hadiths concerning the *Tashahhud*, we used not to record anything."47 Al-A`dhamiy says: "It is probable that Abu-Sa`id wrote down some of the Hadiths for `Abdullah ibn `Abbas."

Yet, these reports are contradictory to the narration that Abu-Sa`id reported the Holy Prophet's saying: "Do not record anything of my words and deeds. Now, anyone who has recorded anything other than the

Qur'an must erase it."[48]

(16) Zayd ibn Arqam (died in AH 66)

Zayd recorded some of the Hadith and sent them to Anas ibn Malik, such as the Holy Prophet's praying to Almighty Allah to forgive the Ansar and their descendants.[49] He also objected to some of `Umar's verdicts and narrated too much about the merits of Imam `Ali.

(17) Al-Barra ibn `zib (died in AH 72)

Muhammad `Ajjaj al-Khatib has recorded that al-Barra ibn `zib used to report and record the Hadith.[50] It has been also narrated from Waki` on the authority of his father that `Abdullah ibn Hanash said that he had seen them (seekers of knowledge) recording al-Barra''s lectures on the palms of their hands using canes.[51] Besides, al-Barra' narrated numerous traditions about the merits of Imam `Ali. Yet, his situation concerning the meeting of *Saqifah* has been previously cited.

(18) `Abdullah ibn `Umar ibn al-Khattab (died in AH 74)

It has been narrated that `Abdullah used to record the Hadith. Ibrahim al-Sa'igh narrated on the authority of Nafi` that `Abdullah ibn `Umar kept many books which he used to read.[52] Later on, we will discuss `Abdullah's situation against his father and arguments about the necessity of the thorough compliance with the sacred texts, although he himself violated this trend on definite occasions.

(19) Salman al-Farisiy (died in AH 32)

Ibn Shahrashub has recorded that Imam `Ali followed by Salman al-Farisiy were the first to compile books in Islam.[53] About Salman, Sayyid Hasan al-Sadr says, "He recorded the conversation the Roman Catholicos whom were sent by Caesar after the Holy Prophet's departure."[54] Al-A`dhamiy has also recorded that Salman seemed to write some of the Hadiths for Abu'l-Darda'.[55]

Ahmad ibn Hanbal, in *al-Musnad*, has recorded a number of narrations reported by Salman indicating that he followed the trend of the thorough compliance with the sacred texts. As a matter of fact, a deep look in the life account of Salman demonstrates that he was one of the chief adopters of the School of Through Compliance with the Sacred Texts. This is not strange, since he was, in the words of the Holy Prophet, one of the Ahl al-Bayt in honor, not reality.[56]

(20) Abu-Hurayrah al-Dusiy (died in AH 59)

Al-Fadl ibn Hasan ibn `Umar ibn Umayyah al-Dumayri has narrated that his father said that Abu-Hurayrah denied a Hadith after he had heard from him. Yet, his father said, "I have heard this Hadith from you personally!" Abu-Hurayrah replied, "If you have heard this Hadith from me, this means that it is written with me."[57]

Generally, some of Abu-Hurayrah's statements indicate that he followed the trend of the thorough compliance with the sacred texts and others indicate that he supported the Opinionists.

(21) Tamim al-Dariy

Previously, Tamim's objection to `Umar's having prohibited him to offer a prayer after the `Asr (obligatory) Prayer has been cited.

(22) Al-Miqdad ibn al-Aswad

Al-Miqdad has not been reported as having compiled or recorded the religious knowledge. Yet, he is well-known for his following Imam `Ali in everything. He must thus have been following the trend of the thorough compliance with the sacred texts.

(23) Abu-Dharr al-Ghifariy

Ibn Shahrashub has added Abu-Dharr's name to the list of the foremost compilers in Islam.[58] It is also well-known for everybody that Abu-Dharr disagreed with the Opinionists and the ruling authorities in general and `Uthman ibn `Affan in particular. Besides, he was one of the sincere disciples of Imam `Ali.

Conclusions

On the strength of the previous simple inventory, we conclude that the Sahabah who objected to the Opinionists were either the compilers of the Islamic knowledge or the disciples of Imam `Ali who participated in his campaigns.[59]

As regards the earlier, the compilers of books on the Islamic knowledge are those who thoroughly complied with the sacred texts. They are also not reported to have narrated any item revealing the prohibition of reporting and recording the Hadith. Rather, the Sahabah who thoroughly complied with the sacred texts encouraged on reporting and recording the Hadith.

They thus disagreed with the other party whose members practiced Ijtihad and prohibited the reporting, writing down, and recording of the Holy Sunnah.

In other words, there is inherence between the recording of the Hadith and the thorough compliance with the sacred texts. Similarly, there is inherence between the prohibition from recording the Hadith and the practice of Ijtihad and Opinionism.

For instance, `Ammar ibn Yasir followed the School of Thorough Compliance with the Sacred Texts, as will be proven in the coming chapters, although he did not write down any book in the field of the religious knowledge. On the other side, `Umar ibn al-Khattab and Zayd ibn Thabit followed the School of Ijtihad and Opinionism although they did write down some books.

However, ponderation over their books proves that these books comprised nothing more than their personal views and opinions and that all the narration mentioned therein supported their trend. As a result, the compilers of books on Islamic knowledge are those who followed the School of Thorough Compliance with the Sacred Texts.

The following points can also be concluded in this respect:

1) The claim that the Holy Prophet had prohibited from recording his traditions is unsubstantiated.

2) The recordation of the items of knowledge started during the Holy Prophet's lifetime and under his commandment. This trend then extended with the Sahabah who believed in the sacredness of the texts of the Holy Qur'an and Sunnah.

3) During the reign of `Umar, there were records comprising the Holy Prophet's Hadith. From this cause, he ordered such records to be brought to him.

4) The prohibition of recording the Hadith was issued during the reigns of Abu-Bakr and `Umar and under their commandment. Thus, the decision did not acquire any legitimacy from the Holy Prophet's texts.

In this regard, al-Mu`allimiy says:

"Had the Holy Prophet prohibited the recordation of the Hadith, Abu-Bakr would not have recorded some Hadiths and, likewise, `Umar would not have had the intention to record, too."60

Since the records of the Hadith were available, why did `Umar have an aversion to spread them and why did he declare that the Book of Allah was sufficient? Similarly, why have Ibn Hazm and his likes found it improbable for `Umar to detain some of the Sahabah?

To answer these questions, we say that the reporting and recordation of the Hadith were the basic barriers against the acceptability of the personal opinions of Abu-Bakr and `Umar. Hence, the first step on their course of the adoption of personal opinions was directing the people to depend upon the Holy Qur'an alone, reduce reporting the Hadith, and stop recording it.

Such directions created a huge gap between ordinary people and their Prophet's traditions and paved the way for the new substitute, which was the Ijtihad of the Sahabah. The following step was therefore the presentation of the Ijtihad as the substitute of the Hadith.

As a matter of fact, the Holy Prophet anticipated openly the imminent happening of such and declared his displeasure with it as he confirmed that his words are as sacred as Almighty Allah's Words.

In the conception of `Umar, the prohibition of spreading the Hadith was a social necessity imposed upon him by the surrounding circumstances. It was tantamount to the reaction of his ignorance with the Holy

Prophet's traditions as well as the reminiscence that he had kept in his mind when the Holy Prophet prohibited him from recording the distorted heritage of the Christians and Jews when he had written sections from the distorted Torah.

By the prohibition of recording the Hadith, `Umar only wanted to apply the Holy Prophet's prohibition from recording the heritage of the Ahl al-Kitab. Yet, the difference between the two is totally clear. Finally, had Abu-Bakr and `Umar recognized the instructions of the Holy Prophet, they would not have violated his orders and invented contradictory courses.

Detainment Of The Reporters Of Hadith

It has been narrated on the authority of Sa`d ibn Ibrahim on the authority of his father that `Umar detained three individuals in the charge of much reporting from the Holy Prophet. These three were `Abdullah ibn Mas`ud, Abu'l-Darda' and Abu-Mas`ud al-Ansariy.61

Al-Khatib al-Baghdadiy, in *Sharaf Ashab al-Hadith*, has recorded that `Umar ibn al-Khattab, once, summoned `Abdullah ibn Mas`ud, Abu'l-Darda' and Abu-Mas`ud and said to them, "Why are you reporting so much from the Messenger of Allah?" He then detained then in al-Madinah.

It has been narrated on the authority of Sa`d ibn Ibrahim on the authority of his father that `Umar reproached `Abdullah ibn Mas`ud, Abu'l-Darda', and Abu-Dharr for they have reported too much from the Holy Prophet. He then detained them in al-Madinah until his death.62

`Abd al-Rahman ibn `Awf is reported as saying, Before his death, `Umar ibn al-Khattab ordered the companions of the Messenger of Allah, namely `Abdullah (ibn Mas`ud), Hudhayfah, Abu'l-Darda', Abu-Dharr, and `Uqbah ibn `[illegible]mir, to be present before him although they lived in remote countries. He then reproached them for having spread the traditions of the Messenger of Allah in these countries.

"Are you now preventing us from such?" asked they.

"No, I do not," answered `Umar. "Yet, you will reside here, and you will never depart me so long as I am alive. I am more knowledgeable. I will hear from you and reply." Hence, they could not leave the capital until the death of `Umar.63

In `Umar's statements of reproach, he used the words 'too much reporting' and 'spread of the Hadith'. This obviously indicates that the 'too much' reporting from the Holy Prophet would create comprehension of the Muslims and embarrassment of `Umar on definite circumstances.

Yet, `Umar did not accuse them of fabrication or forgery; rather they were accused of too much reporting and spreading of the Hadith since spreading of the Hadith was harmonious to the finding faults with `Umar's decisions and verdicts, especially when the Hadith carries a clear-cut statements of the Holy Prophet. This fact can be much more understood through the following narration:

When `Umar summoned Ubayy ibn Ka`b and ordered him to reduce reporting from the Holy Prophet, Ubayy answered, “Does this mean that you are accusing me of forgery against the Messenger of Allah?”

“No, it does not,” answered `Umar. “Yet, I dislike seeing the reporting from the Messenger of Allah such expansive.”64

On other occasions, `Umar ordered the Sahabah to reduce reporting from the Holy Prophet except in common questions.65

The purpose beyond the prevention in the earlier narration is too clear to require explanation; `Umar disliked seeing the Hadith expansively widespread so that the errors and jurisprudential defects of his government and him would not be known to everybody. In the latter narration, `Umar permitted reporting the Hadiths that discuss common questions that are known to all Muslims.

Alternatively, it is impermissible to report Hadiths unknown for the people and, perhaps, for `Umar himself since such Hadiths would possibly be contrary to his personal opinions and Ijtihad and thus a problem would occur to the ruling system, which is seen as the religious authority of the Islamic community. From this cause, `Umar ordered the Sahabah to reside near him and never depart so long as he would be alive for he was more knowledgeable… etc.

The aforesaid discussions prove that `Umar disliked reporting from the Holy Prophet and the Sahabah disliked such. This is of course opposite to the claims that `Umar prohibited only the recordation of the Hadith!

It is now possible to add other names to the list of those who objected to `Umar. These are Abu’l-Darda', Abu-Mas`ud al-Ansariy, and `Uqbah ibn `□mir.

Details about the personalities, manners, and courses of those Sahabah will be postponed to other occasions;66 yet the point to be aroused hereby is that the Sahabah who objected to `Umar were not only thirteen, as has been claimed by Ibn Hajar, or only seven, as has been claimed by Musa Jarullah; rather they were more and more. It is thus sufficient to mention that too many were the Sahabah whose jurisprudential opinions were congruous with the Ahl al-Bayt’s jurisprudence.

Conflicting Opinions

It has been narrated that a man, once, asked (`Abdullah) Ibn `Abbas about the legal share of a daughter from her father’s legacy when there is also his full sister. Ibn `Abbas answered, “The share of the testator’s sister is nothing. The whole inheritance must be given to the daughter who receives a half of it in the form of her legal share and the other half in the form of the nonexistence of other heirs.”

“But `Umar decided something else,” said the asker.

“Are you more knowledgeable that Allah?” answered Ibn `Abbas with annoyance.

The asker then went to Ibn Tawus al-Yamaniy because he could not understand Ibn `Abbas’s statement. Explaining the question, Ibn Tawus said to the asker, “My father has told me that he had heard Ibn `Abbas saying, Almighty Allah says (in the Holy Qur'an),

“***If it is a man that dies leaving a sister but no child, she shall have half the inheritance.”*** (***Holy Qur’an: 4/176***);

while you are deciding that such a sister shall have half the inheritance even if she has children!”[67]

In the aforesaid question, `Umar distributed equally the inheritance between the testator’s daughter and full sister. In his opinion, daughters are not included when the word ‘son’ is used.[68] This is in fact a concept that was used in the pre-Islamic era. Yet, this opinion is obviously opposite to the Holy Qur'an that reads,

“Allah (***thus***) ***directs you as regards your children's Inheritance: to the male, a portion equal to that of two females.*** (***Holy Qur’an: 4/11***)***”***

Accordingly, the word ‘children’ in the holy verse indicates both sons and daughters. Hence, the children’s testator prevent the brothers and sisters (i.e. their uncles and aunts) from receiving anything from the inheritance. In this respect, the Holy Qur'an reads,

“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***)

Ibn `Abbas also objected to another decision of `Umar as regards the shares of inheritances. When he was asked to distribute an inheritance, `Umar did not recognize how the shares should be distributed; he therefore had to confess, saying, “In fact, I do not know which category of you (the heirs) has been preferred according to the law of Allah. The best solution that I can see is that to distribute the inheritance among you in equal shares.”

Objecting to this opinion, Ibn `Abbas said, “I swear by Allah that if you had followed the instructions of Allah in this regard, the shares of the inheritances would never have been imperfect.”[69]

On a third occasion, `Umar issued two different verdicts for the same question. About the shares of the inheritance of a lady who had a husband, mother, two half (maternal) brothers, and two full brothers, `Umar decided to give the husband half the inheritance, the mother the sixth, and the two half brothers the remainder, which is the one third. Hence, the two full brothers were given nothing because no shares remained.

A similar question was provided before `Umar and he decided to follow the same previous distribution. But one of the full brothers objected to him saying, “We share with the testator in the father while they only share with a mother.

Hence, if you will deprive us of shares because of our father, you should give us a share through our mother in the same way as you have decided a share for these half brothers through their mother. Even if our father was a donkey, we and they lived in the same womb!”

Having been convinced of their pleading, `Umar decided to make them partners in the remainder, which is the one-third of the inheritance.[70] When he was reminded that his decision about a similar case had not been this one, `Umar said, “Well, that decision was for that case and this decision is for this!”[71]

Al-Shafi`iy, in *al-Risalah*, Abu-Dawud and al-Bayhaqiy have recorded on the authority of Tawus that `Umar, once, asked the attendants whether they had heard anything from the Holy Prophet about the blood money for fetuses. Haml ibn Malik ibn al-Nabighah stood up and said, “One of my bondmaids, once, hit another pregnant one on the abdomen that she aborted her fetus.

In this case, the Holy Prophet decided a coot as the blood money for the fetus.” `Umar thus said, “If I have not heard this story from you, I would decide another thing. In fact, I was about to depend upon my own opinion in this question.”[72]

`Ubaydah al-Salmaniy is reported as saying, “I have memorized one hundred different rulings that `Umar had decided as regards the share of grandfathers from inheritances!”[73]

Dr. Muhammad Madkur, commenting on `Umar’s various opinions about the share of grandfathers from inheritances, says,

“`Umar insisted on making grandfathers precede brothers as regards the shares of inheritance. He used to say, ‘If I have the right to decide, I will give the whole inheritance to the grandfather.’ He then changed his mind and said, ‘I am afraid that I will disappoint them. They all may be right.’

He then again changed his mind and decided to distribute it among them provided that the share will not be less than one-sixth. Again, he changed his mind and decided to distribute it among them provided that the share will not be less than one-third.

Such contradiction and instability occurred only because the question was not explained by any sacred text at all; therefore, personal opinions must have been the judge. From the dialogue between Zayd ibn Thabit and `Umar ibn al-Khattab, we can conclude that Zayd used a style of simile making his opinion logic and acceptable.”[74]

After citing the statement of `Ubaydah al-Salmaniy and the holy verse,

“For parents, a sixth share of the inheritance to each, if the deceased left children; if no children,

***and the parents are the* (*only*) *heirs, the mother has a third."* (*Holy Qur'an: 4/11*)**

Dr. Qal`achiy says,

"From this verse, we can conclude that the remainder is the share of the grandfather. In fact, `Umar noticed his instability as regards the share of the grandfather with the existence of brothers of the testator; he therefore consulted the Sahabah more than once. Yet, he could not reach at a decisive resolution.

A little time before his death, `Umar wanted to find a positive solution for the question so that the matter would not be left unsettled. He consequently wrote an epistle in this regard and prayed to Almighty Allah saying: 'O Allah! If this matter is correct, I please you to bring it to an end.'

When he was stabbed, he erased that epistle so that none would realize what had been written therein. He then declared: 'I have written a book about the share of the grandfather and the Kalalah and I have prayed to Almighty Allah to guide me in this matter. Yet, I think that I would better leave you in the state in which you were."[75]

Al-Suyutiy, in *al-Ashbah wa'l-Nadha'ir*, commenting on `Umar's various opinions about the question of the grandfathers' share of inheritances, says,

"The reason of such variation is that the second Ijtihad was not better than the first. This means that he could not determine anything. This of course would bring about intense hardship since if a decision is canceled, the other will be canceled and so on."[76]

The following issue proves unfalteringly that `Umar ibn al-Khattab used to practice Ijtihad in questions the rulings of which have been previously decided by the Holy Qur'an and Sunnah:

The Holy Prophet, once, told him that he would never understand the ruling regarding the share of grandfathers from inheritances. Nevertheless, `Umar exceeded that prediction and acted upon his personal opinions in this issue. In this connection, it has been narrated on the authority of Sa`id ibn al-Musayyab that `Umar, once, asked the Holy Prophet, "How are the shares of grandfathers from inheritances counted?"

The Holy Prophet answered, "Why are you asking about this, `Umar? I see coming that you will die before you understand this issue."

Truly, `Umar departed life before he could understand that question.[77]

Al-Salihiy al-Dimashqiy, in *Subul al-Huda wa'l-Rashad* 9:287, has recorded that Ibn Rahawayh and Ibn Mardawayh narrated on the authority of Sa`id ibn al-Musayyab that `Umar asked the Holy Prophet about the shares of the *Kalalah* from inheritances.

“Has Almighty Allah, in the Holy Qur'an, not explained it (saying,

And if a man or a woman leaves property to be inherited by neither parents nor offspring, and he (or she) has a brother or a sister, then each of them two shall have the sixth, but if they are more than that, they shall be sharers in the third after (payment of) any bequest that may have been bequeathed or a debt that does not harm (others); this is an ordinance from Allah: and Allah is Knowing, Forbearing (Holy Qur'an: 4/12))?”

`Umar yet did not understand the verse; therefore, Almighty Allah revealed his Saying,

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

Again, `Umar did not yet understand the verse. He thus asked his daughter Hafsah, one of the Holy Prophet wives, to ask the Holy Prophet to explain the question for her when she would find him relaxed and pleased. When she did, the Holy Prophet said, “It was your father who asked you to do such. I see that your father shall never understand this question.”

As a result, `Umar used to say, “I shall never understand this question. It was the Messenger of Allah who said so.”78

In conclusion, it is not improbable to say that Imam `Ali's famous saying, ‘One who likes throwing oneself in the depths of Hell may issue a verdict about the grandfather's share of inheritance,’79 arose from the innumerable contradictory verdicts of Abu-Bakr and `Umar, in particular, as regards the matter involved about which they openly violated the Holy Qur'an.

The Claim Of The Holy Prophet's Adoption Of Personal Opinions

In the light of the preceding discussion, the caliphs had to adopt Ijtihad as a starting point through which the difference between the Sahabah's religious opinions, or the caliph for one side and the Sahabah for the other, can be justified since it is the shelter to which the Opinionists and their fans can resort for solving any opposition noticed in the Sahabah's religious opinions.

Yet, the subject must be investigated from its roots with rationality so that it will be proven whether the Holy Prophet used his personal views in the issuance of religious rulings or this claim has been fabricated against him for the sake of giving good reason for the Sahabah's Ijtihad.

At the outset, it is illogic that the Messenger of Allah whose divine mission is to convey the laws of

Almighty Allah to all the peoples on this planet could betake personal views as method of identifying the divine laws.

Had he been allowed to use his personal outlooks, he would not have waited for the Divine Revelation so as to judge in the questions of the *li`an* (oath of condemnation between spouses),80 the shares of maternal and paternal aunts from inheritance, and others.81

Since the Holy Prophet was able to obtain certainty through waiting for the Divine commandments, it should be illogic for him to depend upon hypothetical decisions that are the natural outcomes of Ijtihad. Furthermore, the Holy Qur'an has confirmed the necessity of the commitment to the Holy Prophet's words, such as in the holy verses:

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

"But no, by the Lord, they can have no real faith until they make thee judge in all disputes between them, and find in their souls no resistance against thy decisions, but accept them with the fullest conviction. (***Holy Qur'an: 4/65***)***"***

It is thus impossible for Almighty Allah to order us to commit to words that are grounded upon conjectures and are mistakable, while He, the Almighty, has taught us that

"conjecture avails nothing against Truth. (***Holy Qur'an: 53/28***)***"***

It is now obvious that the insistence on the argument that the Holy Prophet rested upon his personal views in the issuance of religious rulings has been invented in order to find acceptable excuses for the Sahabah's Ijtihad in general and the personal opinions of Abu-Bakr and `Umar in particular and to grant such Ijtihad and opinions a legal mark.

A thorough, yet impartial, investigation of history and Hadith proves this fact. Again a thorough investigation of the proofs on the Holy Prophet's supposed Ijtihad that the Opinionists have provided shows that their one and only purpose has been the meaning that he made mistakes in the field of issuing religious rulings. They therefore attempted to find solution for this complicated problem through the invention of Ijtihad and Opinionism.

Even if we succumb to the idea that the Holy Prophet's words and deeds were originated from his personal opinions that are, according to the Opinionists' supposition, allowable, why do most of their statements and intimations suggest that he broke the commandments of Almighty Allah on many occasions, such as the famous narration of offering prayer for a hypocrite, and also failed to meet the humanitarian restraints, such as in the story of the blind when he frowned and turned away, to the degree that al-Zamakhshariy has been so impolite that he claimed that Almighty Allah's saying "*Allah pardon you*" stands for the happening of a felony since pardon is always associated with felonies;

therefore the interpretation of the verse is that 'you have made a mistake and very bad was your deed!'[82] It is extremely impudent to dare say such a thing about the Holy Prophet.

The Opinionists who prohibited the recording and reporting of the Hadith have dared to say such things about the Holy Prophet while they have confirmed that the Divine Revelation agreed to `Umar in all the questions in which the Holy Prophet was wrong! Then, the Holy Prophet submitted to `Umar!

The gentle reader is now dispensing with further explanation and can easily understand the mystery beyond such contradiction and the secret beyond their ascribing mistakes to the Holy Prophet while `Umar's situation was always so accurate that even the Divine Revelation testified for him!

Again, even if we yieldingly accept that the Holy Prophet was no more than an ordinary mortal who enjoyed divine talents; most of his worldly affairs and decisions had nothing to do with the Divine Revelation; even in military affairs he used to consult the Sahabah, such as in the truce with the Ghatafan tribe during the Battle of al-Ahzab,[83] the decision of fighting during the Battle of Uhud,[84] the adoption of Salman al-Farisiy's opinion about the digging of a trench around the city of al-Madinah during the Battle of al-Ahzab,[85] the adoption of Habbab's opinion about choosing the place of residence just before the Battle of Badr, and the adoption of Sa`d ibn Mu`adh's opinion concerning the establishment of an arbor[86] and many other occasions.

Even if we overlook the fact that all the words and deeds of the Holy Prophet, throughout his holy lifetime, were on the instructions of Almighty Allah and that he consulted his companions only to appease them and teach them experience and management since his final decisions were all received from the Heavens—even if we overlook all theses fact, still the Holy Prophet's issues were unlike `Umar's Ijtihad and adoption of personal views all of which were in the field of the religious rulings, not in worldly affairs. Besides, even if we accept to them as regards the personal opinions of the Holy Prophet, he (the Holy Prophet) is still unlike others, for his opinions were based upon sound grounds since he had full acquaintance with the actual advantages, disadvantages, overtures, and results of all subjects. On this account, his supposed Ijtihad is not like the others' Ijtihad.

Back to the main topic, the Opinionists have just intended, by the invention of the conception of the Holy Prophet's having rested upon his personal views, to argue that the Sahabah were only imitating the Holy Prophet; hence, they must not be blamed for such.

To rest upon the explicit circumstances of an issue does not denote the Ijtihad as a term. The Holy Prophet is reported to have said,

"My judgments are based upon the explicit circumstances of an issue that is filed before me. While you are making me the judge in your disputes, some of you may err in providing his case or his evidences."[87]

This statement denotes that a judge must give a verdict on the light of the presented proofs and claims,

not the actuality that may be hidden or unknown unless awareness of the unseen is obtained. Although the Prophets, Messengers, and their Successors can be acquainted with the unseen, they have been ordered to judge according to the explicit claims and proofs except in special cases, such as the story of al-Khidr with Prophet Moses.

It has been also familiar that the Holy Prophet used to judge according to the regulations and laws known to everybody so that the human regulations and legal laws will not be infringed. On account of his connection with the Divine Revelation, the Holy Prophet recognized the actuality of each issue because he has been full acquainted with the Preserved Tablet (*al-Lawh al-Mahfudh*).

In this regard, all Muslims agree unanimously that the Holy Qur'an was revealed twice; the first complete revelation occurred on the Grand Night (*Laylat al-Qadr*)[88] and in the second time, the Qur'an was revealed in sections on definite involved occasions.

It is now not unacceptable to claim that some of the Holy Prophet's judgments were issued on the grounds of his previous knowledge of the unseen -of course, only when the situation requires such- before the second partial revelation of a verse in this regard.

Another example that supports our discussion is the Holy Prophet's having wished had the Kiblah[89] been turned to the Sacred Masjid. Had he been permitted to rest upon his personal views, he would certainly have decided the Sacred Mosque as the new Kiblah and would not have turned his face towards the holy Mosque of Jerusalem (for prayer) for more than six months. Only when the holy verse,

"We see the turning of thy face for guidance to the heavens: now Shall We turn thee to a Kiblah that shall please thee. Turn then Thy face in the direction of the Sacred Masjid. (***Holy Qur'an: 2/144***)***"***

was revealed, he turned his face towards the new Kiblah. This is of course a clear-cut proof that the Holy Prophet waited for and firmly observed the commandments of Almighty Allah, unlike the claim that he might have rested upon personal opinions as regards the religious issues.

Then, the Opinionists have argued that the following holy verse encourages Ijtihad and deems legal for the Holy Prophet to rest upon it:

"We have sent down to thee the Book in truth, that thou mightest judge between men, as guided by Allah: so be not (***used***) ***as an advocate by those who betray their trust.*** (***Holy Qur'an: 4/105***)***"***[90]

The statement 'as guided by Allah' comprised by the holy verse has been interpreted into 'by means of your view and personal efforts in the field of deducing the religious rulings'. This is indeed contrary to the actual meaning of the verse, since in its first part, Almighty Allah tells that 'Book' must be the reference in the deduction of rulings.

The fans of the School of Opinionism has intended to validate their personal views even in the field of

the religious schools. During the Holy Prophet's lifetime, they used to prefer the rulings to be derived from the Holy Qur'an and the words of the Holy Prophet who prohibited them to rest upon their opinions since he was the authority that protected against committing mistakes. Yet, as soon as he departed this world, they applied their personal views to all the issues, whether there were sacred texts in this respect or not.

During the reign of `Umar, this trend attained its climax after the Opinionists and the ordinary people had been influenced by this trend.

The Sahabah's reference to and receipt from the Holy Prophet indicated that their opinions might have been acceptable due to the approval of the Holy Prophet, not the personality of the owner of the opinion.

Incidents prove that resting upon personal opinions in the issuance of religious rulings was definitely rejected during the Holy Prophet's lifetime: It has been narrated that when Usamah ibn Zayd was the commander of a brigade, he ordered to raid on a group of people among whom was Mirdas who had already converted to Islam.

Having seen the attacking horsemen of Usamah's brigade, Mirdas drove his sheep towards a corner in the mountain so as to save them. When the horsemen caught him, he received them with statements of *Allahu Akbar* and the two creeds of Islam; but Usamah ibn Zayd killed him and took his sheep. When the Holy Prophet heard of this incident, he was terribly depressed. He then said to them, "You have killed him only because you wanted to seize his sheep!" He then recited Almighty Allah's saying,

"And do not say to any one who offers you peace: You are not a believer. Do you seek goods of this world's life! (***Holy Qur'an: 4:94***)*"*[91]

The Holy Prophet then ordered Usamah to undergo the blood money for the man.

Because Usamah rested upon his personal view in the issue, the Holy Prophet reproached him and regarded his decision as invalid. Accordingly, he ordered Usamah to undergo the blood money.[92] Similarly, the Holy Prophet said about the crime of Khalid ibn al-Walid, "O Allah! I am releasing myself before You from the deed of Khalid."[93]

For shedding more light on the subject, let us re-quote Dr. Madkur as saying:

"We thus can argue that the Holy Prophet did not require Ijtihad in this very sense. After the departure of him and, more precisely, during the age of the Sahabah that ends with the elapse of the first century after the Hijrah, the Sahabah, because of the expansion of the Islamic State and the conquests, had to encounter new questions that they had never known before.

They therefore had to experience the jurisprudential questions, especially after the cessation of the Divine Revelations, so as to find solutions for the first-time issues that occurred to their cursorily incremental state that comprised miscellaneous countries and races."[94]

Dr. al-Dawalibiy also says,

“During the Holy Prophet’s lifetime, the Ijtihad did not play any considerable role; rather it was restricted to certain issues.”95

Dr. Nadiah al-`Umariy says,

“Even during the Holy Prophet’s lifetime, `Umar used to suggest verdicts that he considered in agreement with virtue, right, and advantage.”96

All the aforecited quotations support our confirmation that Ijtihad, as a current term, was not regarded as valid during the Holy Prophet’s lifetime; rather it became a meaningful term at the hands of Abu-Bakr and `Umar and their fans because they required the issuance of ruling verdicts with which they had not had acquaintance.

Back to the main topic, which is `Umar ibn al-Khattab’s situation with the Sahabah and their opinions about him, we have previously cited his situation with a Sahabiy, namely `Abdullah ibn Mas`ud, about him he said to the people of al-Kufah when he decided to send him there along with `Ammar ibn Yasir to teach them religious affairs: “These two are among the most excellent companions of the Holy Prophet and among the warriors of the Battle of Badr. You should thus follow and listen to them. Be it known to you that I have preferred you to myself as I sent to you `Abdullah ibn Mas`ud.”97

Despite such praise and appreciation, `Umar detained and settled an account with `Abdullah ibn Mas`ud because he had spread and reported very much of the Hadith. Because of this very situation, `Uthman, later on, durst prevent `Abdullah from reporting the Hadith and reciting his own copy of the Holy Qur'an although the Holy Prophet has been reported as instructing his people to rest upon `Abdullah ibn Mas`ud’s copy of the Holy Qur'an, and durst lash him forty whips causing some of his ribs to be broken and forcing him to emigrate and die away from his hometown.

`Umar had to resort to violence as having dealt with the Sahabah because he knew that they had been unsatisfactory with his jurisprudential opinions and had objected to his views that were against the Holy Sunnah. Nevertheless, the Sahabah did not change their situations; they insisted on following what they had received from the Holy Prophet to the degree that one of them directed embarrassing questions to `Umar, in the presence of people, in order to inform that his personal views had been always inaccurate and far away from the Sunnah.

The Sahabah’s Frequent Inquiries To The Caliph

The following citations are sufficient for proving such questionings:

Al-Harith narrated that `Abdullah ibn Aws came to `Umar and asked him about the ruling appertained to a lady who menstruates during circumambulating the Holy Ka`bah.

“Such a lady must postpone the Circumambulation to be the last of her rituals,” answered `Umar.

“This is true,” said al-Harith, “The Holy Prophet also said the same answer.”

As he heard this statement, `Umar said to the man, “Damn you! You have asked me a question that you had put before the Holy Prophet so that I would contradict him.”98

Husham ibn Yahya al-Makhzumiy narrated that a man came to `Umar and asked about the ruling concerning a lady that, during the season of the ritual Hajj, menstruated on the Nahr (Immolation) Day.

`Umar answered, “It is impermissible for such a lady to continue unless she is clean.”

The man objected saying, “The Holy Prophet gave me a ruling other than this.”

`Umar immediately hit the man with the rod he had in his hand and reproached, “Why do you ask me about a matter that the Holy Prophet had already decided?”99

It is worth mentioning that there is a big difference between the decisions of the Holy Prophet as regards religious questions and the verdicts of `Umar. The Holy Prophet’s decisions are unrepealable since their source is the Divine Revelation, while `Umar’s verdicts, like any other verdict, can be generally repealed.100

`Umar thus aimed at canceling any difference that could be cited between the Holy Prophet’s decisions and his verdicts so that he would be able to find a legal feature to his personal views to take them to the level of the Holy Prophet’s words.

Yet, he had to pass by many stages before he could attain such a rank. He therefore claimed that the Holy Prophet rested upon his personal opinions in some religious rulings and thus his words might descend to the rank of the ordinary Opinionists and might be compared to any other verdict and then rejected! This is of course one of the most anomalous opinions!

A thorough investigation in the Sahabah’s objections to `Umar’s opinions proves obviously that the Sahabah doubted the accuracy of `Umar’s views. Yet, presentation of the aforesaid narrations does not authorize testing the capacities of a Muslim since this matter has been largely condemned through many traditions. Imam `Ali is reported as saying,

“When you ask, you must intend for learning something, not for embarrassing the addressee, for an ignorant is similar to a knowledgeable and, thus, an arbitrary scholar is similar to an obstinate ignorant.”101

He has also said,

“People are generally imperfect and self-important. The asker is obstinate and the answerer is conceited.”102

The Sahabah, although they were acquainted with the abomination of putting question for the purpose of test and obstinacy, tended to ask `Umar in order to embarrass him since they thought that such embarrassment would save them from their troubles and would make the others understand that `Umar's opinions were not always compatible to the religious instructions and the Holy Prophet's jurisprudential questions most of which were ignored by `Umar.

They also intended to inform the Muslims that `Umar had not possessed a distinctive capacity of inferring the religious rules from the sources (namely, the Holy Qur'an and Sunnah).

In my conception, the Sahabah, by presenting such issues before `Umar in order to embarrass him, did not mean to criticize the personality of `Umar; rather they only intended to defend the Islamic legislation and to prevent the personal views from finding a place in the sacred field of the issuance of religious issues.

Many are the narrations that prove that the Sahabah did not belittle or criticize the personalities of Abu-Bakr and `Umar, even when they disagreed with them, since the two held the leadership of the Islamic nation. The ordinary Sahabah who were not experts in the religious issues, however, adopted the opinions of Abu-Bakr and `Umar because they used to refer to the supreme leader in these questions.

It is now clear that the Sahabah disagreed with `Umar on various questions and he himself gave different opinions on the same question and such disagreements would affect the religious laws in the coming ages.

On this account, a big number of Muslim jurisprudents, in order to evade confusion between the Holy Prophet's decisions and the personal opinions that were issued after his noble lifetime, have made great efforts in the field of differentiating between the two since the Holy Prophet's decisions rested upon the Divine Revelations; therefore the Holy Prophet's decisions were called 'Sunnah' while the personal opinions were called 'Ijtihad'. In this respect, Dr. Madkur says,

"Naturally, the Ijtihad of the Sahabah created disagreement in viewpoints and contradiction in religious verdicts. Having not stopped at analogy, the Ijtihad of the Sahabah included all the aspects of opinions on bases of intuition, sound nature, and the spirit of Islamic legislation in addition to full awareness of the rational ground on which opinions were founded and its role in issuing religious questions."[103]

Influence Of Opinionism On Muslim Jurisprudence

Some authors have argued that the reason beyond the Sahabah's having issued disagreeing religious rulings was the difference in their intellects, awareness, and courses. Yet, those authors have absolutely pretended to forget the actual motives that made `Umar and his fans, who rested upon their personal opinions since the Holy Prophet's lifetime, adopt Opinionism in addition to the requirements of the general situation of the Islamic State.

Everybody knows that the Muslims' disagreements were not about whether the Holy Qur'an and Sunnah can be accepted as sources of the Islamic legislation or not; rather they disagreed about the point whether the words that were reported from Holy Prophet were actually said by him so that they would be included with the Sunnah or they were only fabricated for personal interests.

It seems that discrepancy in the reports from the Sahabah as regards the religious laws had a conception other than the claim of its having been a natural result of resting upon Ijtihad. This is because such discrepancy signifies disagreement about the intellectual trends that ruled at that time in addition to the fact that not every discrepancy can be justified as being personal Ijtihad.

Let us take the *Basmalah* (the phrase *Bism-illahir-rahmanir-rahim*: In the Name of Allah; the All-compassionate, the All-merciful) as an example: reference books of Hadith and biography of the Holy Prophet comprises a variety of opinions regarding this statement even in the opinions of a definite Sahabiy.

In a narration, Anas ibn Malik is narrated as having recited the *Basmalah*, during the obligatory prayers, in audible voice; and in another narration he is narrated as having instructed not to recite it audibly since Abu-Bakr and `Umar, when he had followed them in congregational prayers, did not recite it audibly; and in a third narration he is narrated as having issued another ruling about this very issue.

Referring to the four discrepant opinions of Anas ibn Malik as regards the *Basmalah*, al-Fakhr al-Raziy says,

"Three reports from Anas support the opinion of the Hanafiyyah School and three others contradict it: First, it has been narrated from Anas that when Mu`awiyah neglected the *Basmalah* in a prayer, the Muhajirun and Ansar objected to him.

This narration proves that reciting the *Basmalah* in the obligatory prayers was such a ordinary thing that all the Sahabah knew and practiced. Second, Abu-Qulabah narrated on the authority of Anas that the Holy Prophet, Abu-Bakr, and `Umar recited the *Basmalah* during the prayers. Third, when he was asked whether it is obligatory to recite the *Basmalah* audibly or not, Anas answered that he did not know.

Hence, reports from Anas as regards this question have been immensely confusing and contradictory. It is thus imperative to investigate the other indications. There is also another accusation concerning the same question; it has been narrated that `Ali used to recite the *Basmalah* in audible voice during the prayers and he also emphasized on it; yet when the Umayyad dynasty came to power, they emphasized on neglecting it so that they would cancel all the traditions of `Ali. Anas might have feared the Umayyad ruling authorities and therefore his verdicts became contradictory and confusing.

In my conception, whatever contradiction occurs between the verdicts of Anas and Ibn al-Mughaffah from one side and `Ali from the other, we will certainly accept `Ali's verdict, which is more acceptable under all circumstances. This is in fact a decisive solution for the question."[104]

The aforesaid discussion of al-Fakhr al-Raziy proves the intrusion of the ruling authorities in the religious laws. `Abdullah ibn `Abbas is also reported as saying,

"Have the people comprehended a verse that was not given to any Prophet other than our Holy Prophet and Prophet Solomon, son of David? This Verse is *Bism-illahir-rahmanir-rahim* (In the Name of Allah; the All-compassionate, the All-merciful)."105

It has been also narrated that Muhammad ibn Mansur said,

"I have heard Ja`far saying that people have neglected one of the grandest Names (of Almighty Allah). This is *Bism-illahir-rahmanir-rahim*."106

Although many religious laws have been exposed to such discrepancy and contradiction, let us cite another example on the ruling regarding extending the arms during the prayers (instead of folding them).

Some narrators have reported that the Holy Prophet used to extend his hands during prayers and accordingly Malik ibn Anas decided this method as the Sunnah (the Holy Prophet's actual deed)107 while others reported the opposite.

A third group of narrators have reported that he put one hand on the other without specifying the very place and a fourth group reported that he put his hands above the navel and so on. Al-Qasim ibn Muhammad was reported as saying,

"If I neglect the audible reciting in the prayers, some men of authority did neglect it, and if I do it, also some men of authority did do it."108

This narration proves that the two trends were followed by two groups of grand Sahabah each of which was followed by people.

It is now obvious that the expansive reports of the Sahabah, especially in the questions were the Ahl al-Bayt's opinions were opposed, establish the existence of two trends as regards the Islamic law:

The first trend included the Ahl al-Bayt and a few of the Sahabah who confirmed the *Basmalah* being a part of the Surahs and thus it is obligatory to recite it audibly in prayers. The second trend included others who opposed this ruling. The same thing is applicable to the question whether it is obligatory to extend one's arms in prayers or to put them one on the other.

Hence, discrepancy among the Sahabah was deep-rooted and based upon adopted fundamentals. A group rested upon the authentic traditions of the Holy Prophet while another group depended upon the verdicts of grand Sahabah who decided their personal views, according to definite criteria, even if such would oppose the Holy Prophet's words and deeds.

In other words, one who decided the impermissibility of adding 'Amen' to the Surah of al-Fatihah had

depended upon a fundamental of the Muslim jurisprudence while he who decided the *Basmalah* as being a part of the Surahs had also depended upon a fundamental in which he believed.

The same thing can be said about all the religious laws that were opposite to the words of the Ahl al-Bayt. From this cause, it can be confirmed that the discrepancies of the Sahabah were originated from their personal tendencies and trends that they had decided as fundamental pillars of the code of Islamic law; therefore, not all of them were pure Ijtihad, especially in the questions in which they have agreed with the Ahl al-Bayt that prove that some of the Sahabah observed certain fundamentals despite everything. It is thus quite inaccurate to claim that such narrations are doubtful because they were added by the miscreants to the Muslim jurisprudence as well as other unfounded claims.

As they inferred the religious rulings from the Holy Qur'an and Sunnah, the Sahabah wanted to attract people's attention to the existence of some people who issued personal views in the questions about which there were sacred texts just because those people were not full acquainted with all the indications of such sacred texts. Hence, people should follow either those who rested upon their personal opinions or those who committed themselves to the sacred texts.

Let us have another look at the aforementioned narration about the ruling appertained to a lady who menstruates during circumambulating the Holy Ka`bah. According to `Umar's verdict, such a lady must postpone the Circumambulation until she would be pure and only then she would be permitted to perform the Circumambulation.[109]

It is yet well-known that Zayd ibn Thabit and `Abdullah ibn `Umar, having been influenced by `Umar's verdict, also decided the same thing. However, both Zayd[110] and `Abdullah[111] changed their verdicts later on. It has been also narrated that `Umar himself retreated perhaps after he had been informed about `[illegible]'ishah's famous report that when Safiyyah menstruated after she had performed the *Ifadah* (one of the rituals of the Hajj), the Holy Prophet permitted her to continue.[112][569]

It has been also narrated that `Abdullah ibn `Abbas, answering the message of Zayd ibn Thabit in which he confessed of his inaccuracy in the question involved, said,

"I know better what the Holy Prophet said about (the rulings concerning) women. Yet, I desired to provide the proof on my claim from the Holy Qur'an that reads:

***'Then let them complete the rites prescribed for them, perform their vows, and* (*again*) *circumambulate the Ancient House.* (*Holy Qur'an: 22/29*)'**

Such a lady did complete the rites, perform the vows, and circumambulated the House. Nothing thus remained."[113]

The previous words of `Abdullah ibn `Abbas demonstrate that the Holy Prophet's decision was based upon the Holy Qur'an to which `Umar himself invited people by his famous saying, "Sufficient for us is

the Book of Allah." Hence, `Abdullah ibn `Abbas, after Zayd ibn Thabit had informed him that `Umar contradicted the Holy Qur'an, wanted to bind `Umar with his own claim.

Imam `Ali and `Abdullah ibn `Abbas presented the Holy Qur'an's texts, conceptions, and indications as their evidences on the actual rulings of the Islamic law in face of the personal views of the other Sahabah. Such presentations occurred so repeatedly that they undoubtedly indicate the following points:

First, they intended to prove to the Muslims that the majority, if not all, of the religious rulings can be deduced from the Holy Qur'an though the matter requires a little investigation, ponderation, inference, and sound rationality. Hence, it is unnecessary to resort to innovated sources of deduction, such as analogy and its likes, establishment of new fundamentals, and thorough dependence on Ijtihad and personal opinions.

Second, because scandalous discrepancies and contradictions occurred in the reports of the Sahabah, and even in the reports of a single Sahabiy, in addition to the imperfect conveyances from the Holy Prophet that they, in many cases, did not receive directly from him—these matters and others would make it unfeasible to rest upon the Sunnah in the issuance of religious rulings. Besides, not all the reporters have understood the very signification of the Holy Prophet's words.

If we add to the previous the ruling authorities' having prohibited the reporting and recording of the Hadith and the Sahabah's having been afraid of breaking this decision, we conclude that thorough resting upon the Sunnah would be unconvincing except in a few cases when reports support each other in a definite matter. Hence, reference to the Holy Qur'an would be inevitable taking into consideration the fact that an inference from the Holy Qur'an cannot be denied or refuted.

Third, Imam `Ali and `Abdullah ibn `Abbas aimed at binding those who claimed the sufficiency of the Holy Qur'an in solving all the problems with their claim. Such binding would show clearly the inconsistency between those Sahabah's claim and their theoretical and practical failure in the deduction of rulings from the Holy Qur'an.

On the other hand, the Sahabah who complied with the sacred texts comprehensively and who believed in the necessity of joining the Holy Sunnah to the Holy Qur'an were proven as the most experienced in deducing the religious rulings from these two sources.

To sum it up, the Islamic jurisprudence has unfortunately been influenced by the personal opinions of `Umar and thus the religious rulings have been affected by the discrepant and contradictory opinions of the Sahabah. This is because `Umar exerted all efforts in binding people with his decisions making them as sacred as the Holy Sunnah.

Similarly, some of the Sahabah pursued him in this regard causing discrepancy to the Islamic law. For instance, Abu-Hanifah, his two disciples, Ahmad ibn Hanbal, Zufar, and Ibn Abi-Layla—all these master scholars of Sunnite jurisprudence have decided that full brothers must be deprived of the heritage of

their sister who had a husband, a mother, and two half (maternal) brothers in addition to these two full brothers as has been decided by `Umar in an earlier issue. Malik and al-Shafi`iy, however, have decided shares to those full brothers as has been decided by `Umar on another occasion.

Yet, the most astonishing matter in this respect is that those master scholars have decided the accuracy of `Umar's both decisions although the question was the same! Moreover, they have decided that `Umar was not inerrant; that he might have committed mistakes! To support their claims, each has searched for other 'evidences'.

As a consequence, none should ever blame one who wonders whether Almighty Allah has decided the earlier or the later opinions of `Umar in this very issue! If the earlier decision was the correct, why did `Umar give the two full brothers shares of the heritage on the second occasion despite the fact that he knew that heritage is a financial right; and if such a right is violated, one will be responsible for the shortage in the shares of the others? Correspondingly, if those two full brothers should have enjoyed certain shares from their sister's legacy, why did `Umar deprive them of their shares in the earlier case?

Because of their intense emphasis on following the manners of Abu-Bakr and `Umar, the Holy Sunnah has been overlooked in such cases and none has recognized it save its real people. Unfortunately, such Ijtihad that violated the sacred texts found a large area in the field of the Muslim jurisprudence and thus became the ruler. Hence, in that age, the fabricated reports that claimed the prohibition of reporting and recording the Hadith were the prevalent.

In plain words, the manners of Abu-Bakr and `Umar became the dominant over the code of the Islamic law; and the Sahabah's questions that were directed to the caliphs became a common feature of their relationship with the ruling authorities.

It has been narrated that when Sa`id ibn Sufyan asked him about a religious question, `Uthman ibn `Affan interrogated him whether he had asked anyone else about the same question. When Sa`id answered negatively, `Uthman said: "Well, I will certainly behead him whom you ask about the very question and give you an answer dissimilar to mine!"114 Commentary on this incident is left for the gentle readers.

Acquiescence With `Umar On The Justification o The Prohibition

The fans of `Umar undertook the mission of conveying `Umar's justifications for his decision of the prohibition of reporting and recording the Hadith as extensively as they could. Thus, `Umar's justifications could not be distinguished from the justifications of the other Sahabah who followed him. This manifestly demonstrates an undeniable political fact that was invented by `Umar and his fans.

`Umar ibn al-Khattab ordered people to neglect the Holy Sunnah because he feared that it would be confused with the Holy Qur'an or that people would adhere to the Sunnah and disregard the Qur'an.

Abu-Hurayrah also repeated the same justifications on more than one occasion. According to *al-Mahki*y, `Abdullah ibn Mas`ud, Abu-Sa`id al-Khidriy, and Abu-Musa al-Ash`ariy, too, repeated the same justifications. It has been narrated on the authority of `Abd al-Rahman ibn Zayd ibn Aslam on the authority of his fathers on the authority of `Ata' ibn Yasar that Abu-Hurayrah reported,

One day, the Messenger of Allah came to us while we were recording the Hadith. He asked, "What are writing down?"

"These are Hadiths that we have heard from you," answered we.

"Do you want to depend upon a book other than the Book of Allah (the Holy Qur'an)?" reproached the Messenger of Allah. "The nations who came before you were misled only when they recorded books besides the Book of Allah."

Then I (Abu-Hurayrah) asked him, "O Allah's Messenger: May we report your words?"

"Yes, you may," answered the Messenger of Allah. "Anyone who forges lies against me deliberately must find himself a place in Hellfire."115572

It has been also narrated from Ibrahim al-Tamimiy that when `Abdullah ibn Mas`ud was informed about the existence of a book that they had with them, he came to them and insisted on seeing that book. They finally brought it to him. He then erased it and said,

"The peoples of the Divine Books who existed before you perished only because they attended to their scholars' books and neglected the Book of Allah."116

According to another narration, `Abdullah ibn Mas`ud said,

"The past nations attended to the books of their scholars and monks and neglected the Torah and Gospel so casually that they and the knowledge therein were lost."117574

Abu-Nadrah narrated that when Abu-Sa`id al-Khidriy was asked to dictate the Hadith, he said,

"We must not dictate for you! You must take it from us in the same way as we took from our Prophet."118

According to their narrations, Abu-Sa`id said,

"Do you intend to betake such books as Qur'an? When your Prophet was talking to us, we memorized."119

Abu-Nadrah also narrated that he once said to Abu-Sa`id al-Khidriy, "You are reporting to us from the Holy Prophet astounding things and we fear lest we will not memorize them as exactly as they are."

Abu-Sa`id answered, “So, you want to make it as Qur'an! No, you must receive from us in the same way as we have received from the Messenger of Allah.’120

It has been also narrated that Abu-Musa al-Ash`ariy said,

“When they wrote down a book with their own hands, the Israelites followed that book and neglected the Torah.”121

All these texts have a common justification, which is that the Israelites followed their scholars’ books and neglected the Torah. The same justification was presented by `Umar. Moreover, the same justification has been ascribed to Imam `Ali and `Abdullah ibn `Abbas. Again, all these prove that there has been a trend confirming and supporting `Umar’s opinion although we have previously discussed in details the inaccuracy of `Umar’s justifications for his decision.

As a conclusion, such contradiction between the Hadiths that confirmed the Holy Prophet’s permission to write down his traditions and the Hadith that confirmed his warning against so is meaningless unless a comparison will be made between the two.122

Yet, the comparison involved has acted as supporter for my own conception about the issue because the claim that the recordation of the Hadith was permitted only for the acquainted Sahabah while the ordinary people were not permitted to record—this claim is contrary to the deeds of `Umar with the grand Sahabah as regards this issue when he ordered them, without exception, to bring to him all their records of the Hadith and none has ever narrated that he accepted a single record.

Likewise, it has been argued that the prohibition of recording the Hadith was issued in the first Islamic age when the Qur'an was still revealed and thus the purpose behind such prohibition is to evade any confusion that would occur between the Holy Qur'an and the Hadith.

Yet, when the Holy Qur'an was completed and fully recognized by the Sahabah, only then were they permitted to write down the Hadith. This argument proves that the Holy Prophet, in the last of his holy lifetime, permitted the recordation of the Hadith and such permission was thus active.

Again, this proves my discussion that the decision of the prohibition was based upon a personal view of `Umar himself, not a religious ground. Even if we accept the contention that the Holy Prophet ordered not to write down his words and to erase anything that they had recorded as regards his traditions,123 the Sahabah would have certainly known these orders and applied it; and these orders should have been the main justification adopted by Abu-Bakr and `Umar for the issuance of their decision of prohibiting the recordation of the Hadith. The clear-cut conclusion that can be inferred here is that the Holy Prophet never warnws against recording the Hadith.

If we suppose that the Holy Prophet did prohibit recording the Hadith, then why did Abu-Bakr record these five hundred Hadiths and thus break the Holy Prophet’s order? Why did `Umar consult the

Sahabah about this issue?

Moreover, why did he pass over their advice of permitting the recordation of the Hadith? Finally, how come that they advised him to permit the recordation of the Hadith while they had heard the Holy Prophet prohibiting it?

In addition, `Umar's orders of erasing all records of Hadith and bringing to him all such records prove the existence of many records and books that had been written down before his reign.

Besides, their justification cannot support their claim; this is because the past nations went astray after they had tended to the books of their monks and rabbis and neglected the Torah and the Gospel but they did not tend to the records of their Prophets.

The difference between the words of the monks and rabbis from one side and the Holy Prophet's words from the other is too large to be ever compared. The Muslims recorded the words, deeds, and confirmations of the Holy Prophet and nothing else, while the past nations went astray when they distorted the words of their Prophets and the concepts of the Divine Books.

On the contrary, the scholars of the Muslim nation maintained the religion and explained the Holy Qur'an and the Holy Prophet's traditions and laws.

Such a justification can be acceptable only when such records comprised personal opinions and inferences. The prohibition of recording such items would be reasonably satisfactory since personal opinions are exposed to errancy and inaccuracy and books of such opinions could be authored by nonbelievers or deviants who might cause confusion in the religious rulings for the coming generation. Conversely, the prohibition from recording the traditions of the Holy Prophet can never be justified through such ill excuses.

Some of those who regarded the prohibition of recording personal opinions of the scholars as same as the prohibition of recording the Holy Sunnah might have accepted `Umar's decision from this angle after they had not understood the big difference between the scholars' personal judgments and the Holy Prophet's traditions. In consequence, such prohibition was accepted by the next generations until it was canceled during the reign of `Umar ibn `Abd al–`Aziz, the Umayyad ruler.

In any event, all proofs confirm that the recordation of the Hadith was permitted during the Holy Prophet's age and the prohibition was invented afterwards under certain circumstances. It has been also confirmed that some of the Sahabah attempted to consolidate `Umar's prohibition of reporting and recording the Hadith in the Muslims' mentalities for nothing other than `Umar's disliking it.

Yet, when `Umar ibn `Abd al–`Aziz canceled the prohibition and decided the recordation of the Hadith as commendable matter, those individuals changed their minds and liked the matter. Al–Zuhriy says,

"We disliked the recordation of the knowledge until we were forced by those rulers. We thus decided not

to prevent any of the Muslims from it."[124]

According to another narration, al-Zuhriy said,

"... until the ruler compelled us to do it."[125]

According to a third narration, he said,

"The kings ordered me to write down these items of knowledge; I therefore wrote them down. Then I saw it is shameful to write down for the kings and deprive the people of these items. So, I decided to write them down for the people."[126]

Abu-Malih was reported as saying,

"We despaired of writing down any item of knowledge from al-Zuhriy. But when Husham, the Umayyad ruler, compelled him to write down for his sons and al-Zuhriy did, people could record."[127]

In my book entitled *Wudu' al-Nabiy* (The Ablution of the Prophet) *the Introduction*, I have set forth in details the influence of the rulers on the recordation of the Holy Sunnah and the secrets behind their showing interest in this respect.

I also established that the scientific shortage from which they suffered pushed them to prohibit the recordation of the Hadith and then for the same reason to make it public since the Sahabah used to object to them through Hadiths; they therefore had to lock this door in order to fill this gap and not to expose their educational weakness in face of a strong trend that refuted the ruling authorities' decisions through traditions of the Holy Prophet.

The matter then expanded so largely that the trend of Ijtihad invented the law of considering consensus as source of the Islamic legislation so that they will bind the publics with the decisions of the caliph that would naturally take the quality of the ummah's consensus.

They thus decided that the verdicts of the Private Committee that was founded by `Umar would replace all the Sahabah and would be considered as consensus that nobody is allowed to transgress or breach.

About the age of the Sahabah, al-Wafi al-Mahdiy says,

"In this age, consensus, which is a new source of the Islamic Legislation since it was not present in the first age of Islam, has emerged. When he could not find a solution neither in the Holy Qur'an nor in the Sunnah, Abu-Bakr would refer the matter to a legislative body. `Umar did the same thing, too. Any decision that was made by that legislative body would be regarded as issued by all of them..."[128]

In practice, `Umar formed a committee for administrating the affairs of the Muslims and meeting their legislative requirements and appointed some individuals whom he had trusted as issuers of verdicts so that he would be able to administrate other affairs. It has been narrated on the authority of `Ali ibn Rabah

al-Lakhmiy that `Umar delivered to the people the following address,

“One who has a question about the Qur'an must refer to Ubayy ibn Ka`b. one who has a question about what is lawful and what is not must refer to Mu`adh ibn Jabal. One who has a question about the legal shares of inheritances must refer to Zayd ibn Thabit. One who has a financial question must refer to me, for I am the treasurer.”129

This text corroborates that `Umar needed to establish a foundation for protecting himself from danger and for rooting his personal inventions, such as *Ra'y* (Opinionism) and *Istihsan* (Equitable Preference).

It is worth mentioning that it was not `Umar who betook personal opinions as a course for the issuance of religious verdicts; rather Abu-Bakr preceded him in this respect when he neglected carrying out the Holy Prophet's order to kill that pious man who was offering prayers and also when he declared openly the principle of adoption of personal views and Ijtihad in his first speech to people when he said,

“I have been chosen for your leadership while I am not the best of you. Hence, if I am right, you should then help me; and if I am wrong, you thus lead me to the right.”130

In addition, Abu-Bakr said about Khalid ibn al-Walid who had killed a Muslim individual deliberately and married his widow on the same night,

“As Khalid tried to infer the ruling (i.e. use *Ta'wil*: interpretation), he missed the right.”131

This very statement was used by Khalid himself when he wanted to find an excuse for his deed.132

1. Ibn Sa`d: al-Tabaqat al-Kubra: 5:188; Al-Dhahbiy: Siyar A'lam al-Nubala' 5 :59.
2. Al-Jawziy: Zad al-Ma'ad 1:212-213; Musnad Ahmad ibn Hanbal 1:327; al-San'aniy: Irshad al-Nuqqad Ila Taysir al-Ijtihad 24-25.
3. Al-Jawziy: Zad al-Ma'ad 1:213; Ibn Hazm al-Andalusiy: Hijjat al-Wada` 1:353; Ibn `Abd al-Barr: al-Tamhid 8:208.
4. Ibn al-Athir, in al-Bidayah wa'l-Nihayah 5:141, has recorded that `Abdullah ibn `Umar, when some people objected to him because he had violated the opinion of his father as regards the temporary marriage, said, “I fear lest a stone from the heavens will inflict you.”
5. Al-Jawziy: Zad al-Ma'ad 2:206; Ibn Hazm al-Andalusiy: Hijjat al-Wada` 1:353-354.
6. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm.
7. Sunan al-Tirmidhiy 2:159 H. 823; al-San`aniy: Irshad al-Nuqqad 25; Sunan Ibn Majah 1:214 H. 2978.
8. Al-San'aniy: Irshad al-Nuqqad 25.
9. Musnad Ahmad ibn Hanbal 4:370; Al-Tahawiy: Sharh Ma'ani al-□thar 1:494 H. 2827.
10. Musnad Ahmad ibn Hanbal 4:406 H. 23495; al-Tahawiy: Sharh Ma'ani al-□thar 1:494 H. 2828; al-Khatib al-Baghdadiy: Tarikh Baghdad 11:142 No. 5840; al-Haythamiy: Majma` al-Zawa'id 3:34.
11. Sahih Muslim 2:905 H. 1233; Musnad Ahmad ibn Hanbal 2:56 H. 5194; al-Musnad al-Mustakhraj `Ala Sahih Muslim 3:331 H. 2863; Sunan al-Darimiy 5:224; Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 90; al-Bayhaqiy: al-Sunan al-Kubra 5:75 H. 9028; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 3:478.
12. Sahih Muslim 1:327 H. 442; Musannaf `Abd al-Razzaq 3:147 H. 5107; Musnad Ahmad ibn Hanbal 2:151; Sunan Ibn Majah 1:8 H. 16; Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 88.
13. Musnad Ahmad ibn Hanbal 2:127; Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 2:195.
14. Al-Haythamiy: Majma' al-Zawa'id 2:222-223; al-Tabaraniy: al-Mu`jam al-Awsat 8:296 H. 8684; al-Tabaraniy: al-

Mu`jam al-Kabir 2:58 H. 1281.

15. `Abd al-Razzaq: al-Musannaf 2:433; al-Muttaqiy al-Hindiy: Kanz al-'Ummal 11:23 H. 30468; al-Bayhaqiy: al-Sunan al-Kubra 6:222 H. 12030; Ibn Hazm: al-Muhalla 3:3; Ibn `Abd al-Barr: al-Tamhid 13:37.

16. Al-Muttaqiy al-Hindiy: Kanz al-'Ummal 11:25 H. 30479; al-Bayhaqiy: al-Sunan al-Kubra 6:222 H. 12031; Musannaf `Abd al-Razzaq 10:288.

17. Al-Wafi al-Mahdiy: al-Ijtihad fi'l-Shari'ah al-Islamiyyah 111; Sayid Murtada al-`Askariy: Ma`alim al-Madrasatayn 2:286; al-Madkhal Ila `Ilm al-Usul 90-95.

18. Ahmad ibn `Abd al-Aziz al-Jawhariy: al-Saqifah wa Fadak 46-47; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 2:51-2.

19. Abu-Na`im: Hilyat al-Awliya' as quoted from Musnad Ahmad ibn Hanbal 5:140 H. 21301; Musnad al-Tayalisiy 1:75 H. 555; Musnad Abu'l-Ju`d 1:197 H. 1291; Musannaf Ibn Abi-Shaybah 7:468 H. 37295. All these reference books have recorded this narration on the authority of Ubayy ibn Ka`b; but Mu`ammar ibn Rashid, in his book of al-Jami` 11:322, has alone recorded it on the authority of Hudhayfah ibn al-Yaman.

20. Ibn Sa`d: al-Tabaqat al-Kubra 3:501; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 2:229, 303; Ibn `Asakir: Tarikh Dimashq 7:340; al-Muzziy: Tahdhib al-Kamal 2:270; al-Dhahbiy: Siyar A`lam al-Nubala' 1:399.

21. This is an indication to the holy verse that reads, "Whatever Allah has restored to His Messenger from the people of the towns, it is for Allah and for the Messenger, and for the near of kin and the orphans and the needy and the wayfarer, so that it may not be a thing taken by turns among the rich of you, and whatever the Messenger gives you, accept it, and from whatever he forbids you, keep back, and be careful of (your duty to) Allah; surely Allah is severe in retribution (evil). 59/7"

22. Al-Sam'aniy: al-Imla' wa'l-Istimla' 21 (Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy 127); al-Muhaddith al-Fasil 601.

23. Abu-Bakr ibn `Abdullah: Ma`rifat al-Nusakh wa'l-Suhuf al-Hadithiyyah 207.

24. Muhammad Husayn al-Dhahbiy: al-Tafsir wa'l-Mufassirun 1:115 (Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy 100).

25. Ibn Husham: al-Sirah al-Halabiyyah 8862, 956; Abu-Na`im: Hilyat al-Awliya' 1:240; Abu-'Ubayd: al-Amwal 27, 37.

26. Musnad Ahmad ibn Hanbal 5:228 H. 22041; Sunan al-Darqutniy 2:96 H. 8.

27. Dr. Imtiyaz Ahmad: Dala'il al-Tawthiq al-Mubakkir li'l-Kitab wa'l-Sunnah (Evidences on the early documentation of the Holy Qur'an and Sunnah) 418; al-Muhaddith al-Fasil 498.

28. Al-Taratib al-Idariyyah 1:398.

29. Al-Tanbih wa'l-Ishraf 245; Ibn `Abd-Rabbih: al-`Iqd al-Farid 4:147.

30. Al-Taratib al-Idariyyah 1:124; Subh al-A`sha 1:125.

31. Makatib al-Rasul 1:177 as quoted from Ibn Hazm's Jawami` al-Siyar.

32. Subul al-Huda wa'l-Rashad 11:381. The administrative structure of the Holy Prophet's governmental system reveals that it was the Holy Prophet, not `Umar ibn al-Khattab, who founded the offices (Diwans).

33. Ahmad ibn Hanbal: al-'Ilal wa Ma`rifat al-Rijal 1:323; Ibn Abi-Shaybah: al-Musannaf 45.

34. Ibn `Abd al-Barr al-Qurtubiy: Jami` Bayan al-`Ilm wa Fadlih 1:72.

35. It seems that `Abdullah ibn Mas`ud erased the al-Sahifah al-Yamaniyyah out fear of the ruling authorities and because he believed that dispute is evil. He had done the very same thing when he offered the prayer at Mina.

36. Ibn Qayyim al-Jawziyyyah: A'lam al-Muwaqqi'in 2:218.

37. Ibn Abi-Shaybah: al-Musannaf 1:100; Ibn Qayyim al-Jawziyyyah: A'lam al-Muwaqqi'in 1:20.

38. Al-Dhahbiy: Siyar A'lam al-Nubala' 2:312; Ibn `Asakir: Tarikh Madinat Dimashq 5:448; al-Bayhaqiy: al-Sunan al-Kubra 6:21 H. 11966.

39. Ibn Sa`d: al-Tabaqat al-Kubra 2:123 (Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy 116).

40. Ibn Sa`d: al-Tabaqat al-Kubra 5:216; al-Khatib al-Baghdadiy: Taqyid al-`Ilm 136 (Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy 116).

41. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 92; Ahmad ibn Hanbal: al-'Ilal wa Ma`rifat al-Rijal 1:42; Abu-Khaythamah: al-'Ilm 124 (Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy 117).

42. Musnad Ahmad ibn Hanbal 3:452; al-Shafi`iy: al-Risalah; Jamal al-Din al-Muzziy: Tahdhib al-Kamal 13:262.

43. Sunan Ibn Majah 12 H. 2642; Sunan Abi-Dawud H. 2927; Sunan al-Tirmidhiy H. 1415.

44. Sahih Muslim 39:1114, 21:1; Musnad Ahmad ibn Hanbal 6:413; Ibn Sa`d: al-Tabaqat al-Kubra 8:200.
45. Musnad Ahmad ibn Hanbal 4:396 H. 414; Jami' al-Usul 8:47; al-Bayhaqiy: al-Sunan al-Kubra 1:93; Sunan Abi-Dawud 1:1 H. 3.
46. Abu-Bakr ibn `Abdullah: Ma`rifat al-Nusakh wa'l-Suhuf al-Hadithiyyah 182.
47. Sahih Muslim, Kitab al-Imarah (Leadership) 10, Kitab al-Fada'il (Merits) 45; Musnad Ahmad ibn Hanbal 5:89.
48. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 29-32; Musnad Ahmad ibn Hanbal 3:12-21; Sahih Muslim, Kitab al-Zuhd (Asceticism) 72; Ahmad ibn Hanbal: al-'Ilal wa Ma`rifat al-Rijal (Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy).
49. Musnad Ahmad ibn Hanbal 4:370-374; Sunan al-Tirmidhiy 2:230; Jamal al-Din al-Muzziy: Tahdhib al-Kamal, 3:394 (Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy 107).
50. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 320.
51. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:73; al-Khatib al-Baghdadiy: Taqyid al-`Ilm 105; Sunan al-Darimiy 1:128; Abu-Khaythamah: al-'Ilm; Ahmad ibn Hanbal: al-'Ilal wa Ma`rifat al-Rijal 1:42.
52. Al-Bukhariy: al-Tarikh al-Kabir 1:3201; al-Dhahbiy: Siyar A'lam al-Nubala' 3:160 (Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy 120).
53. Ibn Shahrashib: Ma'alim al-'Ulama' as quoted from Sayyid Sharafuddin: al-Muraja'at No. 110.
54. Sayyid Hasan al-Sadr: Ta'sis al-Shi'ah li-'Ulum al-Islam (The Shi`ah: the Founders of the Islamic Sciences) 280 as quoted from Shaykh al-Tusiy: al-Fihrist.
55. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:74; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 1:215; al-Hakim: al-Mustadrak `Ala'l-Sahihayn 3:511; Ibn Wahab: al-Musnad 66; Ahmad ibn Hanbal: al-'Ilal wa Ma`rifat al-Rijal 120 (Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy 96).
56. It has been narrated that the Holy Prophet said, "Salman (al-Farisiy) is one of us; the Ahl al-Bayt." This Hadith is too famous to need documentation.
57. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:74; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 1:215; al-Hakim: al-Mustadrak `Ala'l-Sahihayn 3:511.
58. Ibn Shahrashib: Ma'alim al-'Ulama' 1.
59. Later on, we will add the jurisprudence of the Ansar to prove that the trend of the thorough compliance to the sacred texts included these three categories in general.
60. Sayyid Muhammad Rida al-Jalaliy: Tadwin al-Sunnah al-Sharifah 264, 273 as quoted from al-Mu`allimiy: al-Anwar al-Kashifah 38.
61. Al-Dhahbiy: Tadhkirat al-Huffadh 1:7; `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 395; al-Muhaddith al-Fasil 1:553.
62. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 1: 110; al-Dhahbiy: al-Talkhis; Musannaf Ibn Abi-Shaybah 5:294 H. 26229; al-Dhahbiy: Siyar A`lam al-Nubala' 2:345.
63. Ibn Mandhur: Mukhtasar Tarikh Madinat Dimashq 17:101; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 10:293 H. 29479.
64. Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy as quoted from Ibn Sa`d: al-Tabaqat al-Kubra 4:21-22.
65. Ibn Kathir: al-Bidayah wa'l-Nihayah 8:107; Mu`ammar ibn Rashid: al-Jami` 11:262.
66. The author promises the readers to present further details about the Sahabah who objected to `Umar in a study entitled 'al-Sunnah Ba`d al-Rasul (The Sunnah after the Messenger).
67. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 4: 339; al-Bayhaqiy: al-Sunan al-Kubra 6:233; al-Muttaqiy al-Hindiy: Kanz al-'Ummal 11:44 H. 30588.
68. To explain it, the Holy Qur'an, in the verse involved, judges that a testator's full sister will have half the inheritance in case the testator does not have a 'walad' (son). In Arabic, the word 'walad' is mainly denoting boys, not girls. `Umr therefore understood that when a testator does not have a boy (walad), half the inheritance will be the legal share of his full sister. Yet, by 'walad', the Holy Qur'an means both sons and daughters.
69. Al-Bayhaqiy: al-Sunan al-Kubra 6:253 H. 12237; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 4:378 H. 7985.
70. Al-Jassas: Ahkam al-Qur'an 2:111.
71. Al-Muttaqiy al-Hindiy: Kanz al-'Ummal 11:25 H. 30481; Al-Jassas: Ahkam al-Qur'an 2:111.
72. `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 344-347; Al-Wafi al-Mahdiy: Ma'l-Ijtihad fi'l-Shari'ah al-Islamiyyah

451.

73. `Abd al-Razzaq: al-Musannaf 10:262 H. 19043-5; Muhammad Rawwas Qal`achiy: Mawsu'at Fiqh `Umar ibn al-Khattab (Encyclopedia of `Umar's jurisprudence) 53.

74. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 172.

75. Muhammad Rawwas Qal`achiy: Mawsu'at Fiqh `Umar ibn al-Khattab 53-54.

76. Al-Wafi al-Mahdiy: Ma'l-Ijtihad fi'l-Shari'ah al-Islamiyyah 452 as quoted from al-Suyutiy: al-Ashbah wa'l-Nadha'ir 101.

77. This narration has been recorded by al-Tabaraniy, in his al-Mu`jam al-Awsat 4:295 H. 4245. The series of narrators has been also decided as authentic. See also Tabaqat al-Muhaddithin bi-Isbahan 3:564; al-Haythamiy: Majma` al-Zawa'id 4:227; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 11:58 H. 30611.

78. Al-Jassas: Ahkam al-Qur'an 3:18; Tafsir Ibn Kathir 1:595; Jalal al-Din al-Suyutiy: al-Durr al-Manthur 2:754.

79. Sunan al-Darimiy 2:450 H. 2902; al-Bayhaqiy: al-Sunan al-Kubra 6:245 H. 12196; Musannaf `Abd al-Razzaq 10:262; Musannaf Ibn Abi-Shaybah 6:268.

80. Tafsir al-Tabariy 18:83; Musnad Ahmad 1:238 H. 2131; Sunan Abi-Dawud 2:277 H. 2256; al-Wahidiy: Asbab al-Nuzul 213; al-Suyutiy: Lubab al-Nuqul fi Asbab al-Nuzul 153.

81. This incident has been narrated by Abu-Dawud, in al-Sunan, al-Nassa'iy, in al-Sunan (on the authority of Zayd ibn Aslam), al-Hakim al-Nisapuriy, in al-Mustadrak `Ala'l-Sahihayn, and al-Tabaraniy, in al-Mu'jam al-Saghir.

82. Al-Zamakhshariy: Tafsir al-Kashshaf 2:274.

83. Ibn Husham: al-Sirah; Dr. Nadiah Sharif al-`Umariy: Ijtihad al-Rasul 95.

84. Ibn Husham: al-Sirah 3:64. (Al-Bukhariy, Muslim, Ahmad ibn Hanbal, al-Nassa'iy and other historians have also referred to this event.)

85. Ibn Husham: al-Sirah 3:235.

86. Ibn Husham: al-Sirah 2:271. For more details about the aforesaid events, refer to Dr. Nadiah Sharif al-`Umariy: Ijtihad al-Rasul 83-146.

87. Dr. Nadiah Sharif al-`Umariy: Ijtihad al-Rasul 97.

88. The Holy Qur'an Surah of al-Qadr (No. 97).

89. Kiblah is the direction towards which Muslims must turn their faces during prayers (in the past, the holy Mosque of Jerusalem; and now the Holy Ka'bah).

90. Of course, the matter will be more obvious in the origin text of the holy verse.

91. Tafsir al-Fakhr al-Raziy 11:3, Al-Zamakhshariy: Tafsir al-Kashshaf 1:552 and Tafsir Ibn Kathir 1:851-2.

92. Al-Jassas: Ahkam al-Qur'an 3:223.

93. Sahih al-Bukhariy 4:1577 H. 4084; Musnad Ahmad ibn Hanbal 2:150 H. 6382; Ibn Sa`d: al-Tabaqat al-Kubra 2:148; Ibn `Abd al-Barr: al-Isti`ab 2:428.

94. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 43-44.

95. Al-Wafi al-Mahdiy: Ma'l-Ijtihad fi'l-Shari'ah al-Islamiyyah 32 as quoted from al-Dawalibiy, in al-Madkhal ila 'Ilm Usul al-Fiqh 78.

96. Dr. Nadiah Sharif al-`Umariy: Ijtihad al-Rasul 259.

97. Ibn Sa`d: al-Tabaqat al-Kubra 6:13; al-Dhahbiy: Tadhkirat al-Huffadh 1:41; Abu'l-Mahasin: Mu`tasar al-Mukhtasar 2:314.

98. Musnad Ahmad ibn Hanbal 3:416; Sunan Abi-Dawud 2:208 H. 2004; al-□had wa'l-Mathani 3:228 H. 1589; al-Tabaraniy: al-Mu`jam al-Kabir 3:262 H. 3353; `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 358. A similar narration is recorded by Sayyid Muhsin al-Aminiy, in al-Ghadir 6:112.

99. Al-Madkhal Ila'l-Sunan al-Kubra 1:104 H. 34; al-Suyutiy: Miftah al-Jannah 1:44; □qadh al-Himam 1:8; `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 372 as quoted from Ibn Qayyim al-Jawziyyyah: A'lam al-Muwaqqi'in; Sunan Abi-Dawud.

100. Refer to Dr. Nadiah Sharif al-`Umariy: Ijtihad al-Rasul 352-353.

101. Nahj al-Balaghah 3:320.

102. Nahj al-Balaghah 3:234.

103. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 80.

104. Tafsir al-Fakhr al-Raziy al-Kashshaf 1:206.
105. Jalal al-Din al-Suyutiy: al-Durr al-Manthur 1:7; al-Itqan 1: 268 as quoted from al-Bayhaqiy: Shi'ab al-īman.
106. Ra'b al-Sad' 1:255 H. 353.
107. Bada'i al-Sana'i` 1-2:201.
108. Dr. Muhammad Sallam Madkur: Manahij al-Ijtihad fi'l-Islam 128.
109. Muhammad Rawwas Qal`achiy: Mawsu'at Fiqh Zayd ibn Thabit 107 as quoted from Ibn Qudamah: al-Mughni 3:461 and al-Majmu' 8:229.
110. Muhammad Rawwas Qal`achiy: Mawsu'at Fiqh Zayd ibn Thabit 107.
111. Muhammad Rawwas Qal`achiy: Mawsu'at `Abdullah ibn `Umar 285.
112. Muhammad Rawwas Qal`achiy: Mawsu'at Fiqh `Umar ibn al-Khattab 333 as quoted from Ibn Hazm: al-Muhalla 7:170.
113. Al-Bayhaqiy: al-Sunan 5:163 as is written in Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy, 136.
114. Tahdhib Tarikh Madinat Dimashq 1:54; Hayat al-Sahabah 2:390-391 as is in al-'īmiliy: al-Sahih 1:89.
115. Musnad Ahmad ibn Hanbal 3:12-13; al-Khatib al-Baghdadiy: Taqyid al-`Ilm 33; al-Haythamiy: Majma` al-Zawa'id 1:151.
116. Sunan al-Darimiy 1:122; Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 56, 53, 55.
117. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 12:101-102 Sermon No. 223; Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 56.
118. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 36-37.
119. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 37.
120. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 38.
121. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 56.
122. Such a comparison has been made by many scholars, such as Dr. Subhiy al-Salih, in 'Ulum al-HAdith 11, Dr. 'Ajjaj al-Khatib, in al-Sunnah qabl al-Tadwin 306-309, 316, and Sayyid Muhammad Rida al-Jalaliy, in Tadwin al-Sunnah al-Sharifah 302-314 as well as many other scholars.
123. Sahih Muslim 4:2298 H. 3004; Musnad Ahmad ibn Hanbal 3:12 H. 11100; Sunan al-Darimiy 1:130 H. 450.
124. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 107; Ibn Sa`d: al-Tabaqat al-Kubra 2:389; Ibn Kathir: al-Bidayah wa'l-Nihayah 9:341; Mu`ammar ibn Rashid: al-Jami` 11:258; al-Madkhal Ila'l-Sunan al-Kubra 1:409 H. 739.
125. Sunan al-Darimiy 1:110.
126. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:77.
127. Abu-Na`im: Hilyat al-Awliya' 3:363; Ibn Kathir: al-Bidayah wa'l-Nihayah 9:345 (as quoted from al-Riwayah al-Tarikhiyyah 107.).
128. Al-Wafi al-Mahdiy: al-Ijtihad fi'l-Shari'ah al-Islamiyyah 46.
129. Al-Hakim: al-Mustadrak `Ala'l-Sahihayn 3:272.
130. Ibn Habban: al-Thuqat 2:157; Tarikh al-Ya`qubiy 2:127; al-Iktifa' bi-ma Tadammanahu Maghazi Rasuli'llah 2:446; Ibn Kathir: al-Bidayah wa'l-Nihayah 5:248, 6:301; Takhrij al-Dalalat al-Sam`iyyah 1:43; al-Sirah al-Halabiyyah 3:483.
131. Ibn Hajar al-`Asqalaniy: al-Isabah fi Tamyiz al-Sahabah 3:357; Tarikh al-Tabariy 2:273.
132. For more details, refer to Tarikh al-Tabariy, Tarikh al-Ya`qubiy 2:132, and many other reference books of Islamic history.

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 Sahabiy 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 `[illegible]'ishah adopted this opinion or that `Umar, the Muslims' caliph, adopted that one or that al-Bukhariy 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 Hudaybiyah 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 anole, 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 deeps 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 Goldtzheir, 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 Goldtzheir 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, `[illegible]'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, `[illegible]'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. Nadiah al-`Umariy 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 him35 so firmly36 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 chronical 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-`Umariy says,

"It has been proven that the later jurisprudents 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 jurisprudents 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-`[illegible]s, 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 fundaments; 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 inaccurateness 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 slaves[56] 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-Bayhaqiy 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 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`i*y,

"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. Nadiah 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-Āmudiy 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 (□yah) 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 Committee[73] 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 slave[79] 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 present[81] 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 acquitance, while `Abdullah decided that only the purchaser is obligatorily required to seek such acquitance.

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 sliver, 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 *Tasarri*y, 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 `Ā'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 Hafsah 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-Mawardiy: I`lam al-Nubuwwah 1:174; al-□mudiy: al-Ihkam 4:244; Tafsir al-Qurtubiy 15:162, 164; Tabaqat al-Hanafiyyah 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-Raziy: 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; Tuhfat 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-Usuliyyah 171.
10. Al-Jassas: Ahkam al-Qur'an 2:314; Sharh al-Nawawiy `Ala Sahih Muslim 11:91; al-Suyutiy: al-Jami` al-Saghir 1:48 H. 288. However, al-`Ajaluniy, 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-Darimiy 2:314 H. 2518; Sunan Abi-Dawud 4:198 H. 4597; Sunan Ibn Majah 2:1322 H. 3993.
13. Al-Muttaqiy al-Hindiy: 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-Shatibiy: 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 '□ridat al-Ahwadhiy 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-Ghaniy `Abd al-Khaliq, in Hijjiyyat al-Sunnah 474, makes a study aimed at arousing doubts around the Hadiths involved.
17. al-Khatib al-Baghdadiy: Taqyid al-`Ilm 50; Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:64; al-Muttaqiy al-Hindiy: Kanz al-'Ummal 5:339; Ibn Sa`d: al-Tabaqat al-Kubra 3:287.
18. Ibn Qayyim al-Jawziyyah: I`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-Tabaraniy: al-Mu`jam al-Kabir 10:257 H. 10598; al-Hakim al-Nisapuriy: 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-Tirmidhiy 3:185 H. 824; Sharh Ma`ani al-□thar 2:231 (In this reference book, it is written that `□'ishah 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-Jawziy: Zad al-Ma'ad 1:212-213; Musnad Ahmad ibn Hanbal 1:327; al-San'aniy: 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-Islamiy 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. Nadiah 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-Bayhaqiy: 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-Bayhaqiy: 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-Bayhaqiy: 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-□thar 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-Muttaqiy al-Hindiy: 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-Sarakhshiy: 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. Nadiah 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-`Arabiy). The Chief Judge in the Legislative Court of Qatar, Shaykh Ahmad ibn Hajar al-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-man 6:73 H. 7530.
61. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 20:27.
62. Ahmad Amin: Fajr al-Islam 240.
63. Dr. Nadiah 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-mudiy: al-Ihkam 4:13; Ibn Qayyim al-Jawziyyah: I`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'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 `[illegible]'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-Khawarzmiy: 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: Wafiyyat 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.

Al-Darimiy has narrated on the authority of Marwan ibn al-Hakam that after he had been stabbed, `Umar ibn al-Khattab sought the Sahabah's opinion about the question of the grandfather's share of an inheritance, saying, "I have had an opinion about the share of grandfathers; you may accept it if you want."

`Uthman answered, "If we follow your opinion, it is surely the true guidance; and if we follow the opinion of the Shaykh (i.e. Abu-Bakr) who was before you, it will be excellent!"1

In Ibn Sa`d's *al-Tabaqat al-Kubra* and Ahmad ibn Hanbal's *al-Musnad*, it is recorded that Mahmud ibn Labid said that he heard `Uthman ibn `Affan saying from the minbar, "It is impermissible for anyone to report a tradition from the Messenger of Allah unless this tradition was known during the reigns of Abu-Bakr and `Umar."2

It has been also narrated that Mu`awiyah ibn Abi-Sufyan (during his reign) said, "O People: reduce reporting from Messenger of Allah; and when you do, you must report traditions that were known during the reign of `Umar."3

Recording the same incident, Ibn `Asakir narrated that Mu`awiyah said, "Beware of reporting the Hadith of the Messenger of Allah except a tradition that is known during the reign of `Umar."4

Joining The Hajj To The `Umrah

In Ahmad ibn Hanbal's *al-Musnad*, it is recorded that `Abdullah ibn al-Zubayr said, By Allah I swear that I was with `Uthman ibn `Affan at al-Juhafah (a place) while he was accompanied by some people of Syria among whom was Habib ibn Salamah.

As the subject was the joining (*Tamattu`*) of Hajj to `Umrah, `Uthman said, "The most perfect way of joining the Hajj with the `Umrah is that they should not be performed in the months of the ritual Hajj. Thus, it is preferred to delay the `Umrah until you visit this House (the Holy Ka`bah) twice. Almighty Allah has expanded good deeds."

Meanwhile, (Imam) `Ali ibn Abi-Talib was down the hill feeding his camel; when he was informed about what `Uthman had said, he came towards him.

When he approached, (Imam) `Ali said to `Uthman, "You have certainly violated the tradition of the Messenger of Allah and the permission that Almighty Allah has decided for His servants in His Book as you have restricted and warned against such.

This law of Almighty Allah and the Holy Prophet has been issued for those who do not have enough time to perform both the Hajj and the `Umrah on separate times and for those who come from remote countries."

(Imam) `Ali started to join the Hajj and the `Umrah.

After that, `Uthman directed towards the people and said, "Have I warned you against so? I have not, indeed. I only said my own opinion, and you are free to accept or refuse."5

In Malik ibn Anas's book of *al-Muwatta'*, it is recorded that (Imam) Ja`far ibn Muhammad (al-Sadiq) has narrated on the authority of his father that al-Miqdad ibn al-Aswad, once, visited (Imam) `Ali ibn Abi-Talib, while he was kneading flour as food for his camels, and told him that `Uthman ibn `Affan had warned people against joining the Hajj with the `Umrah.

Immediately, (Imam) `Ali went out, without washing his hands from that flour, towards `Uthman ibn `Affan and said to him, "Have you really prevented people from joining the Hajj with the `Umrah?"

"It has been only my own opinion," answered `Uthman.

Then, (Imam) `Ali went out angrily and shouted out, "*Labbayka Allahumma labbayk*" as an indication of joining the Hajj with `Umrah.6

In al-Nassa'iy's *al-Sunan*, it has been narrated that (Imam) `Ali and `Uthman ibn `Affan once performed the ritual Hajj on the same season. On their way to Makkah, `Uthman warned against joining the Hajj to the `Umrah. During the rituals, (Imam `Ali) ordered his companions to declare joining the Hajj to the `Umrah once they would see `Uthman starting the rituals of the Hajj. When they did so, `Uthman did not prevent them.

Hence, (Imam) `Ali said, "I have been informed that you prevented joining the Hajj to the `Umrah (*Tamattu`*)."

"Yes, I did," answered `Uthman.

(Imam) `Ali asked him, "Have you not heard that the Messenger of Allah joined the two?"

"Yes, I have," answered `Uthman.7

Commenting on the previous narration, al-Sindiy, as an annotation on al-Nassa'iy's *al-Sunan* 5:152, says,

"Imam `Ali ordered his companions to join the Hajj to the `Umrah so that `Uthman would realize that they preceded the Holy Prophet's Sunnah to his personal judgment and that none would obey him so long as he violated the Holy Sunnah."8

According to another form of the narration, Imam `Ali declared joining the Hajj to the `Umrah when he knew that `Uthman prohibited so.

Thus, `Uthman asked him, "You have done it while you knew that I prohibited it."

Imam `Ali answered, "I would never neglect the Sunnah of the Holy Messenger because of a judgment that was issued by an ordinary person."9

Commenting on this form too, al-Sindiy says,

"`Uthman wanted to say to Imam `Ali that everybody is included in the prohibition of that act in the same way as `Umar used to issue personal verdicts; hence, Imam `Ali, by doing so, violated the decision of the caliph. Yet, Imam `Ali answered him that none should be obeyed in a matter that is in violation of the Holy Prophet's decision.

According to a third form of the narration, Imam `Ali answered `Uthman, "What do you mean by prohibiting a matter that had been done by the Messenger of Allah?"

`Uthman answered him, "Leave this matter!"

Imam `Ali replied, “I would never leave it.”

Hence, Imam `Ali declared joining the Hajj and the `Umrah.[10]

The aforementioned examples indicate manifestly that the trend of Opinionism and Ijtihad, which was founded by Abu-Bakr and `Umar and corroborated by the latter, continued after them. It is also noteworthy that `Uthman, Mu`awiyah, and `Amr ibn al-`[illegible]s laid emphasis on following and carrying out the conducts of `Umar ibn al-Khattab, which means that their course was the same. It is also clear that the rulers and their fans violated the course of Imam `Ali and his followers, such as `Abdullah ibn `Abbas and others, who complied thoroughly with the sacred texts.

For instance, Mu`awiyah ibn Abi-Sufyan ordered the publics to curse Imam `Ali and `Abdullah ibn `Abbas;[11] and al-Mansur, the `Abbasid caliph, ordered to assume the opinions of `Abdullah ibn `Umar even if they would violate the sayings of Imam `Ali and `Abdullah ibn `Abbas.[12]

Al-Hajjaj ibn Yusuf al-Thaqafiy, the ruler of Iraq, sealed on the hands of the writers of the Holy Prophet’s traditions,[13] such as Sahl ibn Sa`d al-Sa`idiy and his companions. All these acts prove that the course of `Umar ibn al-Khattab was extended and confirmed. Let us now cite other examples that substantiate this fact:

Neglect Of Qira’ah

It has been narrated, in *Bada’i` al-Sana’i`* 1:111, that `Umar ibn al-Khattab, once, neglected the *Qira’ah*[14] (Recital of the Surah of al-Fatihah, No. 1, and another optional Surah during the first two Rak`ahs of the obligatory prayer) in one of the first two Rak`ahs of the obligatory Maghrib (sunset) Prayer. He then settled it in the last Rak`ah with loud voice. Likewise, `Uthman ibn `Affan neglected the *Qira’ah* in one of the first two Rak`ahs of the obligatory `Isha (Evening) Prayer. He then settled it in one of the last two Rak`ahs with loud voice.[15]

Later in his book, the author of *Bada’i al-Sana’i`* cited a Hadith confirming the permissibility of neglecting the *Qira’ah* in obligatory prayers![16]

Ruling Of Wives Of The Lost

Ibn Shihab has narrated on the authority of Sa`id ibn al-Musayyab that `Umar ibn al-Khattab, once, issued the verdict that if a lost husband returns and finds that his wife has been married to another one, he has the right either to take his wife back or to receive the dowry that he had paid for her! If he chooses the dowry, the other husband should pay it for him, but if he chooses to take his wife back, she will have to practice the term of waiting (`*Iddah*) and then return to her first husband and also the dowry that the second husband has paid will be hers. (Ibn Shihab added that) this verdict was also followed by `Uthman ibn `Affan.[17]

The One-Sixth Share Of Mothers

Al-Tabariy, in his book of *Tafsir* 4:188, has narrated on the authority of Shu`bah that `Abdullah ibn `Abbas once visited `Uthman ibn `Affan and asked him about the verdict that when there are two brothers among the heirs, the mother's share would be one-sixth of an inheritance while Almighty Allah, in the Holy Qur'an, says,

"But if he has brothers, then his mother shall have the sixth." (***Holy Qur'an: 5:11***)

"Brothers" in the holy verse does not indicate two brothers only. `Uthman replied, "How can I repeal a matter that has been issued before me and has been spread throughout the countries?"[18]

Narrating the same report, al-Bayhaqiy and al-Hakim has recorded that `Uthman said, "I cannot repeal what has been issued before me and has been accepted by people who spread it out in the countries."[19]

Zakat Of Horses

In *Ansab al-Ashraf* 5:26, al-Buladhiriy has recorded on the authority of al-Zuhriy that `Uthman ibn `Affan used to collect the Zakat on horses. This act was denied by people who, as evidence, quoted the Holy Prophet as having said, "I have freed you from defraying the Zakat of horses and slaves."[20]

Probably, `Uthman followed `Umar ibn al-Khattab in this question. Ibn Hazm, in *al-Muhalla* 5:277, has narrated on the authority of Ibn Shihab that al-Sa'ib said that `Umar ibn al-Khattab used to impose taxes on horses.

It has been also narrated on the authority of Harithah that a group of Syrian people came to `Umar and offered to purify their properties and defray the Zakat of the money, horses, and slaves that they had gained. `Umar expressed that he would follow in this issue what had been decided by the two who were before him. He therefore consulted (Imam) `Ali who said to him, "This is preferable unless this would be taken as law after you."[21]

In this narration, Imam `Ali invited the attentions to the religious ruling that it is impermissible to prevent the Muslims from purifying their properties when they desire to do so; rather it is preferable. But if this act is anticipated to be taken as religious law, it will be impermissible. Hence, Imam `Ali accepted the receipt of the Zakat on horses, not as religious law; since it is unlawful to force the Muslims to defray taxes on their horses.

In plain words, Imam `Ali issued that it is lawful to accept the Zakat on horses but he confirmed that this acceptance should not be taken as religious law. This course of inviting the attentions to the actual act of the Muslim authority was followed by the Holy Prophet who, once in Mina, invited the Muslims' attention to the fact that the obligatory prayer had been performed in the shortened form (*Qasr*) because they

were on a journey; rather the prayers must be performed in the perfect form (*Tamam*) in one's hometown.

The aforementioned discussion has proven that `Uthman ibn `Affan followed the conducts of Abu-Bakr and `Umar in some religious rulings and followed his own judgments in other rulings. His personal opinions violated the others' because the course of personal opinions could not closed by anyone after it has been opened wide. Imam `Ali has referred to this fact by saying,

"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."

One of the stipulations of the caliphs' trend was that a caliph must follow the conducts of the rulers who preceded him and, meanwhile, the opinions of a caliph are beyond criticism even if they contradict the sacred texts of Almighty Allah and the Holy Prophet.

The Kalalah

It has been narrated on the authority of al-Shi`biy that 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."

When `Umar ibn al-Khattab became the caliph, he declared that he would be too shy to reject anything decided by Abu-Bakr![22]

Commenting on this saying of `Umar Ibrahim ibn al-Sayyar, as has been recorded in the book of *al-Fitya* by al-Jahidh -a famous Arab man of letters-, says,

"This saying of `Umar is extremely strange! Although `Umar believed that it is impermissible to violate the judgments of Abu-Bakr because he saw that the right was always in the side of him, he (`Umar) in reality violated his decisions hundred times; as was in the cases of the rulings of the shares of grandfathers from inheritances, the fighting against the apostates, and the shares of the *al-Mu'allafah Qulubuhum* as well numerous questions."[23]

Fadak

The best example on the fact that the religious rulings were submitted to external factors and temporary policies, which were later on expanded to take the form of general policy followed by the caliphs as a principle, is the famous issue of Fadak[24] and the Khums tax.

Abu-Bakr claimed Fadak, a garden in al-Madinah, having been the right of the ummah, not Lady Fatimah al-Zahra"s alone. Had this claim been true, `Uthman ibn `Affan should not have donated it to

Marwan ibn al-Hakam within the taxes of Africa.

Lady Fatimah, the Holy Prophet's daughter, claimed that Fadak had been donated exclusively to her by her father; yet, the ruling authorities confiscated it and abstained from giving it to its owner. To shed more light on this question, read the following text:

In *al-Sunan al-Kubra*, al-Bayhaqiy has narrated on the authority of al-Mughirah the whole story of the confiscation of Fadak. Within this narration, he had written down that when `Umar ibn al-Khattab departed life, `Uthman ibn `Affan donated Fadak to Marwan ibn al-Hakam.

It seems that `Uthman ibn `Affan interpreted the narration that was reported from the Holy Prophet that, "Any morsel that Almighty Allah gives to His Prophet must be under the supervision of him who holds the position of leadership after him." Because `Uthman ibn `Affan was not in need for Fadak, he gifted it to his relatives as a king of keeping good relations with the kin.25

This is an odd contradiction and a strange irony! Whose claim is the most accurate? Is it the claim of Abu-Bakr who said that Fadak was possessed by the Muslims generally? Or is it the claim of `Umar who said that the outcomes of Fadak were needed by the Muslims in order to enlist armies and expand the area of Islam? Or is it `Uthman's who claimed his having enjoyed the same authorities of the Holy Prophet?

Apart from the accurate answer, it is noticeable that all the claims were aimed at depriving Lady Fatimah al-Zahra' of Fadak through various personal judgments and interpretations. The matter did not stop at that extent; rather it continued when each ruler had his own opinion in the issue.

This fact confirms the well-planned continuity of the trend of Opinionism and Ijtihad as opposite to the trend of thorough compliance with the sacred texts in general and the Holy Sunnah in particular.26

It is also noticeable that the prohibition of the recordation and reporting of the Hadith perpetuated up to the reign of `Umar ibn `Abd al-Aziz who canceled this decision and allowed the recordation of the Hadith. In addition, he gave back Fadak to its original owners, namely the descendants of Lady Fatimah al-Zahra'.27

It can be understood that there is a firm connection between the two matters, since the permission of the reporting of the Hadith, despite its problems, benefited the Muslims and revealed many facts although it, from another side, aimed at impacting the principles of the School of Ijtihad and enabling it to defend itself against the School of reporting and recording the Hadith.

The revelation of these facts, in addition to the well-known course of fairness by which `Umar ibn `Abd al-Aziz was characterized, gave excellent fruits. The actuality in the issue of Fadak was shown for `Umar ibn al-Aziz through the reporting of the Hadith and through the unanimous agreement among the historians and traditionists on the incident that Lady Fatimah al-Zahra' demanded with Fadak probatively

after it had been possessed by her when her father, the Holy Prophet, donated it to her.28

Such obviousness in the issue made `Umar ibn `Abd al-Aziz to ponder deeply over the question and as a result, he gave back Fadak to the descendants of Lady Fatimah al-Zahra' causing the trend of through compliance with the sacred texts to triumph over the trend of Opinionism and Ijtihad.

The Khums

It has been narrated that `Abdullah ibn `Abbas said, "After the departure of the Holy Prophet, Abu-Bakr canceled the share of the relatives from the Khums and used it for military affairs."29

Answering the question of Najdah al-Haruriy about the share of the relatives from the Khums, `Abdullah ibn `Abbas is also reported to have said, "We are those 'relatives' (to whom a share of the Khums must be given), but our people (i.e. the ruling authorities) rejected to deliver us this share claiming that all people of Quraysh are included with the 'relatives'."30

Al-Bayhaqiy has also narrated that `Abd al-Rahman ibn Abi-Ya`liy said: Once, I met (Imam) `Ali at Ahjar al-Zayt and said to him, "May Allah accept my parents as ransoms for you! What did Abu-Bakr and `Umar do as regards the right of the Ahl al-Bayt from the Khums?"

(Imam) `Ali answered, "As `Umar claimed that he had not known for sure the actual share of our right (from the Khums) and thus he would give us a part of it that he would decide according to his own view, we rejected this suggestion and insisted on receiving our share wholly. Yet, he refused to give our share wholly."31

When `Umar ibn al-Khattab said the same words to him, `Abdullah ibn `Abbas answered him with the same reply of Imam `Ali.32

If the Khums was the right of all the Muslims, how was it acceptable for `Uthman ibn `Affan to give it to `Abdullah ibn Sarh and to Marwan ibn al-Hakam exclusively on different occasions?33

If `Uthman's decision was a personal judgment that should be rejected by the Muslims, what for are the majority of the Sunnite jurisprudents not deciding this share from the Khums to the "relatives" of the Holy Prophet?

Manifestly, the fact is something other than what had been decided to be filled in the mentalities of the extremists who sanctified the past generations of the Muslims excessively. Yet, it cannot be discussed now, because such extremists have banned any sort of debate as regards the situations and opinions of the past personalities of Islam. Moreover, they may decide such debates as apostasy!

1. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 4:340; Musannaf `Abd al-Razzaq 10:263; Sunan al-Darimiy 1:159 H. 631, 2:452 H. 2916; al-Bayhaqiy: al-Sunan al-Kubra 6:246 H. 12201.
2. Ibn Sa`d: al-Tabaqat al-Kubra 2:336; Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 97; Ibn `Asakir: Tarikh

Madinat Dimashq 39:180; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 10:295 H. 29490.

3. Al-Muttaqiy al-Hindiy: Kanz al-'Ummal 1:291 H. 29473; al-Tabaraniy: Musnad al-Shamiyyin 3:251; Ibn `Asakir: Tarikh Madinat Dimashq 26:382.

4. Ibn `Asakir: Tarikh Madinat Dimashq 3:160; Sahih Muslim 2:718 H. 1037; Musnad Ahmad ibn Hanbal 4:99; al-Tabaraniy: al-Mu`jam al-Kabir 19:370 H. 869.

5. Musnad Ahmad ibn Hanbal 1:92 H. 707; Ibn Hazm: al-Ihkam fi Usul al-Ahkam 6:219.

6. Malik ibn Anas: al-Muwatta' 1:336 H. 40.

7. Musnad Ahmad ibn Hanbal 1:57; Sunan al-Nassa'iy 5:152; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 1:472; Sunan al-Darqutniy 2:287 H. 231.

8. Hashiyat al-Sindiy `Ala'l-Nassa'iy 5:152.

9. Sunan al-Nassa'iy 5:148.

10. Ibn Qayyim al-Jawziyyyah: Zad al-Ma`ad 1:181.

11. `Amr ibn `□sim: Kitab al-Sunnah 2:602 H. 1350; Tarikh al-Ya`qubiy 2:223; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 4:56; Jawahir al-Matalib 2:227.

12. Ibn Sa`d: al-Tabaqat al-Kubra 4 :147.

13. Moreover, when he entered the holy city of al-Madinah, al-Hajjaj belittled the companions of the Holy Prophet; he sealed on the hand of Jabir ibn `Abdullah and on the necks of Anas ibn Malik and Sahl ibn Sa`d with lead so as to humiliate them. See Tarikh al-Tabariy 3:543; Ibn `Abd al-Barr: al-Isti`ab 2:664 No. 1089; Usd al-Ghabah 2:366; al-Muzziy: Tahdhib al-Kamal 12:189.

14. Qira'ah is conditional in the validity of prayers, including the obligatory.

15. Bada'i al-Sana'i` 1:111; al-Sarakhsiy: al-Mabsut 1:18, 221.

16. Bada'i al-Sana'i` 1:172.

17. Al-Bayhaqiy: al-Sunan al-Kubra 7:446.

18. Tafsir al-Tabariy 4:278.

19. Al-Bayhaqiy: al-Sunan al-Kubra 6:227; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 4:335.

20. Ibn Hazm: al-Muhalla 5:277 and 229.

21. Musnad Ahmad ibn Hanbal; Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 1:400-401; al-Haythamiy: Majma` al-Zawa'id 3:69.

22. Sunan al-Darimiy 2:365-366; al-Bayhaqiy: al-Sunan al-Kubra 6:223.

23. Kashf al-Ishtibah 5:27 as quoted from al-`Uyun wa'l-Mahasin 2:15 (from al-Jahidh's al-Fitya).

24. For further details about the issue of Fadak, refer to Fadak in History by Shaheed Muhammad Baqir al-Sadr, translated by `Abdullah al-Shahin, Ansariyan Publications – Qum; 1423.

25. Al-Bayhaqiy: al-Sunan al-Kubra 6:301, H. 12516.

26. In the words of Lady Fatimah al-Zahra', Imam `Ali ibn Abi-Talib, and the Holy Imams of the Ahl al-Bayt, there are many indications to this meaning. For instance, Lady Fatimah al-Zahra', addressing to the ladies of the Muhajirun and Ansar, said, "The followers know for certain the consequences of that which had been established by the foremost ones." She is also reported as saying, "You were always waiting the befalling of calamities to us and expecting our bad news."

27. Al-Baladhiriy: Futuh al-Buldan 1:38; Sharh Nahj al-Balaghah 16:278; Yaqut al-Hamawiy: Mu`jam al-Buldan 4:239; Ibn al-Athir: al-Kamil fi'l-Tarikh 2:104-105.

28. Musnad Abi-Ya`liy 2:334 H. 1075, 1409; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 16:268; al-Durr al-Manthur 5:273-274.

29. Al-Tabariy: al-Tafsir 10:6; al-Jassas: Ahkam al-Qur'an Chapter: The Distribution of the Khums 3: 60.

30. Al-Tabariy: al-Tafsir 10:5; Musnad Ahmad ibn Hanbal 1:248-249; al-Jassas: Ahkam al-Qur'an 3:62; Abu-`Ubayd: al-Amwal.

31. Al-Bayhaqiy: al-Sunan al-Kubra 6:344; Muhammad ibn Idris al-Shafi'iy: al-Musnad Chapter: Spoils of War.

32. Musnad Ahmad ibn Hanbal 1:320; Al-Bayhaqiy: al-Sunan al-Kubra 6:344; Sunan al-Nassa'iy; Sunan Abi-Dawud.

33. Ibn al-Athir: al-Kamil fi'l-Tarikh 3:91; Tarikh al-Tabariy as well as many other reference books of Islamic history.

Let us now pursue the perpetuity of the trend of Opinionism and Ijtihad—the trend invented by Abu-Bakr and `Umar—during the reigns of Mu`awiyah ibn Abi-Sufyan and the rulers who came after him. We have previously cited, as has been recorded in *Musnad Ahmad ibn Hanbal*, that it has been narrated that Mu`awiyah ibn Abi-Sufyan (during his reign) said, "O People: reduce reporting from Messenger of Allah; and when you do, you must report traditions that were known during the reign of `Umar."[1]

It has been also narrated that al-Yahsubiy said that he once heard Mu`awiyah ibn Abi-Sufyan saying to the publics, "Beware of spreading the Hadith except those that were known during the reign of `Umar ibn al-Khattab for this man used to threaten people for the sake of Almighty Allah."[2]

Similarly, it has been narrated on the authority of Ibn `Adiy that Isma`il ibn `Ubaydullah confirmed that Mu`awiyah (ibn Abi-Sufyan) warned people against circulating any tradition that is reported from the Holy Prophet excluding these which were known during the reign of `Umar and admitted by him.[3]

It has been narrated on the authority of Muhammad ibn `Abdullah that during the season of the Hajj attended by Mu`awiyah ibn Abi-Sufyan, Sa`d ibn Abi-Waqqas, and al-Dahhak ibn Qays[4] discussed the issue of connecting the Hajj to the `Umrah. Al-Dahhak said, "Only those who have no knowledge in the rulings of Almighty Allah will connect the Hajj to the `Umrah."

Answering him, Sa`d said, "You are totally wrong, brother."

Al-Dahhak replied, "Indeed, `Umar ibn al-Khattab prevented such!"

Sa`d said, "But the Messenger of Allah did it, and we followed him on it."[5]

Narrating the same report, al-Darimiy confirmed that Sa`d ibn Abi-Waqqas answered al-Dahhak ibn Qays by saying, "`Umar is better than I am; but the Holy Prophet did it; and certainly he is better than `Umar ibn al-Khattab."[6]

Al-Dahhak ibn Qays al-Fihiry al-Qirashiy, the tyrant, imitated `Uthman ibn `Affan in the prevention from the temporary marriage, and `Uthman had imitated `Umar ibn al-Khattab. Exceeding them, Mu`awiyah ibn Abi-Sufyan insisted on the cancellation of this matter so importunely since he believed in the necessity of founding an independent code of law that would be characterized by independent dimensions and foundations in order to be contradictory to the religious laws adopted and followed by the descendants of Imam `Ali ibn Abi-Talib and the other Sahabah who followed them.

The code of law enacted by Abu-Bakr and `Umar was the ground on which Mu`awiyah ibn Abi-Sufyan rested in the enactment of his independent code of law. Having been extremely cunning, Mu`awiyah could understand the necessity of locking the door to the circulation of the Holy Prophet's Hadith. He therefore strengthened the personal decisions of `Umar ibn al-Khattab so that he would be able to construct the substitutive code of law.

In my book entitled *Wudu' al-Nabiy*, I have focused much light on the fact that the Muslim rulers,

whether the Umayyads or the `Abbasids, feared the descendants and followers of `Ali ibn Abi-Talib very much; they therefore planned to eradicate them; they therefore decided to sketch for the people a code of law opposite to that of `Ali ibn Abi-Talib so that they would realize the followers of `Ali ibn Abi-Talib and discriminate them.

Hence, those rulers, in the admission of the religious laws, once followed the opinions of `Umar, and at other times they followed the opinions of `ishah and then the opinions of Abu-Hurayrah and then the opinions of `Uthman and so on. The most important aim that they worked for attaining it was to oppose the sayings of Imam `Ali ibn Abi-Talib and only then would they be able to force all the peoples to follow their decisions.

Whenever they intended to eradicate any of the followers of Imam `Ali, they would declare that he had mutinied against the will of the ummah since the laws that he practiced had been opposite to these issued by the ruling authorities and the methods that he followed in the practice of the religious duties had been different from these practiced by the publics.

For instance, he rubbed, not washed, his feet in the ritual ablutions, or he extended his hands rather than crossing them in the ritual prayers, and he recited the verses audibly instead of quietly... etc.

As he prohibited the recording and reporting of the Hadith, `Umar ibn al-Khattab granted Mu`awiyah ibn Abi-Sufyan the best opportunity to establish the substitute code of law in the same way as he strengthened the role of the storytellers and the dishonest reporters and encouraged them to fabricate narrations corroborating Mu`awiyah's personal opinions and attacking the positions of his enemies. Hence, he ordered those dishonest reporters to fabricate narrations concentrating on the "unfounded" merits of Abu-Bakr, `Umar, and `Uthman.

For example, it has been narrated that `Amr ibn al-`s swore before people that he heard the Messenger of Allah saying, "You should recite (the Holy Qur'an) in the same way suggested by `Umar (ibn al-Khattab) and should carry out any command that he would issue!"7

Instructing his officials, Mu`awiyah wrote the following message, "Try to find the followers, fans, and adherents of `Uthman (ibn `Affan) as well as those who circulate narrations about his merits and virtues. If you find them, you should show favor to them, approach, and honor them. Write back to me the narrations that they report in this regard as well their names and the names of their fathers and their tribes."8

When fabricated narrations about the merits of `Uthman circulated among people terribly, Mu`awiyah wrote to his officials, "Narrations about `Uthman have spread out so excessively that it cover each and every province, city, and down.

Hence, after you read this message, I order you to call people to circulate narrations about the merits of the other Sahabah and the first two caliphs (namely Abu-Bakr and `Umar). About all the reports that the

Muslims narrate about the merits of Abu-Turab (i.e. Imam `Ali), you are ordered to contradict all these reports by fabricating opposing ones about the Sahabah."9

This narration has demonstrated the policy of Mu`awiyah who accepted all the Sahabah except Abu-Turab—Imam `Ali ibn Abi-Talib. The matter did not stop at the fabrication of Hadith in the field of the Sahabah's merit; rather it crept into the field of the jurisprudence. The following narration, reported by al-Bayhaqiy and Abu-Dawud, proves this matter:

Once, Mu`awiyah said to a group of the Sahabah, "Did the Messenger of Allah prohibited riding on saddles made of skins of tigers?"

"Yes, he did," answered they.

"I also testify it," commented Mu`awiyah who further asked, "Do you know that the Prophet prohibited putting golden things (for men only)?"

"Yes, we know," answered they.

He then asked, "Do you know that the Prophet prohibited joining the `Umrah to the Hajj?"

"No, we do not," said they.

He commented, "By Allah, this is indeed with the prohibited matters."10

This is Mu`awiyah's method in inducement and depending upon the familiar rulings in sticking fabricated ones to them for purpose of deluding the others.

As he comments on this narration, Ibn al-Qayyim al-Jawziyyah said,

"We swear by Almighty Allah that this is a delusion fabricated by Mu`awiyah or might have been fabricated against him since the Holy Prophet had never prohibited the joining of the `Umrah with the Hajj."11

As a matter of fact, Ibn al-Qayyim has been also mistaken. Like the majority of the Muslims, Ibn al-Qayyim had a favorable idea about Mu`awiyah and though of him as having been deluded, while delusion is impracticable in such a clear-cut ruling that had been practiced by the Holy Prophet and the Muslims before disagreement about it took place during the reign of `Umar ibn al-Khattab who prohibited the Muslims to join the `Umrah to the ritual Hajj. It is therefore far-fetched to believe that Mu`awiyah did not know the actual rulings.

Secondly, instead of claiming that the matter was fabricated against Mu`awiyah, Ibn al-Qayyim al-Jawziyyah should have decided it as having been fabricated against the Holy Prophet and should have expected it to be a preplanned plot the purpose of which is to found a new code of law opposite to that of Almighty Allah and the Holy Prophet.

Mu`awiyah conspired for enlivening the method of `Umar ibn al-Khattab in issuing personal opinions in the religious questions and repealing other laws commissioned by Almighty Allah and the Holy Prophet, but he did not expect that days would expose his lies and reveal his trickeries. In this respect, al-Bukhariy and Muslim have narrated on the authority of `Abdullah ibn `Abbas that Mu`awiyah once asked him, "Do you know that I have cut the hair of the Holy Prophet (during the Hajj) with an arrowhead?"12

`Abdullah ibn `Abbas answered, "Although I do not know this piece of information, it acts as an argument against you!"13

As he fabricated that incident, Mu`awiyah wanted to prove that he was so close to the Holy Prophet that he shaved his head personally, yet he forgot that his claim had been contradictory to his decision of the prohibition of joining the `Umrah to the Hajj.

In *Sahih Muslim*, it has been narrated that Sa`d ibn Abi-Waqqas, when was asked about the legality of the temporary marriage, said, "We practiced the temporary marriage when this one had no faith in the Lord of the Divine Throne (`Arsh) (or: this one was faithless in Makkah)."14 The narrator of this report mentioned that Sa`d, by saying "this one" meant the house of Makkah, but another reporter confirmed that he meant Mu`awiyah.15

The fans of Mu`awiyah16 distorted the pronunciation of the word *"`arsh"* into *"`urush"* so that it would mean "houses of Makkah" instead of "the Divine Throne."

Sa`d ibn Abi-Waqqas—the grand Sahabiy, the conqueror of Iraq, and one of the members of the Shura Committee whom were nominated by `Umar ibn al-Khattab for the caliphate—opposed Mu`awiyah ibn Abi-Sufyan on more than once occasion. This Sahabiy and those who enjoyed the like of his position could object to Mu`awiyah's personal opinions, while the other people could not stand in his face.

Yet, even those grand Sahabah, such as `Imran ibn al-Husayn, and `Abadah ibn al-Samit, feared the oppression of the rulers, like `Umar ibn al-Khattab and `Uthman ibn `Affan, in general and Mu`awiyah ibn Abi-Sufyan, the well-known of his cunning and trickeries, in particular whenever they objected to them.

It has been narrated that `Imran ibn al-Husayn had to expose a secret that suppressed him during the reigns of Abu-Bakr, `Umar, and `Uthman. When he was in the last sparks of his life, he conveyed that secret to Mutrif. Let us now present the whole story as has been narrated by Muslim and other Hadithists on the authority of Mutrif:

As he was in his final ailment, `Imran ibn Husayn summoned me. When I was present before him, he said to me, "I will convey to you some facts hoping that Almighty Allah will make you benefit by them after me. If I live, I want you to keep them secret, but I will die, you may circulate them. Be it known to you that the Prophet of Allah joined the `Umrah to the Hajj and this act has not been repealed in the Holy Qur'an, and the Holy Prophet did not prohibit it at all. Yet, someone expressed his personal opinion in

this regard."[17]

According to another form of the narrative, Mutrif said that `Imran ibn al-Husayn said to him, "I will convey to you a matter hoping that Almighty Allah will make you benefit by it in the future. Be it known to you that the Messenger of Allah performed the `Umrah during the season of the Hajj, and this act has not been repealed by a verse from the Holy Qur'an and the Messenger of Allah himself did not prohibit it. Yet, when he passed away, some men followed their personal opinions in the question."[18]

`Imran ibn al-Husayn conveyed this matter while he was afraid of the inconvenience of this conveyance; he therefore asked Mutrif to retain the matter so that it may help him in the next days. He also ordered Mutrif to keep it secret if he (`Imran) would recover. This state of fear and suspect proves manifestly that most of the Sahabah did not admit the deeds of Abu-Bakr, `Umar, `Uthman, and Mu`awiyah.

Discourse Of Ibn Qayyim About Temporary Marriage

Ibn al-Qayyim al-Jawziyyah has attempted to bring into agreement the contradictory narrations about the temporary marriage. He says,

Some people argue the legality of the temporary marriage through citing the following two reports as their evidence:

(First) Muslim (al-Nisapuriy), in *al-Sahih*, has recorded that Jabir ibn `Abdullah al-Ansariy said, "During the lifetime of the Messenger of Allah and the reign of Abu-Bakr, we used to practice the temporary marriage and the dowries were even a handful of dates and a handful of flour. This lasted until `Umar (ibn al-Khattab) prohibited the temporary marriage in the issue of `Amr ibn Hurayth."

(Second) It has been authentically narrated that `Umar ibn al-Khattab said, "The temporary marriage and the performance of the `Umrah during the Hajj season (*Mut`at al-Hajj*) are two permissions that were practiced during the lifetime of the Messenger of Allah, but I now declare them as prohibited!"

Answering this argument, people have had two replies:

(First) Some people argue that it is true that it was `Umar ibn al-Khattab who prohibited these two legal matters, but the Messenger of Allah ordered us to follow the *sunnah* of the Rashidite Caliphs! Nevertheless, this group of people have not decided the authenticity of the report of Sabarah ibn Mu`in entailing that the temporary marriage was prohibited in the year of the Conquest of Makkah, because it has been reported by `Abd al-Malik ibn al-Rabi` ibn Sabarah on the authority of his father on the authority of his grandfather.

Ibn Mu`in, a biographer, has criticized this reporter. Besides, although al-Bukhariy was in need for the report of `Abd al-Malik, he has evaded recording it in his book.

This means that had al-Bukhariy deemed authentic this report, he would have certainly recorded it and used it as his proof. It has been also said that had the report of Sabarah been true, it would have been known by `Abdullah ibn Mas`ud who narrated that the Muslims during the lifetime of the Holy Prophet practiced the temporary marriage and provided the holy verse[19] as the proof on his claim.

In addition, had the report of Sabarah been authentic, `Umar ibn al-Khattab would have said, in the declaration of his prohibition of the temporary marriage, that the Holy Prophet prohibited and warned against it; rather he said that these two practices (i.e. the temporary marriage and the *Mut`at al-Hajj*) were legally practiced during the lifetime of the Holy Prophet but he, `Umar, would prohibit them and sentence to punishment those who would practice them.

It has been also said that had the report of Sabarah been authentic, the temporary marriage would not have been practiced legally during the reign of Abu-Bakr which is considered the continuity of the reign of the Messenger of Allah.

(Second) Another group of people have deemed authentic the report of Sabarah for it is supported by the report of (Imam) `Ali that reads, "The Messenger of Allah has prohibited the temporary marriage."

Accordingly, we have to decide that Jabir ibn `Abdullah al-Ansariy did not know about the prohibition because this decision was not circulated among the people up to the reign of `Umar when disputations about the temporary marriage floated noticeably. The previous discussion has thus removed any contradiction in the reports regarding the prohibition of the temporary marriage.[20]

Remark

The previous discussion of Ibn Qayyim al-Jawziyyah must be exposed to some notices. He should have informed us how the prohibition of the temporary marriage has been declared by the Holy Prophet and reported by Imam `Ali. Only then would it be acceptable for Ibn Qayyim to cite Imam `Ali's report as his proof on the prohibition of the temporary marriage.

It is well-known for everybody that Imam `Ali and his cousin, `Abdullah ibn `Abbas, were on the top of those who encouraged the temporary marriage; and the Holy Imams defended it all over history.[21]

Hence, it is completely ironic that while Imam `Ali is reported to have prohibited the temporary marriage, the rulers disputed with his sons and asked for proofs on the legality of the temporary marriage as well as many other religious issues.

Besides, the adherents of Imam `Ali are being criticized fiercely because they argue the legality of the temporary marriage and, similarly, the Shi`ite Muslims are being attacked for this point in particular.

On the other side, the reference books of Hadith of both the Sunnite and Shi`ite Muslims have reported from Imam `Ali various narrations about the legality of the temporary marriage through miscellaneous

ways of narration.

The followers of the trend of the thorough compliance with the sacred texts have unanimously agreed upon this fact, while the aforementioned report of the prohibition and its likes have been reported by the fans of the School of Opinionism and Ijtihad only.

As has been previously confirmed, the ruling authorities and their fans exerted all possible efforts in ascribing the decisions that they personally issued and favored to the grand Sahabah who objected to the caliphs openly in order that the baseless judgments of the caliphs would be corroborated, yet falsely, by the sayings of great personalities like Imam `Ali ibn Abi-Talib, `Abdullah ibn Mas`ud, Sa`d ibn Abi-Waqqas, and others.

This is the explanation of one of the phenomena of the contradiction in the reports of the Opinionists from a Sahabiy, especially those who opposed the Ijtihad and personal judgments of Abu-Bakr and `Umar. Such contradiction is the reporting from a Sahabiy indicates to the existence of an extension of another course as regards the Islamic laws.

From this cause, I have more than once concentrated on the necessity of investigating the confusables in the reporting of the Hadith since such investigations will acquaint us with the rulers (i.e. caliphs) who adopted these opinions and the personalities whom were given the biggest role in the enactment of Islamic laws, such as `ishah and whether those were objected by the Sahabah or not.

Such being the case, it will be possible to be on familiar terms with the hidden threads of the enactment of the religious laws as well as the place and time of the issuance of these laws and the confusables of verdicts and opinions.

If the issue of the temporary marriage is taken for instance, the extension of the two trends will manifest itself. `Abdullah ibn `Abbas, `Abdullah ibn `Umar, Sa`d ibn Abi-Waqqas, Imam `Ali ibn Abi-Talib, Abu-Musa al-Ash`ariy, and many other Sahabah—all these did not accept `Umar ibn al-Khattab's decision of the prohibition of the temporary marriage that was based upon nothing other than that `Umar did not like it!

It is thus natural that the fans of `Umar, in order to strengthen the trend of the ruling authorities, have ascribed the prohibition of the temporary marriage to `Abdullah ibn `Abbas, Imam `Ali, and even `Abdullah son of `Umar ibn al-Khattab.

As a result, a researcher has to investigate methodically all the sayings as regard the rulings of the temporary marriage especially after studying `Umar's decision of the prohibition of the temporary marriage. A researcher is also required to study whether the law of the legality of the temporary marriage was actually repealed or Imam `Ali and `Abdullah ibn `Abbas did really prohibit it in addition to the other matters that were fabricated for purpose of backing the opinion and decision of the ruler.

All the historical, traditional, Sunnite, and Shi`ite texts have manifestly proven the falsehood of such reports. For instance, let us cite the following narration:

It has been narrated that `Urwah ibn al-Zubayr, once, came to `Abdullah ibn `Abbas and asked him, "You have very frequently misled the people!"

"How is that, `Urwah?" asked Ibn `Abbas.

"You claim that a man who enters into the state of Ihram will have it accomplished after he performs the ritual circumambulation of the Ka`bah. Abu-Bakr and `Umar prohibited this."

Ibn `Abbas answered, "Woe is you! Do you regard Abu-Bakr and `Umar as preferred to the texts of the Book of Allah and the Holy Prophet's instructions to the Sahabah and the Muslims?"

`Urwah replied, "Abu-Bakr and `Umar were more knowledgeable in the Book of Allah and the Sunnah of the Holy Prophet than you are and I am."22

It has been also narrated on the authority of Ayyub that `Urwah said to `Abdullah ibn `Abbas, "Will you not fear Allah as you are deciding the legality of the temporary marriage?"

`Abdullah ibn `Abbas answered, "You may ask you mother about this!"

`Urwah said, "Abu-Bakr and `Umar did not allow it."

`Abdullah ibn `Abbas commented, "By Allah I swear that you will not stop this until Almighty Allah will chastise you! I convey to you the decision of the Holy Prophet and you say that Abu-Bakr and `Umar did so-and-so!"23

In the aforementioned narration, `Abdullah ibn `Abbas asked `Urwah to ask his mother, Asma' daughter of Abu-Bakr, about the legality of the temporary marriage because al-Zubayr ibn al-`Awwam, `Urwah's father, had married her the temporary marriage and thus she gave birth of `Abdullah ibn al-Zubayr. This matter is recorded by al-Raghib in his famous book of *Muhadarat al-Udaba'*.24

It has been also narrated on the authority of Abu-Nadrah that one day a man came to Jabir ibn `Abdullah al-Ansariy and asked him why `Abdullah ibn `Abbas and `Urwah ibn al-Zubayr had disagreed about the ruling appertained to the temporary marriage.

Replying him, Jabir said, "When we were with the Holy Prophet, we practiced the temporary marriage, but when it was prohibited by `Umar ibn al-Khattab, we stopped."25

The presentation of the aforementioned narrations of `Abdullah ibn `Abbas is aimed at acquainting the gentle readers with the fact that the narrations ascribed to `Abdullah ibn `Abbas and the other grand Sahabah about the illegality of the temporary marriage have been fabricated, since such narrations would support the trend of the caliphs and contradict the opinions of those who objected to the caliphs

and their trend of Opinionism and Ijtihad.

It has been well known that Mu`awiyah ibn Abi-Sufyan was the first to nourish the spirit of malice against the Ahl al-Bayt since he publicly and formally decided that Imam `Ali and `Abdullah ibn `Abbas would be cursed during the sermons of the Friday Prayers as well as the other religious occasions.

In the same course, Mu`awiyah exerted all efforts in distorting the religious laws because `Ali called for and followed the genuine religious laws as exactly as have been revealed from Almighty Allah.

In plain words, Mu`awiyah changed the Islamic laws out of his malice against Imam `Ali. Accordingly, it is natural that the opinions of `Abdullah ibn `Abbas and `Ali ibn Abi-Talib are opposite to those decided by the ruling authorities since all the rulers of the Islamic State, such as the Umayyad and the `Abbasid dynasties, adopted the opinions of Abu-Bakr, `Umar, `Uthman, and `'ishah as well as the opinions of anyone who would violate the true religious laws that were adopted by Imam `Ali so long as the descendants and adherents of Imam `Ali were the opposition.

1. Al-Muttaqiy al-Hindiy: Kanz al-'Ummal 1:291.
2. Sahih Muslim 2:718 H. 98.
3. Musnad Ahmad ibn Hanbal 4:99; al-Dhahbiy: Tadhkirat al-Huffadh 1:7; Ibn `Adiy: al-Kamil.
4. Al-Dahhak ibn Qays al-Fihiry al-Qirashiy was the commander of the constabularies of Mu`awiyah ibn Abi-Sufyan. He was born seven years before the demise of the Holy Prophet. As he was chosen for this office, he participated in the campaigns led by Mu`awiyah. He therefore attacked Iraq and the caravans of the Hajjis and robbed their luggage. He performed the funeral of Mu`awiyah. He then swore allegiance to `Abdullah ibn al-Zubayr after he had sworn allegiance to Yazid, son of Mu`awiyah. As he fought against Marwan ibn al-Hakam, he was killed in Marj-Rahit in AH 64.
5. al-Bayhaqiy: al-Sunan al-Kubra 5:17; Ibn Qayyim al-Jawziyyyah: Zad al-Ma`ad 1:179.
6. Sunan al-Darimiy 2:35-36.
7. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 12: 593 H. 35844.
8. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 1:44.
9. Ibn Abi'l-Hadid: Nahj al-Balaghah 11:44-45.
10. Al-Bayhaqiy: al-Sunan al-Kubra 5:20; Sunan Abi-Dawud 2:913 H. 209.
11. Ibn al-Qayyim al-Jawziyyah: Zad al-Ma`ad 1:189.
12. Among the rituals of the Hajj is the having one's hair cut. In this regard, the Holy Qur'an reads: "And complete the Hajj or `Umrah in the service of Allah. But if ye are prevented from completing it, send an offering for sacrifice, such as ye may find, and do not shave your heads until the offering reaches the place of sacrifice. 2/196"
13. Sahih al-Bukhariy 2:214; Sahih Muslim 2:913 H. 209.
14. Sahih Muslim 2:898 H. 1225.
15. Musnad Ahmad ibn Hanbal 1:181 H. 1568; al-Musnad al-Mustakhraj `Ala Sahih Muslim 3:324 H. 2841; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 3:566.
16. Among those fans are al-Khattabiy, in Islah Ghalat al-Muhaddithin 338, and al-Suyutiy, in al-Tatrif fi al-Tashif 31. For further details, refer to Abu-`Ubayd: Gharib al-Hadith 4:20-21; al-Mashariq 2:79; al-Nawawiy: Sharh Sahih Muslim 8:204 and Ibn al-Jaqziy: al-Gharib 2:81.
17. Sahih Muslim 2:899; al-Nawawiy: Sharh Sahih Muslim 7:456.
18. Al-Nawawiy: Sharh Sahih Muslim 8:455.
19. This holy verse is: "And all married women are forbidden unto you save those captives whom your right hands possess. It is a decree of Allah for you. Lawful unto you are all beyond those mentioned, so that ye seek them with your wealth in honest wedlock, not debauchery. And those of whom ye seek content by marrying them, give unto them their portions as a

duty. 4/24"

20. Ibn Qayyim al-Jawziyyah: Zad al-Ma`ad 2:184.

21. For instance, see Shaykh al-Saduq: `Uyun Akhbar al-Rida 1:132.

22. Al-Haythamiy: Majma` al-Zawa'id 3:234; al-Tabaraniy: al-Mu`jam al-Awsat 1:11 H. 21.

23. Ibn Qayyim al-Jawziyyah: Zad al-Ma`ad 1:213; Ibn Hazm al-Andalusiy: Hijjat al-Wada` 353 H. 391; Ibn `Abd al-Barr: al-Tamhid 8:208.

24. Al-Raghib al-Isfahaniy: Muhadarat al-Udaba' 3:213; Ibn `Abd-Rabbih al-Andalusiy: al-`Iqd al-Farid 2:139.

25. Sahih Muslim 2:914 H. 1249, 2:1023 H. 1405; al-Bayhaqiy: al-Sunan al-Kubra 7:206 H. 13947; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 9:174.

Muhammad ibn Idris al-Shafi`iy, in his book of *Kitab al-Umm*, has recorded on the authority of `Ubayd ibn Rafa`ah that when Mu`awiyah ibn Abi-Sufyan, the ruler, came to al-Madinah, he led the congregational prayer in which he neither recited "*Bism-illahir-rahmanir-rahim* (In the Name of Allah, the All-compassionate the All-merciful)" nor said *"Allahu-Akbar*" whenever he prostrated himself or stood up.

When he finished the prayer, the Muhajirun and Ansar shouted at him, "Mu`awiyah! Have you stolen your prayer? Where is the *Basmalah* and the *Takbir*?"

He therefore led another prayer in which he performed the things that he had missed in his first prayer.

He then said, "Now, this prayer comprises the things for the missing of which they have criticized me!"1

It has been also narrated on the authority of Anas ibn Malik that when Mu`awiyah ibn Abi-Sufyan visited the holy city of al-Madinah, he led a congregational prayer in which he recited the *Basmalah* for the Surah of al-Fatihah but did not recite it for the other Surah.

He also did not recite *Takbir* when he prostrated himself and when he stood for the other Rak`ahs. When he finished, all the Muhajirun shouted from everywhere, "Mu`awiyah! Have you stolen the prayer or you forgotten it?" Hence, when he led another prayer, he recited the *Basmalah* and the *Takbir*.2

It has been narrated that al-Zuhriy, a grand Sunnite jurisprudent and a founder of a school of Sunnite jurisprudence, said, "`Amr ibn Sa`id ibn al-`[illegible]s was the first to recite the *Basmalah* with inaudible voice (during the ritual congregational prayers) in al-Madinah."3

Commenting on al-Zuhriy's previous narration, al-Fakhr al-Raziy says,

`Amr ibn Sa`id ibn al-`[illegible]s became the governor of al-Madinah during the reign of Yazid ibn Mu`awiyah. Hence, many people followed him in the matter of canceling the *Basmalah* in the ritual prayers. In this respect, Yahya ibn Ju`dah, referring to the cancellation of the *Basmalah*, says, "Satan could steal a verse from the leaders of the congregational prayers."

Al-Zuhriy has also said about the same matter, "The people have neglected a verse from the Holy Book

of Almighty Allah." Mujahid has also said about the same matter, "The people have forgotten the actual matter that was followed in the past. All the matters that were innovated after the age when the act of Mu`awiyah was denied by the Muslims are worthless.

Because people have no longer denied them, the innovated things have become circulating and become commonly acceptable. Hence, one must depend upon the deeds of the scholars, not the rulers and their officials."

It may be said that had this matter been baseless, the scholars would have denied it. To answer this, the scholars did deny this matter when it was practiced by Mu`awiyah who, as a consequence, retreated. But when the authority became in the hands of other tyrannical governors who presided over the holy city of al-Madinah—such as al-Ashdaq, al-Hajjaj, Hubaysh ibn Dalajah, and their likes—the scholars could no longer object to them for fear of their persecution, or other scholars might have objected to such matters but nobody listened to them.

As a result, the others accepted the matter as they though of it as permissible. Although such matters are considered negligence of the Holy Prophet's instructions, it is lawful to neglect them. Hence, the scholars accepted it in order to avoid sedition.[4]

Commenting on the following words of `Abdullah ibn al-Zubayr, "Nothing but arrogance has prevented the governors of al-Madinah from reciting the *Basmalah* in the prayers," al-Fakhr al-Raziy further said,

`Amr ibn Sa`id ibn al-Ashdaq, the first ruler of al-Madinah who canceled the *Basmalah* in the congregational prayers, did that because he wanted to violate Abdullah ibn al-Zubayr, who decided it, in everything including this act. Having imitated al-Ashdaq, all the rulers of al-Madinah whom were appointed by the Marwanids canceled the *Basmalah*.

It is thus not unacceptable that `Amr ibn Sa`id al-Ashdaq who besieged Abdullah ibn al-Zubayr[5] in Makkah and negotiated with him through messengers wanted to violate him in everything including the cancellation of the *Basmalah* in the congregational prayers. The same thing is applicable to al-Hajjaj who also besieged him in Makkah after he had demolished the Holy Ka`bah and taken out the sacred Black Stone from there.

Moreover, the question of reading the *Basmalah* audibly or inaudibly is argumentative. In this respect, it has been narrated that Bakr ibn `Abdullah al-Muzaniy said, "As I followed `Abdullah ibn al-Zubayr in a congregational prayer, he recited the *Basmalah* audibly."

According to another narration, "`Abdullah ibn al-Zubayr used to recite the *Basmalah* in the congregational prayers audibly and used to say that nothing but arrogance has prevented you from reciting it audibly."[6]

Before the aforesaid presentation, al-Fakhr al-Raziy has cited the following narration:

It has been narrated on the authority of Muhammad ibn Ishaq al-Musayyabiy that his father, once, recited the *Basmalah* audibly in a prayer that he had offered in al-Madinah. Immediately, al-A`sha Abu-Bakr, the nephew of Malik ibn Anas, came to him and said, "Malik ibn Anas sends his compliments to you and say that you have been the last one that he expects to violate the religious rituals followed by the people of al-Madinah."

Ishaq al-Musayyabiy asked, "What for has he said this to me?"

Al-A`sha answered, "This is because you have recited the *Basmalah* audibly in the prayer."

Ishaq answered, "Well, send my compliments to Malik in the same way as he has done and say to him that I have very frequently heard him ordering us not to follow the scholars of Iraq as regards the religious laws since he claimed that none of our master scholars have ever followed them.

Yet, it is Hamid al-Tawil, the Iraqi scholar, who canceled the audible recitation of the *Basmalah* in prayers. Hence, if he (i.e. Malik ibn Anas) wants us to follow the scholars of Iraq, we will follow them in this question as well as others, otherwise we will neglect this very question and the others. Hence, Malik's claim against me is rejected. Besides, I have very frequently heard him ordering us to take a field of knowledge from its people.

Depending upon this instruction, I have asked Ibn Abi-Nu`aym, the most experienced in the knowledge of the Holy Qur'an in al-Madinah, about the question and he ordered me to recite the *Basmalah* audibly in the prayers, saying, 'I swear that the *Basmalah* is one of the verses of the Surah of al-Fatihah and I swear that Almighty Allah has revealed it. Nafi`, the manumitted slave of `Abdullah ibn `Umar, narrated to me that `Abdullah ibn `Umar used to recite the *Basmalah* at the beginning of each Surah.'"[7]

From the aforecited narration, we conclude that the trend of Opinionism and Ijtihad and the trend of thorough compliance with the sacred texts both influenced the jurisprudents of the other ages. Malik ibn Anas, the jurisprudent of the ruling authorities, did not recite the *Basmalah* before reciting the verses of the Holy Qur'an while Ishaq al-Musayyabiy believed that the Holy Prophet and the Sahabah did recite it before the recitation of any Surah.

It is worth mentioning in this respect that the majority of the jurisprudents of al-Madinah violated the Ahl al-Bayt in the issuance of religious rulings, while the majority of the jurisprudents of Iraq agreed with them.

It is also well-known that Malik ibn Anas was, once, summoned by al-Mansur, the `Abbasid ruler, who ordered him, saying, "Write down your knowledge of the religious laws in a book and to avoid the 'improper' opinions of `Abdullah ibn Mas`ud and the 'permissions' of `Abdullah ibn `Abbas and the 'rigid' verdicts of `Abdullah ibn `Umar.

You must also follow the middle opinion in each issue as well as the opinions that were proven by the

master jurisprudents and the Sahabah so that we will order the people to follow and act upon your knowledge and books, to distribute them in the provinces of the state, and to order them not to violate your verdicts and not to issue anything else."

Answering the ruler, Malik said, "The people of Iraq do not accept my knowledge and do not accept my opinions."

According to another narration, Malik ibn Anas was summoned and asked by al-Mansur to unify 'one' (i.e. unified) knowledge. Malik answered, "Because the companions of the Messenger of Allah scattered in various countries, each one issued judgments out of his own personal deduction. Consequently, the people of Makkah have had their own laws, the people of al-Madinah have had their own laws and so have the people of Iraq."

Al-Mansur commented, "As for the people of Iraq, I do not accept any item from them, while the actual knowledge is found with the people of al-Madinah. Accordingly, you must now begin founding the 'knowledge' (that would be imposed upon people to follow)!"8

As has been previously mentioned and proven by many words said by the Holy Imams, the jurisprudence of the people of al-Madinah is generally opposite to the jurisprudence of the Ahl al-Bayt, whereas the jurisprudence of the people of Iraq is generally agreeing with the Ahl al-Bayt although the people of Iraq accepted personal opinions in the issuance of religious laws and were influenced by the reports that were fabricated and circulated by the ruling authorities. From this cause, al-Mansur, the `Abbasid ruler, said the aforementioned words about them.

In his missive to Layth ibn Sa`d the master jurisconsult of Egypt, Malik ibn Anas said,

"May Allah have mercy upon you! Be it known to you that I have been informed that you are issuing verdicts opposite to the laws followed by the people in our country. Although we trust you and confess of your virtuousness... etc."9

Undoubtedly, the ruling authorities, both the Umayyads and the `Abbasids, exerted all efforts for opposing the jurisprudence of the Ahl al-Bayt. The aforesaid narrations are clear-cut proofs on this fact.

However, not all the situations of the Umayyad and the `Abbasid rulers about the rulings appertained to the *Basmalah* were quoted from Abu-Bakr and `Umar; rather some of these situations were quoted from Mu`awiyah ibn Abi-Sufyan, `Abd al-Malik ibn Marwan, al-Mansur, and others. This matter and its likes must be recognized by the researchers in this field.

It has been narrated that Ja`far ibn Muhammad (Imam Ja`far al-Sadiq) has said,

"The Household of Prophet Muhammad agreed unanimously on the reciting of the *Basmalah* audibly in prayers."

Similarly, Abu-Ja`far Muhammad ibn `Ali (Imam Muhammad al-Baqir) has said,

"It is improper to follow in a congregational prayer an imam who does not recite the *Basmalah* audibly."[10]

Imam `Ali al-Rida is reported to have said,

"All the descendants of Prophet Muhammad have agreed unanimously on the ruling that the *Basmalah* must be recited audibly (in prayers)."[11]

Imam al-Sajjad is reported to have said,

"We, the descendants of (Lady) Fatimah, have agreed unanimously on the ruling that the *Basmalah* must be recited audibly (in prayers)."[12]

It has been also narrated that the Holy Messenger of Allah, Imam `Ali, Imam al-Hasan, Imam al-Husayn, Imam `Ali ibn al-Husayn, Imam Muhammad ibn `Ali, and Imam Ja`far ibn Muhammad—all recited the *Basmalah* audibly during the prayers in the beginning of the Surah of al-Fatihah and the other one that comes next at each Rak`ah.[13]

Imam Ja`far al-Sadiq is reported as saying,

"*Taqiyyah* is the religion of my fathers and me. Yet, I do not use it in three matters... in the audible recitation of the *Basmalah*."[14]

It has been narrated on the authority of Abu-Hurayrah that the Holy Prophet used to recite the *Basmalah* audibly, but people neglected that after him.[15]

Al-Tabaraniy and Ahmad ibn Hanbal have recorded on the authority of `Abbad ibn `Abdullah ibn al-Zubayr that `Uthman ibn `Affan used to offer the Dhuhr (midday), `Asr (afternoon), and `Isha' (evening) obligatory Prayers in the complete form (i.e. four Rak`ahs for each).

Only when he would be at Mina and on Mount `Arafat, he would offer the prayers in the shortened form. Then, when he would accomplish the Hajj rituals and reside in Mina, he would again offer the prayers in the complete form until he would leave Makkah.

When Mu`awiyah ibn Abi-Sufyan, having been the ruler, visited Makkah, he led the Dhuhr congregational Prayer therein and offered it in the shortened form (i.e. in two Rak`ahs only). When he finished, Marwan ibn al-Hakam and `Amr ibn `Uthman said to him, "None has ever dishonored your cousin (`Uthman ibn `Affan) in a way more disgraceful than what you have just done!"

"How is that?" asked Mu`awiyah.

They said, "You should have known that `Uthman used to offer the prayers in the complete form at

Makkah."

Mu`awiyah replied, "Woe to you! I have done the correct thing! When I followed the Messenger of Allah, Abu-Bakr, and `Umar in the congregational prayers like this one, they offered them in the complete, not shortened, form."

They answered, "Nevertheless, your cousin offered the like of this prayer in this place in the complete form; and to violate him is dishonor!"

Accordingly, Mu`awiyah led the `Asr congregational Prayer in the complete form!"16

At all times, the ruling authorities followed this very policy. They always retreated from doing what they had known from the Holy Prophet and followed their own caprices whenever the compliance with the instructions of the Holy Prophet would oppose their sectarian or tribal regulations!

It has been narrated on the authority of al-Hasan (al-Basriy) that while he was in Damascus, `Abadah ibn al-Samit, one of the companions of the Holy Prophet, saw the people of Syria sell silver vessels in a usurious manner.

He therefore went towards those sellers and shouted, "O People: I introduce myself to those who do not know me. I am `Abadah ibn al-Samit. I heard the Messenger of Allah once saying, while he was sitting with a group of the Ansar on a Thursday night that was just before the beginning of the holy month of Ramadan: Gold is for gold in everything, be it in measure or in barter, and whatever addition is made, it will be usury." As a result, people scattered.

When Mu`awiyah was informed about this incident, he summoned `Abadah ibn al-Samit and said to him, "If you actually accompanied and heard from the Messenger of Allah, we also accompanied and heard from him."

`Abadah answered, "I did accompany and hear from him."

Mu`awiyah said, "Keep this Hadith secret and do not mention it any more."

`Abadah replied, "I will not. I will keep spreading this Hadith in defiance of Mu`awiyah." He then left.

Mu`awiyah commented, "As for the companions of Muhammad, I cannot find anything better than pardoning them."17

A little ponderation over this narration demonstrates that `Abadah ibn al-Samit enjoyed remarkable perspicacity. As he had recognized the unfounded justifications of the Opinionists and the adopters of Ijtihad who claimed the cancellation of any religious law that they would violate, he assured that he had heard the Holy Prophet directly and in the last of his holy lifetime deciding such deals as forbidden since they are usurious.

Accordingly, the claim that such ruling was repealed would be impracticable because the laws that were decided in the last of the Holy Prophet's lifetime are final and not subjected to cancellation. From this cause, `Abadah ibn al-Samit mentioned the very day on which the Holy Prophet declared the ruling.

Recording the same report, al-Bayhaqiy and al-Qurtubiy have narrated that when Mu`awiyah was informed of `Abadah's report, he summoned the people and delivered a speech in which he said,

"What is the matter with some people who are spreading reports from the Messenger of Allah that we have not heard from him although we were accompanying him and witnessing his actions?"

On hearing this, `Abadah ibn al-Samit stood up and repeated the same story, saying,

"I will most certainly report all that which I have heard from the Messenger of Allah even if Mu`awiyah will not like this, and I do not care if this will cause me to accompany his policemen at a gloomy night."[18]

Hence, Mu`awiyah could not accuse `Abadah ibn al-Samit of telling lies directly because the latter mentioned the very time and place when and where the Holy Prophet declared that ruling. Rather, Mu`awiyah claimed that he had not heard this report and its likes from the Holy Prophet after he had been unable to claim that the report was repealed and could not belie the reporter.

In the same respect, al-Wafi al-Mahdi, quoting Malik ibn Anas in *al-Muwatta'*, has narrated that Marwan ibn al-Hakam decided the three-time divorce that was said on the same occasion as valid. Likewise, al-Zarqaniy has narrated that the Holy Prophet decided the invalidity of the divorce that is said one time only and also decided the invalidity of the divorce that is said three times on the same occasion. Rather, `Umar ibn al-Khattab decided the three-time divorce that was said on the same occasion as valid.[19]

It has been also narrated that Marwan ibn al-Hakam, once, summoned `Abdullah ibn `Abbas and said to him, "How do you issue the verdict that the blood money for the fingers is ten dirhams for each, while you know that `Umar ibn al-Khattab had issued the verdict that the blood money for the thumb is fifteen (or thirteen) dirhams, and for the index finger is twelve (or ten) dirhams, and for the middle finger is ten dirhams, and for the ring finger is nine dirhams and for the little finger is six dirhams?"

Answering him, `Abdullah ibn `Abbas said, "May Allah have mercy upon `Umar! Whose verdict should I follow; the Holy Prophet or `Umar?"[20]

In the same way as Mu`awiyah ibn Abi-Sufyan imitated `Uthman ibn `Affan in the question of the performance of the `Asr Prayer, Marwan ibn al-Hakam imitated `Umar ibn al-Khattab in the validity of the three-time divorce that is said on the same occasion and the blood money for the fingers.

Ahmad ibn Hanbal has narrated on the authority of Abu'l-Nataj on the authority of Hamran ibn Aban that Mu`awiyah once saw some people offering supererogatory prayers after the `Asr Prayer; he therefore said to them, "You are offering a prayer that we have never seen the Prophet offering it throughout our company with him; rather he prohibited this two-Rak`ah prayer that is offered after the `Asr Prayer."[21]

Earlier in this book, we have cited narrations about `Umar ibn al-Khattab's prohibiting the offering of such a prayer.

This was the method of the ruling authorities. The majority of the narrations that they ascribed to the Holy Prophet was fabricated to suit their own opinions, especially those adopted by Abu-Bakr and `Umar, in the various religious and political fields.

This was the general policy of the social life and the administrative system of the Islamic caliphate beginning with the *Salat al-Tarawih* and continuing to include other personal judgments.

Discussing the *Salat al-Tarawih*, Dr. Nadiah Sharif al-`Umariy says that narrations have confirmed that it was invented in AH 14. On the same year, `Umar, through missives, ordered the Muslims in the various countries to perform it and ordered that two leaders—one for men and other for women—must be appointed for leading this congregational prayer.22

Similarly, Dr. Mustafa al-A`dhamiy, quoting the words of some Pakistani scholars who have criticized and denied the adherence to the Holy Sunnah completely and as a source of the Islamic legislation, says,

Those scholars have claimed that the basic error in which the Muslims have fallen since the Rashidite Caliphate and up to now is that they did not understand Islam and its spirit. Islam is in reality a social system based upon consultancy (*Shura*).

The Qur'an orders us of general matters leaving its details to the Muslims' Consultative Council whose mission is to decide the way of performing the prayer and the rate of the Zakat according to spatio-temporal circumstances.

As they understood this very meaning, Abu-Bakr, ``Umar, and the other Rashidite Caliphs used to seek advice from the Sahabah; whenever they realized that the (divine) commission, any commission, required an addition, they would decide that addition, and whenever they realized that change would not be necessary, they would keep the (divine) commission as it is. Had the Sunnah of the Prophet been perpetual, the Prophet would have given us a written form of it. The verse that reads,

"Obey Allah and obey the Messenger," (***Holy Qur'an: 4/59***)

does not mean that we should obey the Sunnah of the Messenger since his Sunnah does not carry the elements of perpetuity and survival; rather the verse means that we should obey the system to which the Qur'an referred and which was represented by the Messenger during his lifetime. This system is the establishment of the Caliphate according to the Prophethood.

This system continued during the reigns of the Rashidite Caliphs; but when the Umayyad dynasty emerged as the rulers and politicians, the situation was changed, because those rulers put a separating boundary between the religion and policy.

In as much as people did not understand the actual meaning of the obedience to the Messenger, they went towards the Hadiths because the Qur'an comprised a few laws only while the necessities of life increased to a great extent.

Hence, one of the duties of the caliphate that followed the method of the Prophethood was the meeting of all the social necessities in the innovated issues. However, the nonexistence of a state in this very concept made people depend upon the Hadiths, and when the Hadiths were insufficient, the situation became increasingly more complicated![23]

It is probable that the motivation of the utterance of such words has been the prohibition of recording the Hadith that was issued by Abu-Bakr and `Umar and then their calls for the practice of Ijtihad and the stopping at the Book of Almighty Allah –"Sufficient unto us is the Book of Allah"– and the like personal decisions that are too much to be covered in this book.

Had the rulers (i.e. the caliphs) submitted to the right and avoided intruding themselves in the Islamic legislation, this would have certainly saved the Muslims from discrepancies about the Hadith and the religious laws and they would not have required *Ra'y* (Opinionism), *Qiyas* (analogy) and their likes which caused, in some causes, the changing of the lawful into unlawful and the unlawful into lawful. Moreover, Islam would have been stable and saved from multiplicity in trends and notions.

The one and only purpose of those caliphs was to prevent the Ahl al-Bayt from practicing their divinely commissioned role in the issuance of religious laws and the elucidation of Almighty Allah's rulings. This is because those caliphs thought that such functions, if practiced by the Ahl al-Bayt, would pave the way for taking them (i.e. the caliphs) away from their positions.

If some of the Muslims have pretended, for achieving political interests, to neglect the Hadiths appertained to the divinely commissioned leadership of the Holy Imams and their succeeding of the Holy Prophet, they will not be able to pretend that they have not heard of the Holy Prophet's famous saying about Imam `Ali:

"I am the city of knowledge, and `Ali is the door to that city."[24]

Similarly, they cannot deny the unparalleled relationship of Imam `Ali to the Holy Prophet and they cannot deny Imam `Ali's unprecedented truthfulness in conveying the sayings of the Holy Prophet about whom Imam `Ali has said,

"The Messenger of Allah taught me one thousand fields of knowledge; and each field takes to other one thousand fields of knowledge."[25]

If truth be told, the Muslims should have referred to Imam `Ali and the other grand Sahabah who retained, safeguarded, and recorded the Holy Sunnah in private comprehensive books so that they would refer to them in the religious questions.

Everybody knows for sure that Imam `Ali ibn Abi–Talib, after the departure of the Holy Prophet, dedicated all his time and efforts to the study of the religious knowledge. He therefore recorded the Holy Qur'an and the traditions of the Holy Prophet in the tablets that he kept for recording whatever was revealed to the Holy Prophet and whatever the Holy Prophet had said about the explanation of these revelations.

1. Muhammad ibn Idris al–Shafi`iy: Kitab al–Umm 1:108; al–Rafi`iy: al–Tadwin fi Akhbar Qazwin 1:154; Sunan al–Daraqutniy 1:311; al–Hakim al–Nisapuriy: al–Mustadrak `Ala'l–Sahihayn 1:233; al–Bayhaqiy: al–Sunan 2:50.
2. Muhammad ibn Idris al–Shafi`iy: Kitab al–Umm 1:108; al–Bayhaqiy: al–Sunan al–Kubra 2:49; al–Suyutiy: Tarikh al–Khulafa' 200; al–Shawkaniy: Nayl al–Awtar 2:266. (According to this reference book, Sa`id ibn al–Musayyab, a grand Sahabiy, said, 'Mu`awiyah ibn Abi–Sufyan was the first to violate the Takbir in the ritual prayers.')
3. Al–Bayhaqiy: al–Sunan al–Kubra 2:50 H. 2240; Siyar A`lam al–Nubala' 5:434.
4. Al–Fakhr al–Raziy: Ahkam al–Basmalah 76.
5. `Abdullah ibn al–Zubayr led a mutiny against the Umayyad rulers in Makkah and then he was murdered therein.
6. Al–Fakhr al–Raziy: Ahkam al–Basmalah 76; al–Bayhaqiy: al–Sunan al–Kubra 2:49.
7. Al–Fakhr al–Raziy: Ahkam al–Basmalah 74–75; al–Bayhaqiy: al–Sunan al–Kubra 2:48.
8. Sayyid `Ali al–Shahristaniy: Wudu' al–Nabiy 354 as quoted from Malik ibn Anas: al–Muwatta' 133 and al–Qadi `Ayyad: Tartib al–Madarik 30–33.
9. Dr. Mustafa Dib al–Bagha: Athar al–Adillati'l–Mukhtalafi fiha fi'l–Fiqh al–Islamiy 1:36 as quoted from
10. Al–Fakhr al–Raziy: Ahkam al–Basmalah 40 as quoted from al–Bayhaqiy: al–Khilafiyyat.
11. Abu'l–Futuh al–Raziy: Tafsir 1:20 as quoted from al–Mirza al–Nuriy: Mustadrak al–Wasa'il wa–Mustanbat al–Masa'il 4:189 H. 15.
12. Al–Qadi al–Nu`man al–Maghribiy: Da`a'im al–Islam 1:160.
13. Al–Qadi al–Nu`man al–Maghribiy: Da`a'im al–Islam 1:160.
14. Al–Qadi al–Nu`man al–Maghribiy: Da`a'im al–Islam 1:110, 2:132; Yahya ibn al–Husayn al–Zaydiy: Usul al–Ahkam fi'l–Halal wa'l–Haram 2:410.
15. Al–Fakhr al–Raziy: Ahkam al–Basmalah 45 as quoted from Sunan al–Daraqutniy and al–Hakim al–Nisapuriy: al–Mustadrak `Ala'l–Sahihayn 1:232–233.
16. Musnad Ahmad ibn Hanbal 4:94; Fath al–Bari fi Sharh Sahih al–Bukhariy 2:457; al–Shawkaniy: Nayl al–Awtar 3:240–241.
17. Ibn Asakir: Tarikh Madinat Dimashq 26:199.
18. Al–Bayhaqiy: al–Sunan al–Kubra 5:277; al–Qurtubiy: Tafsir 3:350.
19. Al–Wafi al–Mahdi: al–Ijtihad fi'l–Shari`ah al–Islamiyyah 191.
20. Muhammad ibn Idris al–Shafi`iy: Kitab al–Umm 1:58 & 134, Ikhtilaf al–Hadith and al–Risalah 113; al–Bayhaqiy: al–Sunan al–Kubra 8:93.
21. Musnad Ahmad ibn Hanbal 4:100.
22. Dr. Nadiah Sharif al–`Umariy: Ijtihad al–Rasul 285.
23. Dr. Mustafa al–A`dhamiy: Dirasatun fi'l–Hadith al–Nubawiy 33–34.
24. Al–Tabaraniy: al–Mu`jam al–Kabir 11:65 H. 11061; al–Hakim al–Nisapuriy: al–Mustadrak `Ala'l–Sahihayn 3:137 H. 4637, 3:138 H. 4639; al–Firdaws bi–Ma'thur al–Khitab 1:44 H. 106; Fayd al–Qadir 1:36.
25. Al–Muttaqiy al–Hindiy: Kanz al–`Ummal 13:114 H. 36372; Rawdat al–Wa`idhin 75; Jawahir al–Matalib 75; Nudhum Durar al–Simtayn 113; Yanabi` al–Mawaddah 1:231.

Dr. `Abd al–Karim ibn `Ali ibn Muhammad al–Namlah, in his book entitled *Mukhalafat al–Sahabiy li'l–Hadith al–Nubawiy al–Sharif Dirasah Nadhariyyah Tatbiqiyyah* (The Sahabiy's Violation of the Holy

Hadith of the Prophet; A theoretical and practical study) which has been published in Riyadh, AH 1415, al-Rushd Library, has cited some practical examples on the Sahabah's violation of the Holy Prophet's traditions and instructions.

Before that, the author has defined the Arabic word *"Mukhalafah* (violation)" as opposition, disobedience, disagreement, and distortion.1 He has also defined the verbal and terminological meanings of *Sahabah*.2 In this respect, he has cited the opinions of the Muslim scholars which can be mainly classified into two beliefs:

1) A group of scholars have argued that a Hadith keeps its provability even if it is violated by an opinion of a Sahabiy no matter how strong that violation be. Accordingly, it is impracticable to stop acting upon a Hadith that is violated by an opinion of a Sahabiy.3

2) The other group have argued that an opinion of a Sahabiy must be assumed when it violates a Hadith. Accordingly, the sayings of the Holy Prophet must be thrown away when they are opposed by an opinion of a Sahabiy.4

Referring to practical examples on the Sahabah's thorough violation of the Hadith that they themselves had reported from the Holy Prophet and the effects of such violation, Dr. al-Namlah says,

After the demonstration of the scholars' opposing opinions about this question, which belongs to the principles of the Muslim jurisprudence, and the demonstration of each group's evidences, it seems necessary to mention, seeking the guidance of Almighty Allah, some practical examples on the Sahabah's absolute violation of the Hadith that they themselves reported from the Holy Prophet in order that the question will be clearer and that the dear readers will comprehend the question more obviously:

First Example

Al-Bukhariy, in (his book entitled) *al-Sahih*; Muslim, in *al-Sahih*; Abu-Dawud, in *al-Sunan*; al-Tirmidhiy, in *al-Sunan*; al-Nassa'iy, in *al-Sunan*; Ibn Majah, in *al-Sunan*; al-Darimiy, in *al-Sunan*; Malik ibn Anas, in *al-Muwatta'*, Ahmad ibn Hanbal, in *al-Musnad*—all these have recorded on the authority of Abu-Hurayrah that the Prophet said, "If a dog licks a vessel, you should wash that vessel seven times and in the eighth time it should be smeared with dust."5

As has been mentioned, although this Hadith has been narrated by Abu-Hurayrah, he did not act upon it; rather he violated it and washed a vessel that had been licked by a dog three times only! Al-Tahawiy, in *Sharh Ma`ani al-*[illegible]*thar*; al-Darqutniy, in *al-Sunan*; ibn al-Jawziy, in *al-`Ilal al-Mutanahiyah*—all these have recorded that Abu-Hurayrah used to wash a vessel that had been licked by a dog three times only.6

Thus, this Sahabiy violated the Hadith that he himself reported from the Prophet.

The adopters of the first belief, who are the majority, have believed that a vessel that is licked by a dog must be washed seven times. They have thus provided the Hadith as their evidence and neglected Abu-Hurayrah's violation of it.

The adopters of the second belief have clung to their belief that entails that when a Hadith is violated by an act of a Sahabiy, the Hadith should be neglected and the act of the Sahabiy should be adopted as true.7

They therefore decided that a vessel that is licked by a dog must be washed three, not seven, times. In other words, they have assumed the act of Abu-Hurayrah and rejected that which he had reported from the Prophet.

Furthermore, the adopters of the second belief of the rejection of a Hadith that is violated by a Sahabiy's act and the acceptance of that Sahabiy's act as true have disagreed about the point whether such a violated Hadith should be considered repealed or should be interpreted that to wash a vessel seven times is only recommended. In this regard, they have had three different opinions:

The first opinion has decided that such a Hadith must have been repealed. This opinion has been firstly said by al-Kamal ibn al-Humam in his book of *al-Tahrir* and then adopted by Amir Badshah in his book of *Taysir al-Tahrir* and Ibn Amir al-Hajj in his book of *al-Taqrir wa'l-Tahbir*.

The second opinion has decided that such a Hadith was not repealed; rather its connotation must be regarded as recommendation rather than obligation. In plain words, the washing of a vessel that is licked by a dog should be washed three times obligatorily, but it is recommended to wash it seven times. This opinion has been first adopted by al-Samarqandiy, in *Badhl al-Nadhar* and al-Samarqandiy, in *al-Mizan*.

The third opinion has decided that it is probable that such a Hadith was repealed and it is probable that it meant recommendation, not obligation. This opinion has been first adopted by al-Sarakhsiy, in *al-Usul* and al-Nasfiy, in *Kashf al-Asrar*.

At any rate, the most acceptable opinion, Dr. al-Namlah goes on, is the first one, which entails that the Hadith, not the act of the Sahabiy who reported that Hadith, must be accepted. This argument can be proven by the following discussions:

First Discussion: The aforesaid Hadith that is reported by Abu-Hurayrah has been proven as authentic. Moreover, nothing else can stand against it.

Second Discussion: The obligation of washing a vessel in which a dog licks seven times has been proven to be said by the Holy Prophet from another way of narration. Muslim, in *al-Sahih*; Abu-Dawud, in *al-Sunan*; al-Nassa'iy, in *al-Sunan*; Ibn Majah, in *al-Sunan*; al-Darimiy, in *al-Sunan*; Ahmad ibn Hanbal, in *al-Musnad*—all these have recorded on the authority of `Abdullah ibn Mughaffal that the

Messenger of Allah said, “If a dog licks a vessel, you must wash that vessel seven times and then smear it with dust.”8

Even if we polemically accept that an act of a Sahabiy affects the Hadith that he himself has reported from the Prophet, such an act will not affect the Hadith that is reported by another one.

Third Discussion: The adopters of the second belief have argued that a vessel that is licked by a dog must be washed three times only because Abu–Hurayrah was reported to have washed such vessels three times only. This justification cannot stand as a reliable proof because reports from him in this respect have been different.

Some have narrated that Abu–Hurayrah issued the verdict that such a vessel must be washed seven times, while others have reported that he himself washed such vessels three times only… etc.

Second Example

Abu–Dawud, in *al–Sunan*; al–Tirmidhiy, in *al–Sunan*; al–Darimiy, in *al–Sunan*; al–Darqutniy, in *al–Sunan*; al–Hakim al–Nisapuriy, in *al–Mustadrak `Ala'l–Sahihayn*; Ahmad ibn Hanbal, in *al–Musnad*; al–Tahawiy, in *Sharh Ma`ani al–*[illegible]*thar*—all these have recorded on the authority of `[illegible]'ishah that the Prophet said, “Any matrimonial contract that is made by a woman before obtaining the permission of her guardian is invalid.”9

Although `[illegible]'ishah reported this Hadith from the Holy Prophet, she did not act upon it; rather she violated it when she gave in marriage her niece, Hafsah bint `Abd al–Rahman ibn Abi–Bakr, to al–Mundhir ibn al–Zubayr, `[illegible]'ishah's nephew, while the father of the woman, `Abd al–Rahman, was absolutely absent from the matter since he was in Syria.10

Thus, scholars have disagreed about the interpretation of this violation. The adopters of the first belief, namely those who act upon the Hadith and reject the Sahabah's violation of it, have decided that it is obligatory to act upon the connotation of the Hadith and have neglected `[illegible]'ishah's violation of it.

They thus have decided that it is impermissible for women to give themselves in marriage before they obtain the permission of their guardians. The adopters of this belief are the majority of the Muslims.

On the other hand, the adopters of the second belief have accepted `[illegible]'ishah's violation of the Hadith and neglected the connotation of the Hadith and they have thus decided the permissibility of women's giving themselves in marriage without need for obtaining their guardians' permission.

Expressing the Hanafiyyah scholars' viewpoint about this question, `Abd al–`Aziz al–Bukhariy, in his book of *Kashf al–Asrar*, says, “As `[illegible]'ishah believed that to give her niece in marriage without seeking the permission of her father was permissible and believed that such a matrimonial contract is valid that she even gave the right of possession, which cannot be given unless a contract is valid, it is impossible that

she did so while she believed in the authenticity of the Hadith that she had reported from the Prophet."

The author then mentioned another denotation to the question, saying, "As `ʿishah gave her niece in marriage, she did permit women's giving themselves in marriage without obtaining their guardians' permission. If a matrimonial contracts were decided as valid due to the statement of unmarried women, it would be better that such contracts are validated due to the statement of `ʿishah herself and, thus, this is opposite to that which she had reported from the Prophet."

Adding another denotation to the question, the author further says, "As `ʿishah gave her niece in marriage, she must have believed in the permissibility of giving women in marriage before obtaining their guardians' permissions as a preferable manner… etc."

However, some Hanafiyyah scholars, such as al-Sarakhsiy in *al-Usul* and al-Nasfiy in *Kashf al-Asrar* have argued that the Hadith must have been repealed, because its reporter, namely `ʿishah, had violated and opposed it.[11]

In addition, Ahmad ibn Hanbal believed that the Hadith must have been repealed. On the authority of Harb ibn Isma`il, Ahmad ibn Hanbal is reported to have said, "The ascription of this Hadith to `ʿishah is unacceptable, because `ʿishah herself gave in marriage her nieces."

According to the narration of al-Maruziy, Ahmad ibn Hanbal further said, "This Hadith is inauthentic, because `ʿishah had violated it."

The most preferable opinion in this respect, Dr. al-Namlah comments, is the one adopted by the majority. This is because of the following two reasons:

First Reason: Al-Bukhariy, in *al-Sahih*; Abu-Dawud, in *al-Sunan*; al-Tirmidhiy, in *al-Sunan*; Ibn Majah, in *al-Sunan*; Ahmad ibn Hanbal, in *al-Musnad*—all these have recorded on the authority of `ʿishah that the Prophet said, "Any matrimonial contract is invalid unless the guardian (of the woman) is present."[12]

Moreover, the same Hadith was reported by `Abdullah ibn `Abbas and Abu-Musa al-Ash`ariy. The Hadith is authentic. In this regard, al-Maruziy says, "When I asked them about the authenticity of this Hadith, Ahmad and Yahya assured its authenticity."[13] The abovementioned texts corroborate the question.

Second Reason: `ʿishah's violation of the Hadith is not manifest. Even if we claim so, the act of `ʿishah or any other one should never invalidate a Hadith after it has been proven as authentic. Moreover, no reliable master Hadithist has ever doubted the Hadith.

Third Example

Al-Bukhariy, in *al-Sahih*; Muslim, in *al-Sahih*; Abu-Dawud, in *al-Sunan*; al-Tirmidhiy, in *al-Sunan*; al-

Nassa'iy, in *al-Sunan*; Ibn Majah, in *al-Sunan*; Malik ibn Anas, in *al-Muwatta'*, Ahmad ibn Hanbal, in *al-Musnad*—all these have recorded on the authority of al-Zuhriy on the authority of Salim that his father, `Abdullah ibn `Umar, reported that he witnessed the Messenger of Allah, whenever he commenced the ritual prayer, raising his hands until they extend parallel to his shoulders.

He used to do the same thing and whenever he wanted to genuflect and whenever he stood erect after genuflection (*Ruku`*). Nevertheless, the Messenger of Allah did not do this when he would be in the prostration (*Sujud*).14

Although this Hadith was reported by him, `Abdullah ibn `Umar did not practice it; rather he violated it since he never raised his hands at the commencement of the prayers. In his book of *al-Musannaf*, Ibn Abi-Shaybah has narrated that Mujahid said, "I have never seen `Abdullah ibn `Umar raising his hands (in the ritual prayers) except when he begins his prayer." This very narration has been also recorded by al-Tahawiy, in *Sharh Ma`ani al-*[illegible]*thar*, with a reliable series of narrators.15

As this Sahabiy, namely `Abdullah ibn `Umar, violated a Hadith that he himself had reported, scholars have had disagreeing opinions about it. The adopters of the first belief, namely those who act upon the Hadith and reject the Sahabah's violation of it, have decided that hands must be raised at the commencement of the prayer, at the genuflection and at the standing erect after the genuflection. This has been however the opinion of the majority.

The adopters of the second belief, namely those who have clung to their belief that entails that when a Hadith is violated by an act of a Sahabiy the Hadith should be neglected and the act of the Sahabiy should be adopted as true, have imitated the act of `Abdullah ibn `Umar, which is raising the hands at the beginning of the prayers only, and neglected acting upon the Hadith. This has been the opinion of the majority of the Hanafiyyah scholars.

In his book entitled *al-Fusul al-Muhimmah*, Abu-Bakr al-Jassas says, "As `Abdullah ibn `Umar neglected raising his hands during the prayers although he himself had reported that the Prophet had done so, this means that he had known the cancellation of the Hadith otherwise he would not have violated it. It is impermissible to believe that a Sahabiy, like `Abdullah ibn `Umar, would violate an act of the Prophet while he himself was its reporter. Hence, there must have been another interpretation of this act."

The majority of the Hanafiyyah scholars have also positively concluded the same result said by Abu-Bakr al-Jassas—which entails that so long as `Abdullah ibn `Umar violated acting upon the Hadith that he himself had reported, the Hadith is proven to be repealed—such as Abu-Zayd al-Dabbusiy in his book of *al-Asrar fi'l-Usul wa'l-Furu`*, al-Sajistaniy in his book of *al-Ghunyah fi'l-Usul*, al-Sarakhsiy in his book of *al-Usul*, al-Kamal ibn al-Humam in his book of *al-Tahrir*, `Abd al-`Aziz al-Bukhariy in his book of *Kashf al-Asrar*, Amir Badshah in his book of *Taysir al-Tahrir*, Ibn Amir al-Hajj in his book of *al-Taqrir wa'l-Tahbir*, al-Nasfiy in his book of *Kashf al-Asrar* and Mullajeun in his book of *Nur al-Anwar fi*

Sharh al-Manar.

On the other hand, other Hanafiyyah scholars—such as al-Buzdawiy in his book of *al-Usul* and al-Khabbaziy in his book of *al-Mughni*—have argued that the Hadith that is narrated by `Abdullah ibn `Umar cannot stand as evidence because its narrator violated it. Yet, those scholars have not argued that the Hadith must have been repealed.

For the following reasons, Dr. al-Namlah comments, the most preferable and acceptable opinion in this regard is that adopted by the majority of the scholars, which is that the hands must be raised at the *Takbirat al-Ihram* (the statement of *Allahu-Akbar* that indicates the commencement of a ritual prayer), at the genuflection and at the standing erect after the genuflection:

First Reason: The matter that must be followed is the act of the Prophet, not the act of any of the Sahabah, be it `Abdullah ibn `Umar or anyone else.

Second Reason: The Hadith intended was practiced by the other companions of the Prophet. In this regard, al-Hasan (al-Basriy) says, "I saw the companions of the Prophet raising their hands whenever they commenced their prayers, genuflected, and stood erect after the genuflection."16

Al-Bukhariy also says, "Ibn al-Madiniy, the most knowledgeable scholar of his age, says that according to this Hadith, it is obligatory upon all the Muslims to raise their hands (in the ritual prayers at these positions)."17

Third Reason: Mujahid has narrated that he did not notice `Abdullah ibn `Umar raising his hands (during the prayer) except when he would begin the prayer. This saying opposes the narration of Tawus who reported that he had seen `Abdullah ibn `Umar acting upon the very Hadith that he had reported from the Prophet. Similarly, when he was asked about the raising of the hands during the prayers, Ahmad ibn Hanbal is reported to have answered, "I swear that raising the hands

is a part of the prayers. Who can ever doubt it! Whenever he noticed that a performer of a prayer had not raised his hands, `Abdullah ibn `Umar would reproach and order to raise the hands."

I prefer the reports of Tawus and Ahmad ibn Hanbal to that of Mujahid since these two reports agree with the narration of `Abdullah ibn `Umar; and reason and good sense support the matter that a reporter of a commission should act upon it.

In his book of *Kashf al-Asrar*, `Abd al-`Aziz al-Bukhariy says that it is probable that `Abdullah ibn `Umar used to raise his hands at the commencement of the prayer, the genuflection, and at standing erect after the genuflection before he knew that the Hadith that he reported had been repealed, but when he knew of that, he neglected acting upon the Hadith and thus began to raise his hands only at the beginning of the prayers.

The aforesaid wording of `Abd al-`Aziz al-Bukhariy is no more than a probability that wants evidence

and proof; and so long as it is unfounded, we should not discuss it. On the other hand, we should act upon the certain wording, which is the Messenger of Allah's Hadith and the act of the majority of the Sahabah who are reported to have raised their hands at the *Takbirat al-Ihram*, the genuflection, and the standing erect after the genuflection. Finally, Almighty Allah is the most knowledgeable.

The aforesaid presentations have been some practical examples on the Sahabah's violation of the Hadiths that they reported. For further details in this regard, the readers are recommended to refer to the books specialized in the Muslim jurisprudence.[18]

Conclusion

The presentation of these examples has been aimed at confirming the fact that the rulers' concern is in most cases to grant their personal opinions a legal color more than to commit themselves to the commissions of Almighty Allah or to comply thoroughly with the texts of the Divine Revelation.

To have a discerning look into the innovated opinions of `Uthman ibn `Affan and Mu`awiyah ibn Abi-Sufyan proves that their method was no more than an extension to the method invented by `Umar ibn al-Khattab.

Even if they on certain occasions violated the method of Abu-Bakr and `Umar—such as `Uthman ibn `Affan's having offered the prayers in the complete form at Mina and preceded the *khutbah* (the ritual sermon) and Mu`awiyah ibn Abi-Sufyan's having decided that the *adhan* would be declared and the *khutbah* of the *Salat al-`Id* (The Feast Prayer) would be preceded—this did not mean that they had violated the opinions of Abu-Bakr and `Umar in everything; rather this meant that they had adopted new opinions according to the rules defined by Abu-Bakr and `Umar that reads that a ruler (i.e. caliph) has the right to enact in the Islamic legislation a law that he personally sees beneficial and preferable.

Naturally, their own opinions must have been considered preferable to the opinions of the rulers who preceded them. Generally, `Uthman ibn `Affan and Mu`awiyah ibn Abi-Sufyan imitated the course of those who preceded them. In this course, they adopted Opinionism and Ijtihad as an extension of the method of Abu-Bakr and `Umar who had invented Opinionism and Ijtihad.

By that means, the Muslims have followed one of two trends; the first adopts the sacred texts and accepts not substitute for the commission of Almighty Allah and the Holy Prophet. Even the Holy Prophet himself was the servant and messenger of Almighty Allah from Whom he received the laws directly without subjecting the issues to personal judgments or analogy. In this regard the Holy Qur'an reads,

"We have sent down to thee the Book in truth, that you might judge between men as guided by Allah." (***Holy Qur'an: 4/105***)

"Nor does he say aught of his own desire. It is no less than revelation that is revealed to him." (***Holy Qur'an: 53/3-4***)

These holy verses indicate that the Holy Prophet complied thoroughly with the revelation that was revealed to him without any inclination to his own judgments. The Holy Imams have also concentrated on this denotation of the thorough compliance with the sacred texts. They all have confirmed that their sayings will never be issued out of their own judgments; rather they are the laws that they have inherited from one another up to the Holy Prophet.

On the other side there emerged another trend that we have called Opinionism and Ijtihad. The basic roots of this trend was in fact adopted by some of the Sahabah during the lifetime of the Holy Prophet as has been proven through the situations of Abu-Bakr and `Umar as regards the incident of the pious man whom they did not kill, although the Holy Prophet had ordered them to do so, because they had seen him in states of piety and religiousness.

Similarly, the trend was followed by other Sahabah who observed continuous fasting although the Holy Prophet prohibited such a kind of fasting. As those Sahabah and their fans demanded with the legality of Opinionism, `Umar ibn al-Khattab, during his reign, responded to them after he had realized that he lacked acquaintance with the religious laws.

Hence, Opinionism and Ijtihad were allowed, and `Umar ibn al-Khattab frequently objected, publicly, to the Sahabah who had disagreed about the religious laws. These two incidents mean that Abu-Bakr and `Umar intended to restrict the issuance of personal opinions and the reliance upon Ijtihad to them only while the other Sahabah would follow all their opinions without any disputation.

Yet, Abu-Bakr and `Umar could not achieve so because the adoption of the legality of Opinionism and Ijtihad is too extensive, flexible, and streamlined to be dedicated to an individual or a certain group.

Because of the adoption of the legality of Opinionism, the Muslim community has been engaged in such discrepancies. Referring to this fact, Abu-Bakr himself said, “People who will come after you will be more discrepant that you are.” `Umar ibn al-Khattab also said a similar thing, as has been cited within the aforementioned narration of al-Bayhaqiy.

As for Imam `Ali, he has clarified the matter very obviously through his famous sermon of *al-Shaqshaqiyyah* wherein he says,

“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.”19

On the famous Disastrous Thursday, the Holy Prophet ordered the attendants to bring him a pen and an inkpot so that he would write down for them a document that would save them from going astray forever. Similarly, in the famous Hadith of Thaqalayn (the two weighty things), the Holy Prophet says,

“If you adhere to these two (namely the Holy Qur'an and the Ahl al-Bayt), you will never go astray after me.”

In addition to the many Hadiths of the Holy Imams wherein they prohibit the adoption of Opinionism in the issuance of religious laws since such opinions are nothing more than turning away from the Holy Sunnah, the two aforesaid texts of the Holy Prophet, if considered thoroughly, prove that the reporting and the recordation of the Hadith were related to the Islamic legislation, but the rulers of the Islamic State, especially Abu-Bakr and `Umar, used them for achieving their personal interests and validating their unfounded judgments; the rulers therefore issued the decision of the prohibition from recording and reporting the Hadith when they realized that it was necessary to issue such a decision and they then opened wide the reporting of the Hadith when it was necessary to do such.

As a matter of fact, as long as the Muslims go away from the Ahl al-Bayt, they go away from the right and miss the Right Path. This fact disturbed the Holy Prophet as he anticipated the Muslims' turning away from the Ahl al-Bayt. In other words, when the Muslims turn away from the Ahl al-Bayt politically through the forbearance from giving them a share in the affairs of the leadership of the Muslim community, the Muslims will certainly go away from the true Sunnah of the Holy Prophet and thus they will miss the right course. This truth can be strikingly concluded from the Holy Prophet's saying, “If you adhere to these two (namely the Holy Qur'an and the Ahl al-Bayt), you will never go astray after me.”

This means that the Muslims are ordered to followe and adhere to the Ahl al-Bayt and if they do not abide by the sayings of those Holy Imams as regards the religious laws, they will certainly miss the right course and depart the Holy Sunnah. Moreover, if the Muslims do not select the Ahl al-Bayt as their leaders, this will not cancel the Holy Prophet's commission of the adherence to them.

Too many were the occasions on which the Holy Prophet declared to the Muslims that the Ahl al-Bayt are the guides of the ummah and the explainers of any matter about which the Muslims would disagree after him. In this regard, he is reported to have said,

“I am the one who warns, and `Ali is the one who guides. O `Ali: only through you will those who are guided to the right path be guided after me.”20

“He who is pleased to live the like of my life and to die on the same principles on which I die and to be entered the paradise of eternity of which my Lord has promised me, must be loyal to `Ali ibn Abi-Talib, for he will never take you out of the door of right guidance and will never take you to a door of deviation.”21

According to many other texts, the Holy Prophet ensured on referring to the Ahl al-Bayt, and none else, in the religious laws. For instance, he is reported to have said,

“The nations who existed before you were annihilated just because they created a contradiction in the Book of Almighty Allah, while it was revealed confirming each other, not opposing each other. If you

know something about the Book of Almighty Allah, you should declare, but if you know not, you should refer it to those who know it best."22

"Slow down! The nations who existed before you were annihilated for the same reason you are now in; it is their discrepancies about their prophets and creating contradiction in the Holy Books. Verily, the Holy Qur'an was revealed not to oppose each other, but to confirm each other. Hence, if you know something about it, you should act upon it, but if you know not, you should refer it to those who best know it."23

It has been also narrated that when the people disagreed about the mutiny and assassination of `Uthman ibn `Affan, they asked Ubayy ibn Ka`b about the solution. He answered,

"The solution is the Book of Almighty Allah and the Sunnah of His Prophet. You should thus act upon the matters that are clear for you and should refer the matters that are ambiguous to those who know them best."24

In al-`Ayyashiy's book of *Tafsir*, it has been narrated that Imam Ja`far al-Sadiq said,

"Those people thought that they were so experienced in the religious affairs that they comprehended anything needed by the ummah. Yet, they did not learn all the instructions of the Holy Prophet nor did he convey to them his knowledge.

When issues of the religious rulings were referred to them, they would not have its knowledge or the Holy Prophet's instructions in that respect. Moreover, they would be embarrassed if people would accuse them of ignorance or if they could not find answers for the people's questions and, as a result, the people would refer their issues to the sources of knowledge.

They therefore used opinions and analogy in the religion of Almighty Allah, abandoned the Holy Prophet's knowledge, and adhered to heresies about which the Holy Prophet said, 'All innovated things are heresies.' Had they referred the questions that they ignored to Almighty Allah, His Messenger, and those of authority among them, those of authority among them who can search out the knowledge of it, namely the Household of Muhammad, would have certainly known it."25

The abstention from carrying out the Holy Prophet's order of bringing him a paper and an inkpot so as to write down a document that would save the Muslims for deviation forever; the prohibition from recording the Holy Sunnah; the prohibition from reporting the Holy Prophet's traditions; the raising of the slogan of "The Book of Allah is sufficient for us!"; the adoption of the legality of Opinionism and analogy in the issuance of religious laws; the permissibility of the multiplicity of opinions in a certain religious law; the decision that the word of a Sahabiy incapacitates the Holy Qur'an and the Holy Sunnah—all these were stages by which the Muslim community had passed and due to the acceptance of which the Muslims have missed the right path and turned away from the commissions of the Divine Revelation.

The aforementioned presentation has been an expression of the total ordeal of the Holy Prophet's texts

as well as the predominance of Opinionism on the Islamic legislation. Any further discussion may take us away from our aim; therefore, it seems suitable to stop at this point.

The ruling authorities deemed true all the opinions and adopted all the words of all the Sahabah except the words and laws said by `Ali ibn Abi-Talib and his adherents who complied thoroughly to the sacred texts and recorded the Holy Sunnah and Hadith. In this regard, the ruling authorities regarded the words of Imam `Ali as alien that must be removed from the Muslims' jurisprudence.

A little ponderation over our jurisprudential and Hadithic heritage will demonstrate obviously the predominance of the spirit of sectarianism on it. The Hadiths that are reported from Imam `Ali ibn Abi-Talib in the most comprehensive and most reliable Sunnite reference books of Hadith have been no more than a few tens.

Nevertheless, the Sunnite jurisprudents have not depended upon these few Hadiths in the issuance of a religious law except when they have had to. Moreover, they are too fearful and too negligent to report all the narrations that Imam `Ali ibn Abi-Talib received directly from the Holy Prophet. On the other side, the Hadiths that are reported by Abu-Hurayrah, `Abdullah ibn `Umar, and `ʾishah are innumerable that upon which the religious laws rest and are founded. Let us now put the following questions:

What was the purpose beyond such irony? Is it because Abu-Hurayrah, `Abdullah ibn `Umar, and `ʾishah preceded Imam `Ali in embracing Islam or in abundance of religious knowledge or in precedence to the Holy Prophet... etc.?

Why has Malik ibn Anas not recorded any Hadith reported from Imam `Ali?26

Why can we not see any item referring to the jurisprudence of the Ahl al-Bayt in the reference books of Sunnite jurisprudence whereas these books have comprised even the deviant opinions of the extinct factions?

What do all these facts mean?

Why can the remnants of sectarian ideology be seen clearly in the Muslim heritage while the researchers and seekers of knowledge are prevented from looking into matters the study of which will clarify many facts; and even if a researcher has the courage to uncover such matters, he will be accused of dispersing discrepancy among the Muslims?

It is extremely surprising to regard the elucidation and the discovering of the unknown facts as dispersion of discrepancy and seditious matters!

Significant Items

The method of the rulers in the issuance of the religious laws can be shown in the following narration:

In his book of *Tuhfat al-Ahwadhiy fi Sharh Jami` al-Tirmidhiy*, al-Mubarakfuriy has recorded that Shu`ayb ibn Jarir, once, asked Sufyan al-Thawriy to summarize for him the Holy Sunnah. Hence, Sufyan dictated: "In the Name of Allah, the All-beneficent, the All-merciful; the Qur'an is the words that are not created... Listen Shu`ayb! All that which you have written down will not do good to you unless you believe in the legality of the rubbing on the sandals (in the ritual ablution), and you believe in the verdict that to recite *Bism-illahir-rahmanir-rahim* (during the prayers) inaudibly is preferred to reciting it audibly, and you believe that everything (including our acts) is predestined, and you believe that it is lawful to follow in a congregation prayer any individual whether righteous or wicked, and you believe that it is obligatory to act upon patience under the pennon of any ruler whether unjust or fair."[27]

Shu`ayb asked, "Does this ruling of following any leader of a congregational prayer include all the ritual prayers?"

Sufyan answered, "No, it does not. It only includes the Friday Prayer and the Feast Prayers. In the performance of two prayers, you may follow anyone, but in the other (obligatory) prayers, you have the right to choose the one whom you follow. Hence, you should follow only him whom you trust and whom you know as being Sunnite."[28]

The inaudible recitation of the *Basmalah*, rubbing the sandals in the ritual ablution, and the permissibility to follow any imam in the congregational prayers—all these are within the laws that were enacted by the ruling authorities in order to serve their interests.

On the other hand, it goes without saying that the Ahl al-Bayt decided that the *Basmalah* should be recited audibly during the prayers and thus it is one of the indications to faithfulness. This situation has been supported by a big number of the Sahabah who are too many to be listed in this discussion for fear of lengthiness.

However, the most important point in this regard is that the dear readers should know that all these questions have been opposite to the jurisprudence of Imam `Ali ibn Abi-Talib and `Abdullah ibn `Abbas as well as the grand Sahabah and have been congruent with the jurisprudence of the pro-rulers scholars. This is of course a sufficient indication and proof on the rulers' having deliberately opposed the Ahl al-Bayt.

As some of the principles of the policy adopted by the rulers of the Islamic State have been previously cited, let us now refer to the secret of the concentration on the conducts of `Umar ibn al-Khattab who threatened people with punishment if they would report any of the traditions of the Holy Prophet.

One of the texts that have been forged against the Holy Prophet is the saying, "Follow those who will come after me; Abu-Bakr and `Umar."[29] This text demonstrates that it was fabricated in the first days of `Uthman ibn `Affan's reign.

This is because `Umar ibn al-Khattab and `Abd al-Rahman ibn `Awf had mainly feared the happening of

two things; first, they feared that one who rejects the personal views of Abu-Bakr and `Umar that took the form of religious laws would come to power, and, second, they feared that Ijtihad would spread uncontrollably.

If the multiplicity in the centers of the issuance of religious laws and the acceptability of the personal opinions of the all were given free ways, especially during that period of the history of Islam, none would be able to stand against them. From this cause, `Abd al-Rahman ibn `Awf objected to `Uthman ibn `Affan for having invented matters that were not known during the reigns of Abu-Bakr and `Umar and demanded him not to exceed the opinions that they had issued. Yet, `Uthman ibn `Affan neither responded to that demand nor did he accept `Abd al-Rahman's claims because `Uthman had regarded himself no less than Abu-Bakr and `Umar in position and prestige; hence, it would not be practical for him to imitate them and follow their methods in Ijtihad.

Furthermore, Abu-Bakr and `Umar did not enjoy any unique characteristic due to which their opinions and decisions would be preferred to `Uthman's. If both Abu-Bakr and `Umar were connected to the Holy Prophet by means of marriage affiliation since they both gave their daughters in marriage to him, `Uthman were connected to him in a stronger link, since he married two daughters of the Holy Prophet and thus he was called *"Dhu'l-Nurayn* (the one with two lights)."

Naturally, `Uthman ibn `Affan asked himself why he would not practice Ijtihad so long as Ijtihad had been validated for everybody! He must have also asked himself why those people compelled him to follow the opinions of and imitate Abu-Bakr and `Umar while these two had not complied with the commissions of the Holy Prophet; rather they rested upon and practiced their personal views in front of him. Similarly, `Uthman must have asked himself if Ijtihad was forbidden, why these two had been allowed to practice it while it was regarded as forbidden for him.

This very 'double-dealing' was subject to various viewpoints; `Abd al-Rahman ibn `Awf and his likes believed that it was possible to dedicate the circle of Ijtihad and Opinionism to the conducts of Abu-Bakr and `Umar; as a result, they demanded `Uthman ibn `Affan to fulfill his pledges. On the other hand, Imam `Ali ibn Abi-Talib had realized the inaccuracy of such 'double-dealing'.

He believed that the 'door' of Ijtihad is always open and thus this right must not be given to certain individuals and forbidden to others. For that reason, Imam `Ali said to `Abd al-Rahman ibn `Awf, "Almighty Allah may disperse enmity among you."30 Although Imam `Ali said this statement in the form of supplication, he in reality had anticipated the end result of their plot; and his prediction came true.

Nevertheless, the Umayyad rulers added the name of `Uthman ibn `Affan to the list of the rulers (i.e. caliphs) whom must be obeyed and whose conducts must be imitated. Through their campaigns, the Umayyad rulers paid very much for fabricating "Hadiths" comprising the names of Abu-Bakr, ``Umar, and `Uthman as the three "caliphs" whom had been predicted by the Holy Prophet.

Yet, the name of Imam `Ali ibn Abi-Talib was added to the list at the beginning of the `Abbasid dynasty

when they were in need for any opposition to the Umayyad rulers, and since Imam `Ali was one of the Hashimites, they needed his name to achieve victory over their enemies.

In the same way, the “Hadiths” of “The Rashidite Caliphs after me” were invented during that period of the Islamic history, while the “Hadiths” of “Follow those who will come after me” and their likes were invented during the period after the establishment of the Shura Committee when the ruling authorities needed concentration on the conducts of Abu-Bakr and `Umar.

`Umar Ibn `Abd Al-`Aziz And The Prohibition Of Recording The Hadith

It was the politicians who played the greatest role in the fabrication of many “Hadiths” like “the ten individuals of Paradise” and “the ultimate decency of all the Sahabah”—the Hadiths that shed light on the course of the legality of the multiplicity of opinions that was originated by Abu-Bakr and `Umar when they prohibited the reporting and recordation of the Hadith.

The circulation of the events of the adoption of the Hadiths by some of the Sahabah and the acting upon the personal opinions by another group and the mixture of the two trends by a third group—these events caused the Sunnah of the Holy Prophet to be confused with the traditions of the Sahabah.

Accordingly, confusion covered everything; the authentic was confused with the suspicious and the Sunnah with the general traditions. However, when `Umar ibn `Abd al-`Aziz came to power, he methodized the traditions of Abu-Bakr and `Umar in the form of an undiscussable law imposed upon the Muslims.

It has been narrated that `Umar ibn `Abd al-`Aziz wrote a missive to Abu-Bakr ibn `Amr ibn Hazm ordering him to write down all the Hadiths of the Messenger of Allah as well as any active tradition and all the narrations recorded by `Amarah (daughter of `Abd al-Rahman), for he anticipated that knowledge would be wiped out and the scholars would be extinct.[31]

According to another narration, `Umar ibn `Abd al-`Aziz added the traditions of `Umar ibn al-Khattab to the materials that should be written down,[32] and according to a third narration, he ordered Abu-Bakr ibn `Amr ibn Hazm to write down the items of knowledge and collect them from `Amarah bint `Abd al-Rahman and al-Qasim ibn Muhammad.[33]

It has been narrated on the authority of Hatib ibn Khalifah al-Burjumiy that `Umar ibn `Abd al-`Aziz, having been the caliph, said in a speech, “Surely, All that which the Messenger of Allah and his two companions (i.e. Abu-Bakr and `Umar) decided should be a law that we will follow and at which we stop; rather anything that was enacted by anyone else will be adjourned by me.”[34]

It has been also narrated that he, once, wrote a missive to the people of al-Madinah ordering them to

write down the Hadiths of the Messenger of Allah since he anticipated their loss.

According to another form of the narration as reported by `Affan, `Umar ibn `Abd al-`Aziz added that he anticipated that the knowledge would be wiped out and the scholars would be extinct.35

It has been also narrated that he, in one of his missives to his officials, wrote down, "The Sunnah was in fact enacted by Him Who knows that error, flaw, idiocy, and exaggeration is the result of any violation of it. Hence, you should satisfy yourself with matters with which those people satisfied themselves, for they have for sure had knowledge and deep discerning.

Additionally, they were better than you are in the exposition of the matters and thus it is more preferable to adopt the consequences that they have adopted. If the truth is that upon which you are acting, then you have surely preceded them to it, but if you claim that the unfavorable matters occurred after them, then these matters must have been done by those who followed a way other than theirs and shunned their course.

In fact, they were the foremost and they discussed these matters adequately and described them effectively. They thus were neither negligent nor exaggerators. When some peoples else neglected, they became ruthless, and when other peoples exaggerated, they became extremists. Hence, those people followed the right guidance… etc."36

It has been also narrated that `Umar ibn `Abd al-`Aziz said, "The Messenger of Allah and the men in authority who came after him enacted certain laws. To adopt these laws is to believe in the Book of Almighty Allah, to be at His service, and to have power for the sake of the religion of Allah. None is ever allowed to change, distort, or consider the opinions that violate these laws.

Furthermore, he who works upon these laws will have been guided (to the right) and one who uses them for achieving victory will surely have been given victory, but he who violates them and follows a way other than that of the believers… etc."37

`Umar ibn `Abd al-`Aziz then issued the order that these collections would be followed by all the provinces of the Islamic State as religious laws. However, these collections comprised the personal opinions of the rulers as well as all that which `Amarah bint `Abd al-Rahman and al-Qasim ibn Muhammad reported from `ishah and the others while all these reports were within the jurisprudence that the ruling authorities had desired to impose on the people as a substitute of the original religious laws that have been carried by the Ahl al-Bayt.

In this regard, It has been narrated that Ibn Shihab al-Zuhriy said, "When `Umar ibn `Abd al-`Aziz ordered us to record the traditions, we compiled them in books. He then sent a copy to each province that was under his predominance."38

We have earlier proved that the recordation of the traditions and the Holy Sunnah was on the

commissions of the rulers. In this regard, it is worth mentioning that the `Abbasid rulers played the biggest role in the consolidation of the four major Sunnite schools of law.

It is now clear that `Umar ibn `Abd al–`Aziz did not collect the Holy Sunnah and the traditions of the Holy Prophet only, but he also founded and consolidated the personal opinions and decisions that were issued by the rulers who preceded him, especially Abu–Bakr and `Umar. In plain words, `Umar ibn `Abd al–`Aziz established the origins of the trend of Opinionism and Ijtihad, which is the trend of the ruling authorities and their fans, although the religious laws that are adopted by these rulers and their fans had been separated from the genuine origins and principles of the Muslim jurisprudence causing the religious knowledge to be lost by the Muslim community for a century or even more.

It goes without saying that it is impracticable to trust the recordation of the Hadith under circumstances the distinctive feature of which is sectarianism and tribalism, especially after the forging of lies against the Holy Prophet was very common.

In this respect, it is worth mentioning that the existence of some Hadiths that are unaccepted by the general trend of the ruling authorities does not mean that the rulers were sincere in the recording and reporting of the Hadith or in the ambition to safeguard the Islamic legislation; rather this is an indication to the extension of the both trends of Opinionism and Ijtihad and of the thorough compliance with the sacred texts to the reigns of these rulers as well as the existence of individuals who defended the Holy Sunnah.

The governmental distortion cannot stand against the genuine intellectual trend because the stumbling of the trend of the ruling authorities and its confusion can be easily exposed by the other authentic narrations and the Holy Qur'an and is opposed by the pious Sahabah and the sound logic.

For that reason, the hugeness and genuineness of the trend of thorough compliance with the sacred texts can obviously be noticed in the reference books of Hadith and the most reliable series of narrators that are supported by the rulers and their fans. In spite of all circumstances and confusables, these narrations have found their way to the jurisprudence of all the Muslims.

Moreover, as these reference books are characterized by expansion and comprehensiveness of all the jurisprudential sections, this predicts the existence of two intellectual trends the first of which calls for Opinionism and issues verdicts that are compatible to the personal opinions and Ijtihad of the Sahabah while the other trend acts upon the sacred texts and whatever has been mentioned in the Holy Qur'an and the Sunnah only.

It has been narrated that Salih ibn Kaysan said, “I, once, met with al–Zuhriy for seeking religious knowledge and then we both decided to write down the traditions. We therefore wrote down whatever was reported from the Prophet. When he suggested that he would write down the traditions of the Sahabah considering them with the Sunnah, I objected and declared the Sahabah’s traditions having been not within the Sunnah. Hence, al–Zuhriy wrote down the traditions of the Sahabah while I did not

and thus I lost."[39]

Shaykh Muhammad Abu-Zuhrah says, "We found Malik ibn Anas depending upon the verdicts of the Sahabah as if they were part of the Sunnah."[40]

Musa Jarullah says, "We, the Sunnite master jurisprudents, consider the traditions of Abu-Bakr and `Umar sources of the Islamic legislation that are as significant as the Sunnah of the Prophet. In addition, we consider them sources in the provability of the religious laws that are appertained to the life of the ummah and the administration of the Islamic state. We also confirm that the Rashidite Caliphate is as sinless as the Divine Mission (of the Holy Prophet)."[41]

It is natural that the adorers of Abu-Bakr and `Umar regard their governments as sacred as the government of the Holy Prophet since these governments were the founders of the trend of Opinionism and Ijtihad which was followed by all the rulers and thus the heads of these governments, namely Abu-Bakr and `Umar, decided laws that they desired and canceled the religious laws that they did not like since these laws would violate their personal interests. As a confirmation of this fact, read the following narration:

Abu-Bakr al-San`aniy narrated that he, accompanied by a group, visited Malik ibn Anas who began talking about Rabi`ah, Malik's mentor and instructor. As he frequently talked about his mentor, we used to ask him for more.

One day, he said to us, "What do you want from Rabi`ah while he is sleeping under that arch?"

We therefore hurried toward Rabi`ah and wondered how Malik had knew everything about him while he himself did not know.

Rabi`ah answered, "You should have known that a 'gram' of a governmental authority is better than a 'ton' of knowledge!"[42]

This narration reveals that the two trends extended to cover both the Umayyad and the `Abbasid ages causing a complicated confusion to the traditions that it became so difficult to discriminate the authentic from the fabricated. This very result was intended by the rulers of the Islamic state to occur to the next generations.

Wonderments And Irony

The declaration of the names of ten individuals among the Sahabah as being within the inhabitants of Paradise[43] is contradictory to the practical behaviors of these individuals. For instance, it is ironic to decide this Hadith as authentic while Talhah and al-Zubayr, who are within the list of those whom were given the good tidings of entering Paradise, fought against Imam `Ali who was the legal ruler of the Islamic State at that time and who was also within the same list. It goes without saying that the right is

indivisibly one; if Imam `Ali was the right party, then Talhah and al-Zubayr would be the wrong and vice versa.

Secondly, if we accept the Hadith of "The Ten Individuals of Paradise" we should then reject the following Hadith that has been recorded by al-Bukhariy, in his *al-Sahih,* and reported from the Holy Prophet, "When two Muslims face each other with swords, both the killer and the killed will be in Hellfire." When he was asked why the killed would also be in Hellfire, the Holy Prophet answered, "This is because the killed would kill the other if he could."[44]

This irony and its likes confuse the researchers who attempt to study these topics since it arouses the wonderments whether these two will be included with the inhabitants of Paradise or Hellfire; and whether a Sahabiy should have fought against the transgressing party until it complies with the command of Almighty Allah[45] or he should follow the party that would triumph, as has been decided by `Abdullah ibn `Umar.[46]

If those ten individuals of Paradise could have done anything they desired in view of the decision that they would be included with the inhabitants of Paradise, then why would not they themselves have realized this truth and thus left each other without quarrel or lived without enmity due to which hundreds of Muslims were killed? If such logic is true, why are we now rejecting intellectual anarchism? As a matter of fact, this very logic stands for underestimating the souls, fortunes, and honors of the Muslims.

In his command to Abu-Bakr `Amr ibn Hazm, `Umar ibn `Abd al-`Aziz asked him to collect and write down the Hadith of the Holy Prophet and the traditions of Abu-Bakr and `Umar ibn al-Khattab in addition to the collections of `Amarah or the reports from `Umar ibn al-Khattab, as has been decided in other narrations.

This fact motivates us to arouse the question: What did `Umar ibn `Abd al-`Aziz mean by such? Why did he decide the traditions of Abu-Bakr and `Umar as the religion that should be adopted and to which it should be referred, while he decided the traditions of anyone else as must be subjected to discussion? Why did `Umar ibn `Abd al-`Aziz suspend the traditions of `Uthman ibn `Affan and Imam `Ali ibn Abi-Talib?

Does this mean that he had not decided them with the Rashidite Caliphs about whom the Messenger of Allah was reported to have said, "Adhere to my Sunnah as well as the Sunnah of the Rashidite Caliphs who will come after me"?

Accordingly, is the "Sunnah" that is currently circulated the ver Sunnah of the Holy Prophet or that of the Sahabah? All these questions, if not ironies, must be studied and investigated within the Muslim jurisprudence and history and thus their texts must never be accepted as they are.

The principles of the assessment of the narrators and Hadiths were in fact established, after the departure of the Holy Prophet, at the hands of the ruling authorities and under the supervision of the

rulers taking into consideration the fact that the spirit of tribalism and sectarianism in the establishment of these principles overcame the spirit of seriousness and sincerity.

The ascriptions of deviation, doctrinal corruption, fabrication, and the like vices to the adherents of Imam `Ali were the distinctive features of the principles of the assessment of the narrators of Hadiths. As a result, the ruling authorities and their fans spared no effort in fabricating "Hadiths" that would be contradictory to the reports of the adherents of Imam `Ali.

Unfortunately, these unfounded principles have left sorrowful inconveniences on our conducts and behaviors to such a degree that it has become very difficult to get rid of or go away from them. On the strength of this fact, it has become very imperative to investigate and study thoroughly the historical and jurisprudential roots of these principles since it is unquestionable that such investigations and studies will open new horizons of knowledge whose honesty and accuracy have not been tasted so far. Throughout my studies and theses, I always concentrate on this point and invite the dear researchers and specialists to study these topics and their likes thoroughly.

In this topic, as well as my study entitled *al-Sunnah Ba`d al-Rasul* (the Sunnah after the Holy Messenger), I have proven that the "Sunnah" that is currently circulated is not the actual traditions of the Holy Prophet; rather it is the traditions of certain men in a huge quantity of its sections and topics.

The Ahl Al-Bayt And The Circulating Sunnah

By both means of insinuation and open statements, the Holy Imams of the Ahl al-Bayt used to refer to the fact that the circulating "Sunnah" was not the traditions of the Holy Prophet; rather it stood for the traditions of certain men who held the political authority after the Holy Prophet. In order to demonstrate the big difference between the method of the Holy Imams and the School of Opinionism and Ijtihad, I, hereinafter, will refer to some of the innumerable statements of the Holy Imams appertained to the aforesaid fact:

It has been narrated that Imam Muhammad al-Baqir, once, said to Jabir,

"If we give religious verdicts out of our desires and personal opinions, we would certainly be of those who shall perish; rather we give people verdicts derived from the traditions of the Messenger of Allah and from principles that we have inherited from our great fathers. We have hoarded up these principles in the same way as those people have hoarded up their fortunes of gold and silver."47

It has been also narrated on the authority of Qutaybah that after Imam Ja`far al-Sadiq answered the questions of a man, the latter said, "What if the answer is such-and-such, what will you say about it?"

Imam al-Sadiq, reproachfully, answered, "Shut up! Any answer that I give to you must be taken from the Messenger of Allah. We are not of those who say 'what if' at all."48

It has been narrated on the authority of Sa`id al-A`raj that he once said to Imam Ja`far al-Sadiq, "Some of those who claim being jurisprudents say that they are using their personal opinions in the questions that they cannot infer from the Holy Qur'an or the Sunnah."

The Imam answered, "They have certainly lied. The laws of all things are present in the Holy Qur'an and have been explained by the Holy Sunnah."[49]

It has been narrated that Imam Muhammad al-Baqir, once, was asked a about question appertained to the religious laws. The Imam answered and then the asker commented, "In fact, the other *fuqaha* (jurisprudents) say something else about this question."

Imam Muhammad al-Baqir replied, "Woe to you! Have you ever seen a true *faqih* (jurisprudent)? Verily, the true *faqih* is only he who abstains from the worldly pleasures, desires for gaining the rewards of the Hereafter, and adheres firmly to the Sunnah of the Holy Prophet."[50]

According to another form of this narration, Imam Muhammad al-Baqir replied to that man, saying:

"Certainly, the most horrible people in the manner of forging lies against Almighty Allah and His Messenger are those who belie or forge lies against us, the Ahl al-Bayt. This is because all our sayings are only copies of the sayings of the Messenger of Allah, and all the sayings of the Messenger of Allah are only copies of the saying of Almighty Allah; consequently, if we are accused of telling lies, then this will mean that it is Almighty Allah and His Messenger whom are accused of telling lies."[51]

Imam Muhammad al-Baqir is also reported to have said,

"If we issue verdicts out of our personal opinions, we will certainly miss the right path in the same way as those who had existed before us missed the path; rather we always speak on a proof from our Lord Who has shown to His Prophet and then the Prophet has shown to us."[52]

According to another form of the same narration, Imam Muhammad al-Baqir said,

"If we issue verdicts out of our personal opinions, we will certainly miss the right path in the same way as those people have done... etc."[53]

It has been also narrated that Imam Muhammad al-Baqir said,

"As Almighty Allah has taught the knowledge of the Revelation and the interpretation of the divinely revealed texts to His Messenger, the Messenger taught it to `Ali, and then `Ali taught us the (knowledge of the) Hadith."[54]

Ibn Hazm has narrated on the authority of Ibn Shabramah that Ja`far ibn Muhammad ibn `Ali ibn al-Husayn, al-Sadiq, said to Abu-Hanifah,

"Fear Allah and do not depend upon analogy. On the morrow, we, as well as those who have violated

us, shall stand before Almighty Allah. We say that the Messenger of Allah and Almighty Allah have said, while your companions and you say, 'we have heard and seen.' Hence, Almighty Allah will do to you and us what He pleases."[55]

Abu-Na`im, in his book of *Hilyat al-Awliya'*, has narrated that Ibn Shabramah and Abu-Hanifah, once, visited Ja`far ibn Muhammad who asked Ibn Abi-Layla, "Who is this one accompanying you?"

"This is a man who enjoys discernment and skillfulness in the religious affairs," answered he.

Al-Sadiq said, "Perhaps, this is the one who analogizes the affairs of the religion by his own opinions!"

"Yes, he is," answered he.

Al-Sadiq said, "Nu`man: Have you analogized your head, too?"

"How can I analogize my head?" asked Abu-Hanifah.

Al-Sadiq said, "I see that you can master nothing at all. Do you know what the word whose first part is infidelity and whose last part is faith is?"

"You then tell me about that word whose first part is infidelity and whose last part is faith," replied Abu-Hanifah.

Al-Sadiq said, "When a servant (of Almighty Allah) says, 'There is no god...' he will then declare infidelity; but when he continues, saying, 'but Allah', he will then declared faithfulness."

Al-Sadiq then turned to Abu-Hanifah and said, "Listen, Nu`man! My father has reported to me from my grandfather that the Messenger of Allah said, 'The first to analogize (i.e. compare) in the affairs of the religion was Iblis (Satan) who said,

'He said: What hindered you so that you did not prostrate when I commanded you? He said: I am better than he: Thou hast created me of fire, while him Thou didst create of dust.' (***Holy Qur'an: 7/12***)

Hence, one who analogizes any of the affairs of the religion by his own opinion will be joined to Iblis on the Resurrection Day, since the latter has been more skilled in the field of analogy!'"

Al-Sadiq then asked Abu-Hanifah, "Which one of these two sins are more serious; murder or commitment of adultery?"

"It is murder," answered Abu-Hanifah.

Al-Sadiq said, "However, Almighty Allah has accepted two witnesses only for murder but has not accepted less that four witnesses for the commitment of adultery!"

Al-Sadiq then added, “Which one of these two is more important; the prayer or the fasting?”

“It is the prayer,” answered Abu-Hanifah.

Al-Sadiq said, “Why is it then that a woman must settle the fasting that she misses due to menstruation while it is not obligatory upon her to settle the prayers that she misses due to the same?”

Al-Sadiq then added, “Woe to you! How do you then depend upon analogy? Fear Allah and never compare the religious laws out of your own opinions.”[56]

It has been narrated on the authority of Ibn Shaybah that Imam Ja`far al-Sadiq said,

“Indeed, Ibn Shabramah[57] has gone astray. We (the Ahl al-Bayt) have in possession the *Jami`ah* (Comprehensive Document) that comprises the dictations of the Messenger of Allah in the handwriting of (Imam) `Ali. Verily, the *Jami`ah* has refuted the sayings of the all. It comprises the knowledge of whatever is decided lawful and whatever is decided unlawful. Indeed, the adopters of *Qiyas* (analogy) have sought the religious knowledge through analogy; but they have been increased nothing but remoteness from the right. Certainly, the religion of Allah cannot be attained by analogy.”[58]

Imam Ja`far al-Sadiq is also reported to have said,

“As Almighty Allah appointed Muhammad as His Messenger, He has made him the seal of the Prophets; therefore, no prophet will exist after him. Almighty Allah has also revealed to him a Book that He decided to be the seal of the (divine) Books; therefore, no Book will exist after it (i.e. the Holy Qur'an)... The Holy Prophet then made the knowledge perpetual with his successors, but the people deserted them. Those successors are thus the witnesses on the people of every age.

Moreover, the people have opposed everyone who would declare his loyalty to the actual authorities of the ummah (namely, the Holy Imams) or attempted to seek their knowledge; they therefore have created contradiction in the Holy Qur'an and have taken the repealed verses as their proofs misinterpreting them while they have neither considered the preludes and the epilogues of these verses nor have they known their sources and purposes because they have not taken the knowledge of these from their actual people. They have thus missed the right path and misled the others.”[59]

It has been narrated that the Holy Prophet has said,

“One who gives religious verdicts to people without having knowledge with it or without having the ability to discriminate the repealing verses from the repealed ones or the decisive verses from the allegorical ones will have perished and caused others to perish.”[60]

It has been narrated that Muhammad ibn Hakim told Imam Ja`far al-Sadiq that a group of his companions had studied jurisprudence, learnt some knowledge, and reported Hadiths in this respect; but when they are asked for verdicts about questions that they had not experienced before, they would give

their personal opinions. On hearing this, Imam Ja`far al-Sadiq said, "No, this is not acceptable. The peoples who had existed before you were destroyed only because of such acts and their likes."61

The like of the aforesaid narrations has been narrated in al-Muttaqiy al-Hindiy's *Kanz al-`Ummal*, that the Holy Prophet is reported to have said,

"This ummah will act upon the Book of Allah (i.e. the Holy Qur'an) for a while; and will then act upon the Sunnah (of the Prophet) for a while; and will then act upon their opinions. When they act upon their opinions, they will certainly miss the right path and mislead the others."62

It has been narrated on the authority of Ibn Abi-`Umayr on the authority of many reporters that Imam Ja`far al-Sadiq said,

"Curse of Allah be upon the adopters of analogy (*Ashab al-Qiyas*); they have distorted the Words of Almighty Allah and the Sunnah of His Messenger and have accused the truthful ones in the Religion of Allah."63

Similarly, it has been narrated that Imam Muhammad al-Baqir was once informed that `Ubaydah al-Salmaniy reported, falsely, that Imam `Ali permitted the vendition of the bondmaids that had given birth of babies from their masters.64 On hearing this, Imam Muhammad al-Baqir said,

"They have certainly forged lies against `Ubaydah or perhaps `Ubaydah has forged lies against (Imam) `Ali. Whatever we report to you from (Imam) `Ali is actually his saying, and whatever we deny is actually forgery against him. We know for sure that *Qiyas* has never been within the beliefs of (Imam) `Ali. Only will those who lack knowledge with the Holy Qur'an and Sunnah resort to *Qiyas*. Thus, let their narrations not deceive you, for they will certainly mislead... etc."65

It has been also narrated that Abu-Basir asked Imam Ja`far al-Sadiq whether it is lawful to depend upon one's opinion in the questions whose answers cannot be known from the Holy Qur'an and the Sunnah. The Imam answered,

"No, it is not lawful! If you do so and give the true verdict, you will not be rewarded; and if you give a wrong judgment, you will be regarded as forging lies against Almighty Allah."66

It has been narrated that Imam `Ali al-Sajjad said,

"Verily, the religion of Almighty Allah cannot be obtained by the intellects that are deficient, the opinions that are false, or the analogies that are baseless. The religion of Almighty Allah can be attained only through the submission.

Hence, he who submits to us will have been saved; he who follows our direction will have been guided (to the right path); he who acts upon *Qiyas* and *Ra'y* will have destroyed himself; he who doubts in any amount anything of our sayings or judgments will have surely disbelieved in Him Who has revealed the

Seven Oft-Repeated verses and the Grand Qur'an while he does not know."[67]

The Holy Prophet is reported to have said,

"Beware of the adopters of their own opinions (*Ashab al-Ra'y*), for they have resorted to their opinions only when they were too imperfect to retain the (true) traditions. They therefore used their own opinions to decide what is lawful and what is forbidden. On doing so, they have deemed unlawful that which Almighty Allah has deemed lawful and have deemed lawful that which Almighty Allah has deemed unlawful. They thus missed the right path and misled the others."[68]

Imam `Ali is also reported to have said,

"O the Shiites who profess loyalty to us and love for us! Beware of the adopters of their personal opinions, for these are the enemies of the true traditions. As they have been too weak to retain the Hadiths and too feeble to understand the Sunnah, they…

When they were asked about questions that they did not know, they were too arrogant to confess that they did not know the answers; they therefore opposed the religion through resting upon their personal opinions. They thus missed the right path and misled the others."[69]

It has been narrated on the authority of Habib that Imam Ja`far al-Sadiq said to his companions,

"You all are the most beloved to me. As people have taken miscellaneous courses—some of them have followed their caprices and others have followed their own opinions—you have followed a founded course."[70]

This saying can be another meaning of Imam `Ali's saying about the dispersion of people after the departure of the Holy Prophet. It has been narrated on the authority of Ishaq al-Subay`iy that Imam

`Ali Amir al-Mu'minin said,

"After the departure of the Messenger of Allah, people have scattered into three categories of people: The first category is represented by the true knowledgeable individuals whom are guided by Almighty Allah and who, through the knowledge that Almighty Allah has given to them, have dispensed with the knowledge of the others.

The second category is represented by those ignorant people who claim knowledgeability while they have nothing. They are self-conceited for what they have in possession and are charmed by the worldly pleasures and thus they have misled the others.

The third category is represented by those who learn from the knowledgeable so as to attain guidance and redemption of Almighty Allah. Finally, away with those who claim falsely; and frustration be for the forgers!"[71]

Imam Ja`far al-Sadiq is reported to have said,

“We (the Ahl al-Bayt) do possess things that suffice us from the people, while the peoples it is they who are in need for us. We have books dictated by the Messenger of Allah and written by Imam `Ali personally. One of these books comprises all that which is deemed lawful and all that which is deemed unlawful. Verily, when you ask us a question, we know whether you will accept it from us or you will desert it.”72

Imam `Ali has classified the Hadiths that are circulated among people and he has then demonstrated the reason beyond discrepancy, saying,

“Certainly what is current among the people is both right and wrong, true and false, repealing and repealed, general and particular, definite and indefinite, exact and surmised. Even during the Holy Prophet’s days, false sayings had been attributed to him so much so that he had to say during his sermon that ‘Whoever attributes falsehoods to me makes his abode in Hell.’

Those who relate traditions are of four categories, no more: The hypocrite is a person who makes a show of faith and adopts the appearance of a Muslim; he does not hesitate in sinning nor does he keep aloof from vice; he willfully attributes false things against the Messenger of Allah—may Allah bless him and his descendants. If people knew that he was a hypocrite and a liar, they would not accept anything from him and would not confirm what he says.

Rather they say that he is the companion of the Prophet, has met him, heard (his sayings) from him and acquired (knowledge) from him. They therefore accept what he says. Allah too had warned you well about the hypocrites and described them fully to you. They have continued after the Holy Prophet. They gained positions with the leaders of misguidance and callers towards Hell through falsehoods and slanderings.

So, they put them in high posts and made them officers over the heads of the people, and amassed wealth through them. People are always with the rulers and after this world, except those to whom Allah affords protection. This is the first of the four categories.

Then there is the individual who heard (a saying) from the Holy Prophet but did not memorize it as it was, but surmised it. He does not lie willfully. Now, he carries the saying with him and relates it, acts upon it and claims that: ‘I heard it from the Messenger of Allah.’ If the Muslims come to know that he has committed a mistake in it, they will not accept it from him, and if he himself knows that he is on the wrong he will give it up.

The third man is he who heard the Prophet ordering to do a thing and later the Prophet prevented the people from doing it, but this man did not know it, or he heard the Prophet refraining people from a thing and later he allowed it, but this man did not know it.

In this way, he retained in his mind what had been repealed, and did not retain the repealing tradition. If he knew that it had been repealed, he would reject it, or if the Muslims knew, when they heard it from him, that it had been repealed they would reject it.

The last, namely the fourth man, is he who does not speak a lie against Allah or against His Prophet. He hates falsehood out of fear for Allah and respect for the Messenger of Allah, and does not commit mistakes, but retains (in his mind) exactly what he heard (from the Prophet), and he relates it as he heard it without adding anything or omitting anything. He heard the repealing tradition, he retained it and acted upon it, and he heard the repealed tradition and rejected it. He also understands the particular and the general, and he knows the definite and indefinite, and gives everything its due position.

The sayings of the Prophet used to be of two types. One was particular and the other common. Sometimes, a man would hear him but he would not know what Allah, the Glorified, meant by it or what the Messenger of Allah meant by it. In this way, the listener carries it and memorizes it without knowing its meaning and its real intention, or what was its reason.

Among the companions of the Messenger of Allah all were not in the habit of putting him questions and ask him the meanings, indeed they always wished that some Bedouin or stranger might come and ask him—peace be upon him—so that they would also listen.

Whenever any such thing came before me, I asked him about its meaning and preserved it.I used to visit the Messenger of Allah once a day and once a night. He then would be alone with me and I would follow him wherever he went. The companions of the Messenger of Allah have known for sure that he did not do this with anyone except me.

The Messenger of Allah might have visited me in my house more than I visited me in his house. Whenever I visited him in one of his houses, he would be alone with me and would ask his women to leave so that none except me would be with him. But when he used to visit me in my house, neither Fatimah nor any of my sons would leave.

Whenever I asked him, he would answer me and whenever I kept silent for my questions would be finished, he would open a discussion with me. He would recite for me and ask me to write down any (holy) verse that was revealed to him.

He would then teach me the interpretation and the explanation of that verse and would teach me whether it is repealing or repealed, decisive or allegorical, particular or common... Since the Messenger of Allah supplicate to Almighty Allah for me, I have never forgotten any item of the knowledge that he dictated to me and that I wrote down.

He had taught me, and I have learned, all the items of knowledge as regards what is lawful and what is unlawful as well as all the commands and the warnings, whether past or future, and any act of obedience and act of disobedience to Almighty Allah that had been written in any Book that had been

revealed (from Almighty Allah); and I have never forgotten a single letter of what he had taught me.

The Messenger of Allah then put his hand on my chest and prayed to Almighty Allah to fill in my heart with knowledge, understandability, wisdom and illumination."73

By means of this methodical and objective categorization, Imam `Ali acquaints us with the school of the Ahl al-Bayt as regards the reception of the Sahabah and the actuality of their reporting from the Holy Prophet and their position in his view as well as the role of the people of Quraysh in the enactment of the Islamic legislation. For more explanation, let us cite the following text of Imam `Ali:

"Now, look at the various favors of Allah upon them, that He deputed towards them a prophet who got them to pledge their obedience to him and made them unite at his call. Look how Allah's bounty spread the wings of its favors over them and flowed for them streams of its blessing, and the whole community became wrapped in blissful prosperity.

Consequently, they were submerged under its bounty and enjoyed its lush life. Their affairs were settled under the protection of a powerful ruler, and circumstances offered them overpowering honor, and all things became easy for them under the auspices of a strong country.

They became rulers over the world and kings in the various parts of the earth. They became masters of those who were formerly their masters, and began issuing commands over those who used to command them. They were so strong that neither did their spears need testing nor did their weapons have any flaw.

Beware! You have shaken your hands loose from the rope of obedience, and broken the divine fort around you by (resorting to) pre-Islamic rules. Certainly, it is a great blessing of Allah, the Glorified, that He has engendered among them unity through the cord of affection in whose shade they walk and take shelter. This is a blessing whose value no one in the whole world realizes, because it is more valuable than any price and higher than any wealth.

You should know that you have again reverted to the position of the Bedouin Arabs after immigration (to Islam), and have become different parties after having been once united. You do not possess anything of Islam except its name, and know nothing of belief save its show. You say 'The Fire' Yes. but no shameful position,' as if you would throw down Islam on its face in order to defame its honor and break its pledge (for brotherhood) which Allah gave you as a sacred trust on His earth and (a source of) peace among the people.

Be sure that if you incline towards anything other than Islam. the unbelievers will fight you. Then there will be neither Gabriel nor Michael, neither muhajirun nor Ansar to help you, but only the clashing of swords, till Allah settles the matter for you.

Certainly, there are examples before you of Allah's wrath, punishment, days of tribulations and

happenings. Therefore, do not disregard His promises, ignoring His punishment, making light His wrath and not expecting His violence, because Allah, the Glorified, did not curse the past ages except because they had left off asking others to do good acts and refraining them from bad acts. In fact Allah cursed the foolish for committing sins and the wise because they gave up refraining others from evils. Beware! You have broken the shackles of Islam and have transgressed happenings. Therefore, do not disregard His pr

Beware! Surely Allah has commanded me to fight those who revolt, or who break the pledge, or create trouble on the earth. As regards pledge-breakers, I have fought them, as regards deviators from truth, I have waged holy war against them, and as regards those who have gone out of the faith, I have put them in (serious) disgrace.

As for Satan of the pit, he too has been dealt with by me through the loud cry with which the scream of his heart and shaking of his chest was also heard. Only a small portion of the rebels has remained. If Allah allows me one more chance over them I will annihilate them except a few remnants that may remain scattered in the suburb of the cities.

Even in my boyhood I had lowered the chest of (the famous men) of Arabia, and broken the horn points (i.e., defeated the chiefs) of the tribes of Rabi`ah and Mudhar. Certainly, you know my position of close kinship and special relationship with the Prophet of Allah—peace and blessing of Allah be upon him and his descendants.

When I was only a child he took charge of me. He used to press me to his chest and lay me beside him in his bed, bring his body close to mine and make me smell his smell. He used to chew something and then feed me with it. He found no lie in my speaking, nor weakness in any act.

From the time of his weaning, Allah had put a mighty angel with him to take him along the path of high character and good behavior through day and night, while I used to follow him like a young camel following in the footprints of its mother. Every day he would show me in the form of a banner some of his high traits and commanded me to follow it. Every year he used to go in seclusion to the hill of Hira', where I saw him but no one else saw him.

In those days Islam did not exist in any house except that of the Prophet of Allah—peace and blessing of Allah be upon him and his descendants—and Khadijah, while I was the third after these two. I used to see and watch the effulgence of divine revelation and message, and breathed the scent of Prophethood.

When the revelation descended on the Prophet of Allah—peace and blessing of Allah be upon him and his descendants—I heard the moan of Satan. I said 'O Prophet of Allah, what is this moan?' and he replied, 'This is Satan who has lost all hope of being worshipped. O Ali, you see all that I see and you hear all that I hear, except that you are not a Prophet, but you are a vicegerent and you are surely on (the path of) virtue

I was with him when a party of the Quraysh came to him and said to him 'O Mohammad, you have made a big claim which none of your fore-fathers or those of your family have made. We ask you one thing; if you give us an answer to it and show it to us, we will believe that you are a prophet and a messenger, but if you cannot do it, we will know that you are a sorcerer and a liar

The Messenger of Allah said: 'What do you ask for?' They said: 'Ask this tree to move for us, even with its roots, and stop before you.' The Prophet said 'Verily, Allah has power over everything. If Allah does it for you, will you then believe and stand witness to the truth?' They said 'Yes. Then he said 'I shall show you whatever you want, but I know that you wont bend towards virtue, and there are among you those who will be thrown into the pit, and those who will form parties (against me).'

Then the Holy Prophet said: 'O tree, if you do believe in Allah and the Day of Judgement, and know that I am the Prophet of Allah, come up with your roots and stand before me with the permission of Allah.' By Him who deputed the Prophet with truth, the tree did remove itself with its root and came with a great humming sound and a flapping like the flapping of the wings of birds, till it stopped before the Messenger of Allah while some of its twigs came down onto my shoulders, and I was on the right side of the Holy Prophet.

When the people saw this they said by way of pride and vanity 'Now you order half of it to come to you and the other half of it remain (in its place).' The Holy Prophet ordered the tree to do the same. Then half of the tree advanced towards him in an amazing manner and with greater humming. It was about to touch the Prophet of Allah.

Then they said, disbelieving and revolting 'Ask this half to get back to its other half and be as it was.' The Prophet ordered it and it returned. Then I said 'O Prophet of Allah, I am the first to believe in you and to acknowledge that the tree did what it did just now with the command of Allah, the Sublime, in testimony to your Prophethood and to heighten your word.

Upon this all the people shouted 'Rather a sorcerer, a liar; it is wonderful sorcery, he is very adept in it. Only a man like this (pointing to me) can stand testimony to you in your affairs

Certainly, I belong to the group of people who care not for the reproach of anybody in matters concerning Allah. Their countenance is the countenance of the truthful and their speech is the speech of the virtuous. They are wakeful during the nights (in devotion to Allah), and over beacons (of guidance) in the day. They hold fast to the rope of the Qur'an. Revive the traditions of Allah and of His Prophet. They do not boast nor indulge in self-conceit, nor misappropriate, nor create mischief. Their hearts are in Paradise while their bodies are busy in (good) acts."[74]

Unfortunately, the Muslim community did reach such a lowly level. In this regard, al-Dahlawiy says,

"With the elapse of the reign of the Rashidite Caliphs, the caliphate went to a people who overpowered the Muslim community unworthily while they were not acquainted with the knowledge of the religious

laws. As a result, these rulers had to seek the aid of the fuqaha (jurisprudents) and to have them accompanied them on all occasions. The remainders of the genuine scholars attempted to escape and reject whenever they were summoned for undertaking this mission.

As the peoples of these ages, save the religious scholars, witnessed how the genuine scholars escaped whenever they were summoned for such tasks, they (the ordinary people) sought to learn the religious knowledge no matter what the price would be so that they would attain such positions.

Hence, the new religious scholar began to inquire about such position after the genuine scholars had been urgently called for holding them and, similarly, the new generations of the scholars became so humiliated owing to their advancing to the rulers after the genuine scholars had been honorable owing to their turning away from the rulers... etc."[75]

Anticipation And Consolidation

The Holy Prophet anticipated the predominance of a tribal authority on the Islamic legislation while the Holy Qur'an has warned against such an authority. In this regard, the Holy Prophet frequently concentrated on the fact that `Ali ibn Abi-Talib was the one and only individual who had full acquaintance with the interpretation and explanation of the holy verses and Hadiths entirely and that he was very far away from the tribal spirits and the unsubstantiated opinions.

In this respect, it has been narrated that Abu-Sufyan ibn Harb said to Imam `Ali after Abu-Bakr had been formally chosen as the leader of the Muslim community, "What for has the affair of the leadership been in the hands of the least valued clans of Quraysh? `Ali: Extend your hand so that I will pay homage to you! I swear by Allah that, if you want, I can encompass this Abu-Fasil[76] with horses and men of war."

Nevertheless, Imam `Ali did not accept his offer.[77]

According to other narrations, Imam `Ali said to Abu-Sufyan, "You have antagonized Islam and its people for long ages; yet, all your deeds have not injured it at all."

It has been narrated on the authority of Rab`i ibn Harrash that `Ali ibn Abi-Talib told us that, after the conclusion of the Truce of Hudaybiyyah, some polytheist chiefs and individuals, including Suhayl ibn `Amr, came to the Holy Prophet and said, "O Allah's Messenger! Some of our sons, brethren, and slaves joined you. They had claimed falsely that they wanted to learn their religion. They only want to get rid of their jobs. Repatriate them and we will teach them their religion if they are honest."

The Holy Prophet answered, "O people of Quraysh! If you keep up such demands, Almighty Allah will send a man whose heart is filled up with faith to behead you with his sword for sake of this religion."

They, as well as Abu-Bakr and `Umar, asked the Holy Prophet to identify that man.

“He is that repairer of the sandal,” the Holy Prophet referred to `Ali between whose hands was the sandal of the Holy Prophet.78

Many other texts of Hadith and incidents of the Islamic history have assured that the Holy Prophet already knew that discrepancy would indisputably be dissipated among the individuals of his ummah after him. It was Archangel Gabriel who foretold him of that. The Holy Prophet is reported to have said,

“One day, Archangel Gabriel came to me and said, ‘Muhammad: your ummah will be engaged in discrepancy after you.’”79

It has been narrated on the authority of `Umar ibn al-Khattab that as soon as the Messenger of Allah approached me, I could recognize sadness in his face. He subsequently took hold of my beard and said,

“To Allah we do belong, and to Him is our return.80 Archangel Gabriel has just come to me and said, ‘To Allah we belong and to Him is our return.’ I replied, ‘This is true; To Allah we belong and to Him is our return. What for have you said so, Gabriel?’

Archangel Gabriel answered, ‘Your ummah will be exposed to ordeals in a short time after your departure.’ I asked, ‘Will these ordeals be related to atheism or to deviation?’ The archangel answered, ‘The ordeals will be related to all these.’ I then wondered, ‘How will all these occur while I am leaving behind me the Book of Almighty Allah for them?’

Archangel Gabriel said, ‘They will go astray by means of the Book of Almighty Allah! The first of that will be at the hands of the reciters (of the Holy Qur'an) and the rulers. The rulers will deprive the people of their rights and consequently they will kill each other. The reciters will carry out the caprices of the rulers and consequently they will plunge them deeper into error and will never relax their efforts.’

I then asked, ‘Gabriel: By which means will redemption be attained?’ He answered, ‘By means of seclusion and patience. If those whom will be saved will be given their rights, they will take them, and if they will be deprived of their rights, they will leave demanding with them.’”81

The ordeals and trials of the Muslim community are related to the amount of the people’s compliance with the sayings of the Ahl al-Bayt. In this regard, it has been narrated on the authority of Khalid ibn `Arfatah that the Holy Prophet said:

“Verily, you shall be tested through my household after me.”82

Similarly, It has been narrated on the authority of Zayd ibn Arqam that in a place between Makkah and al-Madinah called “Khumm”, the Messenger of Allah once delivered a speech to us. After statements of praising and thanking Almighty Allah, as well as statements of preach and reminding of Him, the Holy Prophet said,

“O people, I am no more than an ordinary person, and the messenger of my Lord (i.e. angel of death)

will shortly come to me and then I will respond. Among you, I have left two weighty things: first, the Book of Allah that includes right guidance and illumination. Preserve in the Book of Allah and hold fast on it. Second, my household; remember Allah concerning my household, remember Allah concerning my household, remember Allah concerning my household."83

It has been also narrated that the Holy Prophet said,

"A servant of Allah shall not be faithful believer unless he loves me more than he loves himself, loves my household more than he loves his household, loves my family more than he loves his family, and loves my soul more than he loves his soul."84

The Holy Prophet is also reported as saying,

"I am leaving among you two successors; the Book of Allah and my household. They will never leave each other until they join me on the Divine Pool. Consider how you will regard me as regards these two."85

Commenting on the above-mentioned Hadith, the author of *al-Fath al-Rabbaniy* says,

"By this Hadith, the Holy Prophet meant that if you carry out the commands of the Holy Qur'an and keep yourselves away from the matters that are forbidden therein, and follow the path of his Household and imitate the conducts of him, you will never miss the right path."86

Commenting on the Holy Prophet's saying "Consider how you will regard me as regards these two," the author of *Tuhfat al-Ahwadhiy* says,

To consider means to think deeply and to ponder. In this regard, the Holy Prophet's saying "consider" means that you should ponder over the question and think deeply how you will deal with these two things that I am leaving for you in the form that whether you will be decent or indecent generation.87

Al-Zarqaniy, in *Sharh al-Mawahib*, says,

The Messenger of Allah has mentioned the Holy Book since it is the core of the religious sciences, secrets, and wisdoms as well as the treasures of the facts and the hidden items of the precise affairs.

He has also mentioned the Household for the fact that when the race of an individual is excellent, this will help in thorough understanding of the religion. Excellency of the race results in high morality, pure-heartedness, decency, and purity.

From this cause, the Messenger of Allah, on many occasions, concentrated on the obligation of following the Ahl al-Bayt and on their being the most authoritative in the custody of the Muslim community's affairs. He therefore decided them as same as the Ark of (Prophet) Noah; one who embarks it will have certainly been delivered but he who leaves it will have been drowned.88

Commenting on the same Hadith, Mr. Mansur `Ali Nasif, in his book entitled *al-Taj al-Jami` li'l-Usul fi Ahadith al-Rasul*, says,

In this Hadith, the Prophet says: Succeed me excellently as regards these two (the Holy Qur'an and the Ahl al-Bayt) through respecting them and acting upon the Book of Almighty Allah and the knowledge of the Ahl al-Bayt other than the others.89

Commenting on the Hadith of Thaqalayn (the two weighty things), al-Nawawiy says,

These two things (namely the Holy Qur'an and the Ahl al-Bayt) have been called "the two weighty things" because of their greatness and high regard. Other scholars have said that because the acting upon these two is weighty (i.e. heavy), they have been called such.90

Al-Husayn ibn Muhammad ibn `Abdullah al-Tayyibiy, in his book of *al-Kashif `An Haqa'iq al-Sunnah al-Nubawiyyah*, says,

The Holy Prophet's saying, "I am leaving among you" denotes that these two things are the twin successors of him.91

Nur al-Din al-Samhudiy, in his book of *Jawahir al-`Aqdayn*, says,

In conclusion, because both the Grand Qur'an and the Ahl al-Bayt have been the source of the religious sciences, the legal precious secrets and wisdoms, the treasures of the religious precise affairs, and the obtainers of the religion's facts, the Holy Prophet Allah named them "the two weighty things." This fact invites the attentions to the Holy Prophet's importunate instruction of the adherence to and the learning from the Ahl al-Bayt.92

Ibn Hajar al-`Asqalaniy, in his book of *al-Sawa`iq al-Muhriqah*, says,

The Messenger of Allah has called the Holy Qur'an and his Household as the two weighty things. This is because "weighty" is said to describe every precious, significant, and preserved thing, and so are these two since both of them are the sources of the religious sciences, the elevated secrets and wisdoms, and the legal rulings.

The Holy Prophet has therefore insisted on following, adhering to, and learning from both of them. In this respect, he has said, "All praise be to Allah Who has made us, the Ahl al-Bayt, the source of wisdom." Other scholars have said that these two have been called "weighty" because the compliance with and the preservation of their rights are heavy.

Explaining the meaning of "the weighty things", al-Azhariy, in *Tahdhib al-Lughah*, Ibn Mandhur, in *Lisan al-`Arab*, al-Zubaydiy, in *Taj al-`Arus*, Ibn al-Athir, in *al-Bidayah wa'l-Nihayah*, al-Suyutiy, in *al-Durr al-Manthur*, and other Arab linguists have confirmed that the Holy Qur'an and the Ahl al-Bayt have been called "weighty" because the compliance with them is heavy and the acting upon them is heavy, too.

In his book of *Nasim al-Riyad*, Shihab al-Din al-Khafajiy, displaying the many opinions about the explanation of the Hadith of Thaqalayn, says,

Thaqalayn is the dual form of *"Thaqal* (weighty thing)" the opposite of which is lightness. The "*Thaqalayn*" mainly stands for human beings and jinn. Because of their high regard, human beings and jinn have been called "the two weighty things".

Furthermore, in the same way as the religion is constructed by human beings and jinn, the world cannot exist without them. They have also been called such because of the preponderance of their positions since a preponderance of a thing is up to its weightiness. Perhaps, they have been called such because of the difficulty of the observance of their rights.

Another opinion is that the Holy Qur'an and the Ahl al-Bayt have been called "weighty" since each of them is preserved against flaw, error, inadvertence, and fault and because they are purified from uncleanness, impurity, wrong, and fabrication.

Certain statements of the Hadith of Thaqalayn confirm this fact, and the lexical meanings of it also do, since "a weighty thing" lexically means the precious and preserved thing.

It goes without saying that the Holy Qur'an is pure and preserved, since its source is Almighty Allah, the All-knowledgeable, and in the presence of Him, it is high in dignity and full of wisdom; therefore, no falsehood can approach it from before or behind it.

The purity of the honorable Household of the Holy Prophet is originated from the fact that Almighty Allah has removed impurity from them and purified them thoroughly. They neither say nor do nor enjoin the wrong. They are the truthful ones; Almighty Allah has ordered the believers to be with them. Had they not been such, Almighty Allah would not have matched them to the Holy Qur'an that must be touched by none except those who are clean.93

In *al-Sawa`iq al-Muhriqah*, Ibn Hajar al-`Asqalaniy, after recording a Supplication (*Du`a'*) of Imam al-Sajjad, says,

To whom will this generation resort whereas the signs of this community have been obliterated and the ummah have been engaged in discrepancies and disagreements and have accused each other of atheism while Almighty Allah says,

"Be not like those who are divided amongst themselves and fall into disputations after receiving clear signs." (***Holy Qur'an: 3/105***)?

None is reliable in the conveyance of the claim and the interpretation of the laws except the matches of the Holy Qur'an, the sons of the leaders to the true guidance, and the lanterns in the gloom. It is they by whom Almighty Allah has provided His claims against His servants since He shall not leave the creatures uncontrolled without providing a claim against them.

These are recognized as the branches of the blessed tree (of Prophethood) and the remainders of the choice ones from whom Almighty Allah has removed impurity and whom He has purified thoroughly and released from defects and has made the love for them obligatory in the Holy Qur'an.94

From the previous, we can conclude that the Holy Prophet, as he used to concentrate on the adherence to the Ahl al-Bayt, meant that the Muslims should learn their beliefs and the religious laws as well as all the various aspects of life from his descendants who are quietly conversant with his traditions and instructions.

He further anticipated that his people would deviate and would miss his way and traditions because rulership and its inconveniences, such as the sectarian and tribal affairs, would definitely influence the religious laws and take the people away from the Ahl al-Bayt, which would certainly mean going away from the true source of the Islamic legislation.

Unfortunately, the Holy Prophet's anticipations came true, and the Muslim community fell in the very matters from which he had warned them importunately.

A deep look in the texts said by the Holy Prophet and the Holy Imams shows that the word of *"dalal* (going astray)" have been repeatedly mentioned since it meant going away from the right path of Islam. For instance, in the famous incident of the Disastrous Thursday, the Holy Prophet ordered the attendants to bring him a pen and an inkpot so that he would write down a document that would save them from "going astray" forever.95

During the Farewell Hajj,96 he put the Muslims under the obligation of adherence to the Holy Qur'an and the Ahl al-Bayt so that they would never "go astray" after him.97 Once, `Umar ibn al-Khattab brought a book comprising sections of the Torah to the Holy Prophet who commented,

"I swear by Him Who has full control over my soul: If Prophet Moses lives again now then you follow him and leave me, you will be certainly regarded as going astray."98

In the words of the Ahl al-Bayt too, this conception has been repeated though the most obvious word in this regard can be found in the speeches and words of Lady Fatimah al-Zahra'.

Shaykh Muhammad al-Hanafiy, in *Sharh al-Jami` al-Saghir* and *Sharh al-`Aziziy* 2:417, says,

By saying, "`Ali is the chest of my knowledge,"99 the Holy Prophet meant that `Ali is the carrier of his knowledge. `Ali is in fact the door to the Holy Prophet's city of knowledge. Consequently, the Sahabah resorted to him whenever problems inflicted them.

Even during the conflicts between them, Mu`awiyah used to ask Imam `Ali about the solutions of the problems that he had faced, and Imam `Ali was answering him. Having seen this situation, the party of Imam `Ali asked him why he would answer his enemy, and Imam `Ali answered, "It is actually adequate for us that our enemy is in need for us."

Similarly, Imam `Ali solved the problems that were faced by `Umar (ibn al-Khattab). Thus, `Umar said, "May Allah not keep me alive to a day on which I will not see Abu'l-Hasan among my people." Hence, `Umar prayed not to live after Imam `Ali... etc.

Al-Mannawiy, in *Fayd al-Qadir* 4:356, says about the aforementioned Hadith,

A "chest" is the box in which one stores his precious possessions. Ibn Durayd says: This (Hadith) is one of the brief words of the Holy Prophet. None has preceded him in using such an exemplification on the peculiarity of the esoteric affairs that none should know except him. Moreover, this Hadith is the utmost praising of (Imam) `Ali.

The aforesaid discussion has demonstrated some of the fundamental disagreements between the jurisprudential school of the Ahl al-Bayt and the ruling authorities' method as regards the issuance of religious laws.

The biggest disagreements between the two have been the intellectual fundamentals since the Ahl al-Bayt sought the position of the leadership of the Muslim community in order to achieve the goals of the Islamic legislation and the Holy Prophet's Sunnah since they (the Ahl al-Bayt) have been too elevated to hold such a position for achieving personal purposes or pleasures.

It has been narrated that `Abdullah ibn `Abbas, once, visited Imam `Ali who was engaged in repairing his shoes. Imam `Ali then asked `Abdullah ibn `Abbas, "What do you think the value of this shoe is?"

He answered, "It is valueless."

Imam `Ali then declared, "I swear by Allah that this shoe is more favorable to me than holding the leadership of you all, unless I give one's due or prevent an evildoing."100

It is worth mentioning that the Holy Imams of the Ahl al-Bayt have not accepted reporting anything from them before that item is compared to the Holy Qur'an; if it would be congruent with it, they order us to act upon it, but if it would not, they ordered us to throw it away.

Of course, this rule shows their interest in clarifying the regulations on the basis of which a Hadith is accepted or rejected. Rather, having good opinion about the Sahabah and the like matters cannot be decided as regulations in the evaluation of a Hadith. This matter has been previously discussed with a demonstration of proofs on it.

This is the meaning of unionism in intellectuality and principles. The words of the Ahl al-Bayt interpret the Holy Qur'an, and the Holy Qur'an praises the Ahl al-Bayt. In this regard, the Holy Prophet has declared,

"`Ali is with the Qur'an and the Qur'an is with `Ali."

Accordingly, the words of the Ahl al-Bayt should never be inconsistent with the Holy Qur'an.

On the other hand, the method of the ruling authorities and their fans is absolutely opposite to the previous. The supporters of the caliphs have never accepted to compare the opinions and judgments of the caliphs to the Holy Qur'an; rather they have decided such a procedure as one of the acts of the miscreants![101]

This is because those scholars have been sure of the existence of contradiction between the Holy Qur'an and the words, opinions, and judgments of the caliphs. Having exceeded all limits, those scholars have decided that the words and deeds of the caliphs and the Sahabah must be preceded to the Holy Qur'an! In this regard, Shaykh Muhammad Abu-Zuhrah says,

The Hanafiyyah and Hanbaliyyah scholars have decided that the deeds of the Sahabah restrict the Holy Qur'an, justifying this decision by saying that the Sahabah would not neglect acting upon the general sense of the Holy Qur'an unless they had a proof on this; hence the Sahabah's violations of the Holy Qur'an must be proofs of the restriction of the sense of it. Moreover, the Sahabah's words are as important as their deeds.[102]

Commenting on this, Shaykh Abu-Zuhrah adds,

"This is the strangest matter I have ever seen!"

`Umar Ibn Al-Khattab And The Umayyads

In order to prove our abovementioned discussions, it seems necessary to disclose the role of `Umar ibn al-Khattab in consolidating the opinions of the Umayyad rulers as regards the religious laws. As he nominated Mu`awiyah ibn Abi-Sufyan as the ruler of Syria after Yazid,[103] `Umar ibn al-Khattab fastened the steps of the Umayyads and helped them have control over the Muslim community. In the same way, he suggested to Abu-Bakr that he would allow Abu-Sufyan to keep the taxes that he had levied for himself and that he would appoint Yazid ibn Abi-Sufyan as the commander-in-chief of the Muslim army of Syria.[104]

Moreover, `Umar ibn al-Khattab likened Mu`awiyah to Khosrow, the emperor of Persia, and said in this regard, "How do you mention Khosrow while Mu`awiyah is among you?"[105] Furthermore, `Umar said about Mu`awiyah, "Do not criticize the hero of Quraysh and the son of Quraysh's master. Surely, he is one of those who smile at rage, and those who cannot be convinced unless when he is satisfied, and those who cannot be overcome."[106]

Other narrations have confirmed that when Mu`awiyah was nominated by `Umar ibn al-Khattab as the ruler of Syria, he received two messages from his parents. His father's message reads, "O Son! In fact, these groups of the Muhajirun preceded us while we lagged behind.

Hence, their precedence has elevated them while our lagging behind has delayed us. They therefore have become the leaders and the masters while we have become only fellows. As they have nominated you for a great matter, you must not violate them, for this is the outset of a perpetual authority. You should thus compete on this matter, and if you attain it, you should dedicate your intellect to it."

In her message, Mu`awiyah's mother said, "O Son! In fact, it is rarely that a free lady can give birth of one like you. As this man (namely `Umar ibn al-Khattab) has chosen you for this matter, you must obey him in all matters, whether you like or dislike."[107]

It has been also narrated that when `Umar ibn al-Khattab visited Syria, Mu`awiyah said to him, "I will carry out any order that you make to me." `Umar answered, "I will never order you to do or not to do anything."[108]

Through this policy of "I will carry out any order that you make to me," Mu`awiyah could occupy `Umar ibn al-Khattab's heart. As a result, `Umar ibn al-Khattab appointed other Umayyad individuals in other governmental offices; he appointed `Amr ibn al-`[illegible]s as the governor of Palestine and Jordan,[109] al-Walid ibn `Aqabah, who was one his dearest men,[110] as the tax collector of Banu-Taghlib,[111] Ya`liy ibn Umayyah as the governor of a part of the Yemen,[112] al-Mughirah ibn Shu`bah as the governor of Kufah,[113] `Abdullah ibn Abi-Sarh, `Uthman ibn `Affan's foster-brother, as the governor of Egypt,[114] and so on.

Obviously, `Umar ibn al-Khattab, during his reign, depended upon the Umayyads in the distribution of the offices. Meantime, he opposed the Hashimites absolutely. In this regard, it has been narrated that when `Umar ibn al-Khattab wanted to appoint `Abdullah ibn `Abbas as the governor of Hims, he said to him, "Listen, son of `Abbas! I am afraid that death will take me while you are still in this position, and then you will call people to follow you, the Hashimites, and to leave the others."[115]

The same thing can be said about the stipulation that `Abd al-Rahman ibn `Awf imposed upon Imam `Ali ibn Abi-Talib when he said, "I will swear allegiance to you on the condition that you will not appoint anyone from the Hashimites in a position of leadership"'[116] It goes without saying that `Abd al-Rahman ibn `Awf was no more than a practicer of the policy of Abu-Bakr and `Umar.

When objections to `Umar ibn al-Khattab's decision of nominating Mu`awiyah ibn Abi-Sufyan as the governor of Syria increased, `Umar said to the masses, "Do not mention Mu`awiyah save in words of praise, for I have heard the Messenger of Allah saying about him: O Allah, guide him."[117]

I cannot tell whether this narration was fabricated by the Umayyads and their fans in order to justify the wrong policies of Mu`awiyah when he was both governor and ruler or by `Umar ibn al-Khattab in order to stop the people's objections to his decision.

Of course, the Holy Prophet's "fabricated" supplication of guidance for Mu`awiyah is absolutely contradictory to the many narrations that have authentically reported the Holy Prophet's having cursed

Mu`awiyah, Abu-Sufyan, and Yazid ibn Abi-Sufyan.

At any rate, Mu`awiyah benefited very much by the support of `Umar ibn al-Khattab. Supporting this, it has been narrated that Mu`awiyah said to Sa`sa`ah ibn Sawhan, "I enjoy a priority to Islam although others have preceded me in this matter.

However, none has been better than I am in holding this matter during my age. `Umar ibn al-Khattab noticed this. Had any other individual been more powerful that I was in holding this position, `Umar would have certainly chosen him... etc."[118]

Correspondingly, Muhammad ibn Abi-Bakr wrote a message to Mu`awiyah ibn Abi-Sufyan mentioning the unmatched merits and virtues of Imam `Ali, saying,

"Woe to you! How dare you compare yourself to `Ali who is the inheritor and successor of the Messenger of Allah and the father of his sons and the first to follow him and the closest to him... etc."

Replying to this message, Mu`awiyah wrote,

"You have advanced as an argument against me the merit of one other than you and you have taken pride in one other than you. I thus thank the Lord Who has taken this merit away from you and made it to someone esle. Your father and I, during the lifetime of our Prophet, knew that the right of son of Abi-Talib (i.e. Imam `Ali) incumbent upon us and knew that he was distinguished from us.

However, when Allah chose for His Prophet what He has in possession, and fulfilled His promise to him, and caused his promulgation to prevail, and proclaimed his argument and then took his soul to Him—when Allah did such to His Prophet, it was your father and his "*faruq*" (i.e. `Umar ibn al-Khattab) who preceded anyone else in usurping the right of `Ali and in violating him.

They had already agreed on and planned to do this... It was your father who paved the way for him and established this realm. If that which we are experiencing is proved as true, then it is your father who started it; but if it is injustice, then it is your father who overwhelmed it and we are only his partners, since we have followed his path and pursued his example.

Had it not for the past deeds of your father, we would not have mutinied against the son of Abu-Talib and we would have certainly submitted to him. But as we saw your father committing that before us, we followed his example and took his deed as pattern for us. You should thus disgrace your father as you like or stop it. Peace be upon him who regrets and repents from errors."[119]

Similar words have been comprised by the missive of Yazid ibn Mu`awiyah to `Abdullah ibn `Umar who objected to him in the killing of Imam al-Husayn ibn `Ali. Yazid, in this missive, said,

"Listen, idiot! We have come to upholstered houses, furnished fixtures, and stuffed pillows. We therefore fought for these. If we are right, then we will have fought for the sake of our rights; and if the other party

is right, then it was your father who began such violation and usurped these people their due."[120]

All these materials confirm the considerable role of `Umar ibn al-Khattab in the strengthening of the Umayyad jurisprudence through making a large room for `Uthman ibn `Affan, Mu`awiyah ibn Abi-Sufyan, and their likes to lead a course opposite to the trend of pure compliance with the sacred texts, and to establish a new jurisprudential trend with innovative principles in the Islamic legislation.

Acceptability Of The Sahabah's Sayings

In his book of *al-Mustasfa*, al-Ghazzaliy talks about the acceptability of the Sahabah's sayings[121] as proof and presents the various opinions in this regard. He says that some scholars have argued that the Sahabah's sayings are generally and without any exception decided as acceptable proofs; other scholars have argued that they are decided as acceptable proofs even if they violate the principle of *Qiyas*; other scholars have argued that only can the sayings of Abu-Bakr and `Umar be decided as acceptable proofs because the Holy Prophet said, "Follow those who will come after me!"; other scholars have argued that only the sayings of the Rashidite caliphs can be taken as acceptable proofs in the questions about which they agree.

After the presentation of these arguments, al-Ghazzaliy refutes them all, saying that it is illogic to accept as irrefutable proofs the sayings of those who are exposed to erring and inadvertence, since their sinlessness has not been proven.

Furthermore, it is illogic to claim the sinlessness of such individuals without resting upon any uninterrupted evidence and it is also illogic to believe in the sinlessness of people who are exposed to disagreement! The Sahabah agreed upon the permissibility of violating the Sahabah's opinions. For instance, Abu-Bakr and `Umar did not criticize those who disagreed with them in matters of Ijtihad; rather they deemed obligatory upon each mujtahid to follow his personal conclusions.

The absence of evidences on the sinlessness of the Sahabah, the incidences of disagreements among the Sahabah, and the Sahabah's statements of the permissibility of violating them in opinions—these are three decisive evidences on the invalidity of deciding the Sahabah's sayings as binding proof.

Mr. Abu-Zuhrah says,

If truth be told, it is untrue to decide the Sahabah's sayings as binding proofs, for Almighty Allah has not sent in this ummah anyone except our Holy Prophet, Muhammad—peace be upon him and his family—, and we, the Muslims, have only one Messenger. The Sahabah, following the Holy Prophet, are in the same degree commissioned with following the law of Almighty Allah as found in the Holy Qur'an and Sunnah.

Anyone who claims that a proof concerning a religious affair may be found in other than these two sources has in reality said an unproven thing about the religion of Almighty Allah and has also confirmed

a matter that has not been decided by Almighty Allah.[122]

Dr. Husayn al-Hajj Hasan has written down nice words in this respect,

The companions of the Holy Prophet are ordinary human beings just like the others. Some of them were seduced by this world and its pleasures. The social values left influences on their behaviors. Anyone who claims that the Sahabah are angels and sinless is in reality... It was nothing but bad luck that caused Abu-Jahl to be killed during the Battle of Badr while having been in the line of the polytheists.

Had serendipity helped him, in the same way as it had helped others like him, and saved him from being killed during that battle to stay alive up to the day of the conquest of Makkah and to embrace Islam, he would certainly have been one of the grand Sahabah or the first-class Muslim leaders who claimed having raised the pennon of Islam.

Thus, the question was no more than serendipity. Nothing but luck that played in the destinies of men so hugely. The examples of such serendipities are being openly experienced by us every day. We have very often seen how men belonging to the same class of Abu-Jahl are taken to the highest ranks by their lucks and are surrounded by reporters and traditionists who encompass them with haloes of greatness.[123]

Ibn Hazm says after quoting the following verses of the Holy Qur'an,

"And they say: We believe in Allah and the messenger, and we obey; then after that a faction of them turn away. Such are not believers. And when they appeal unto Allah and His messenger to judge between them, lo! a faction of them are averse. But if right had been with them they would have come unto him willingly. Is there in their hearts a disease, or have they doubts, or fear they lest Allah and His messenger should wrong them in judgment? Nay, but such are evil-doers. The saying of (***all true***) ***believers when they appeal unto Allah and His messenger to judge between them is only that they say: We hear and we obey. And such are the successful. He who obeyeth Allah and His messenger, and feareth Allah, and keepeth duty*** (***unto Him***)***: such indeed are the victorious. They swear by Allah solemnly that, if thou order them, they will go forth. Say: Swear not; known obedience*** (***is better***)***. Lo! Allah is informed of what ye do. Say: Obey Allah and obey the messenger. But if ye turn away, then*** (***it is***) ***for him*** (***to do***) ***only that wherewith he hath been charged, and for you*** (***to do***) ***only that wherewith ye have been charged. If ye obey him, ye will go aright. But the messenger hath no other charge than to convey*** (***the message***) ***plainly."*** (***Holy Qur'an: 24/47-54***)

`Ali said, "These decisive verses have not left any opportunity to anyone to riot about them. Through these verses, Allah has exposed the characteristics of the people of our time. They claim that they are the only believers in Allah and His Messenger and they are the only obedient to them, but a party of them violates this confession and opposes what has been revealed to them from Almighty Allah and His Messenger.

In the words of the law of Almighty Allah, these are surely not believers. When they are called to apply to themselves verses from the Holy Qur'an or a Hadith from the Messenger that violate their accursed imitation, they will certainly loath it. Some of them will claim that they are not included with these verses, others will claim that these verses are dedicated to a certain occasion, others will claim that acting upon these verses has been decided as repealed, others will claim that so-and-so has not acceded to these, and others will claim that these verses violate *Qiyas*.

But as soon as they find in the Hadith or the Holy Qur'an a matter that conforms to what they follow, they propagate it to all sides and come to it willingly, as has been exactly described. Woe to them! What has happened to them? Is their hearts full of disease and doubt?

Or do they fear lest Almighty Allah and His Messenger would wrong them? Most certainly, these are the actual wrongdoers as has been described by Allah, Lord of the worlds. Away with those who do wrong![124]

However, Ibn Hazm then attempts to justify the deeds of the grand Sahabah who violated the Hadith of the Holy Prophet and claims that lies have been fabricated against them as regards these deeds. This is because Ibn Hazm has carried for these Sahabah enormous haloes of greatness. He further says,

Abu-Muhammad says that some people argue that groups of the Sahabah and Tabi`un neglected carrying out many of the instructions that they had known from the Hadith of the Holy Prophet; hence, they neglected these Hadiths either on account of having belittled them or because they had an amount of knowledge due to which they knew the actual purpose of these Hadiths.

Of course, it is better to think of them excellently and choose for the second option. `Ali says that this argument is inaccurate for many reasons.

First, if one claims that it is probable that the Hadith whose instruction was neglected by the Sahabah has been forged or made-up, this can be answered that it is also probable that the narration, which reported the Sahabah having not carried out the instruction of a Hadith has been made-up.

Nothing gives preference to the claim that forgery occurred to the reporting from the Holy Prophet over the claim that the Sahabah neglected acting upon the contents of these Hadiths.

Similarly, some of the Sahabah acted upon a Hadith while others neglected. He also differentiated between those who claim that the Sahabah who neglected acting upon a Hadith must have had knowledge due to which they neglected and those who claim that the Sahabah who acted upon a Hadith must have had knowledge due to which they acted upon that Hadith.

In fact, any claim that is not supported by a proof is worthless. As has been previously cited, do not feel an aversion for him who neglects acting upon the right, whether his neglect has been due to an excused idea or to an act of disobedience; and do not care about him who carries out the right deed no matter

who that person was and whether he carried out or did not carry out that deed. At any rate, it is obligatory upon anyone who hears about it to carry it out.

Similarly, the Hadiths which have been reported that some of the past generation neglected acting upon them are, in most cases, not the same as those Hadiths neglected by those who objected to the Sahabah for having neglected acting upon them; rather these objectors neglected acting upon the Hadiths which had been adopted by those Sahabah and acted upon the Hadiths which had been neglected by those Sahabah.

Hence, the previous Sahabah's having neglected acting upon a certain Hadith cannot be accepted as proof for these objectors, because they have been the first to violate the acts of these Sahabah and the first to decide the Sahabah's negligence as unacceptable. Nothing is worse than presenting as a pretext that which does not materialize that pretext; rather it annuls it in the same way, or even tenser, of annulling the one who presents it as pretext.

Also, if their forgery that the Sahabah neglected carrying out the instructions mentioned in some Hadiths because they had had knowledge due to which they neglected acting upon that Hadith; we seek Almighty Allah's protection against such forgery and seek Him to protect all those who think well of Him against any response to such false ascriptions to the most virtuous people of this sacred ummah—if this forgery had been true, all those who hid such knowledge would have been accursed by Almighty Allah Who says:

"***Those who conceal the clear Signs We have sent down, and the Guidance, after We have made it clear for the people in the Book,–on them shall be Allah's curse, and the curse of those entitled to curse."*** (***Holy Qur'an: 2/159***)

Our answer is that may Almighty Allah curse him whoever carries knowledge from Him and His Messenger but conceals it from people. Anyone who ascribes such a thing to the Sahabah—may Allah's pleasure be with them—has in fact ascribed them to forging lies against the religion and planning plots against the Islamic legislation. Of course, such matter are more catastrophic than infidelity.

Using similar conception, I have objected to the words of al-Layth ibn Harfash al-`Abdiy in the session of `Abd al-Rahman ibn Ahmad ibn Bishr—may Allah have mercy upon him—during a great celebration of the Malikkiyyah jurisprudents; yet, none of them could answer me with any word; rather they all kept silent except a few number of them who showed acceptance to my argument. During that session, I said to al-Layth,

"You have ascribed to Malik ibn Anas a matter that would make him the most wicked of all people if your words were true. You are claiming that Malik presented to the people the doubtful, uncertain, and repealed narrations and concealed the authentic, sound, and repealing narrations and he departed life without telling anybody about these narrations.

Of course, this thing can be done by none except those who intend for ruining Islam and cheating its people. Almighty Allah has protected Malik against such. In our conception, he is surely one of the master scholars who guided this nation to the right path although he sometimes made mistakes in the same way as he had been right.

Like the other scholars, he exerted his efforts in the conclusion of religious laws. Almighty Allah has imposed promulgation for Him upon all scholars. The Holy Prophet said, 'Verily, one who conceals any item of (religious) knowledge about which he is asked shall be bridled with a rein of fire on the Resurrection Day.'...etc."[125]

The abovementioned discussion reveals that pluralism in opinions opposes the unity of doctrine. Similarly, the conception of the Sahabah's ultimate decency opposed the deeds of `Umar ibn al-Khattab with Sa`d ibn `Abadah when he shouted, "Kill Sa`d! May Allah kill Sa`d,"[126] and with Tamim al-Dariy when he whipped him,[127] and with `Amr ibn al-`[illegible]s when he accused him of treason and of having stolen the spoils of war,[128] and with Khalid ibn al-Walid when he decided that he must be sentenced to stoning penalty.[129]

All these incidents prove that the conception of the Sahabah's ultimate decency was not found during the reigns of Abu-Bakr and `Umar and even `Uthman; rather it was invented afterwards. In fact, this conception is baseless and is not supported by any tradition.

All the reports that were ascribed to the Holy Prophet in this respect are carrying more than one sense and can be easily refuted. The same thing is applicable to the unfounded haloes of sacredness that were given to the Sahabah in addition to their having been regarded as sinless experts of the Holy Qur'an. If truth be told, all such things were invented by the rulers and their fans.

Elaborately, let us quote the following text from al-Taftazaniy's *Sharh al-Maqasid*:

The disputes, disagreements, and arguments that occurred between the Sahabah, as is written in the books of history, indicate undoubtedly that some of them went astray and exceeded all limits in oppression and licentiousness whose motives must have been malice, stubbornness, envy, enmity, seeking of authorities and official positions, and tendency towards lusts and whims.

Of course, not all the Sahabah are sinless and not all those who met the Holy Prophet are virtuous. Nevertheless, due to their good opinions about the companions of the Holy Prophet, the scholars have had to find excuses and justifications for them.

They have also believed these Sahabah as having been divinely protected against deviation and wickedness so as to preserve the Muslims' doctrines from deviation and movement away as regards the personalities of the grand Sahabah, especially the Muhajirun and the Ansar as well as those predicted to be rewarded on the Resurrection Day.

However, after the age of the Sahabah, the Household of Allah's Messenger (i.e. the Ahl al-Bayt) were oppressed and persecuted so harshly that none can deny and none can find any justification. Even the inanimate and the deaf can witness the oppression that was inflicted upon the Ahl al-Bayt—such an insensitive oppression that even the heavens and the earth wept for them; and even the mountains and the rocks were about to split.

The evil of these deeds shall incessantly chase those who committed it all over ages. May the curse of Almighty Allah be upon all those who practiced and participated in these crimes and those who accepted it.

"And certainly the chastisement of the hereafter is severer and more." (***Holy Qur'an: 20/127***)

In any case, it may be said that some master scholars have not permitted cursing Yazid although they have known for sure that Yazid deserved more than mere cursing. We answer that those scholars have decided so in order that the other Sahabah would not be cursed, as is done by the Rafidah.130

The most important reason of the invention of such erroneous and baseless principles and fundamentals has been the decision of the prevention from reporting and recording the Hadith. This decision granted a big room for the authorities who adopted Opinionism to rule over the sacred texts.

In his *Sharh al-Arba`in*, Sulayman ibn `Abd al-Qawiy, a Hanbalite scholar died in AH 716, says,

The reason of disputes among the scholars is the contradiction of the narrations and reported texts. Some people allege that the reason beyond such dispute was `Umar ibn al-Khattab; when the Sahabah asked him to permit them writing down the Holy Sunnah, he prevented them although he knew that the Holy Prophet had ordered the Muslims to record the Hadith for Abu-Shat and had said, "Record the knowledge by means of writing it."

Had `Umar let the Sahabah record what they had heard from the Holy Prophet, the Sunnah would have certainly been verified and no barrier would have stopped between the last generation of the Islamic nation and the Holy Prophet except the Sahabah whose narrations would have been written down because these records were uninterruptedly reported from the Sahabah in the same way as they were uninterruptedly narrated by al-Bukhariy.131

Shaykh Muhammad Abu-Zuhrah says,

Some of the Sahabah refrained from recording the Hadith and prevented the others from recording it not because the Holy Prophet warned them against writing down his traditions, for the traditions that are reported from the Sahabah as regards the prevention of or the refraining from recording the Hadith have not carried this justification at all; rather they used to present as pretext that they anticipated that people would occupy themselves with these traditions and disregard the Holy Qur'an... etc.132

In so doing, many of the Holy Prophet's traditions wiped out and many more fabricated matters were

ascribed to him and the Prophetic heritage was confused with the personal opinions and conclusions. In view of that, al–Bukhariy decided to pick for his book from among six hundred thousand Hadiths. A similar thing was decided by Muslim, al–Nassa'iy, and other compilers of Hadith.

The previously mentioned discussions have been lengthy, explicative presentation of the ordeal of the Holy Prophet's reported texts as well as the inconveniences of the decision of preventing the reporting and recording of the Hadith so as that the gentle reader will be acquainted with the confusions of the Islamic legislations as well as some of the reasons of disagreement among the Muslims. Nothing but truth has been our purpose—the truth that has been concealed from the Muslims for long ages and that has been besieged for about fourteen centuries.

1. Dr. `Abd al–Karim ibn `Ali ibn Muhammad al–Namlah: Mukhalafat al–Sahabiy li'l–Hadith al–Nubawiy al–Sharif Dirasah Nadhariyyah Tatbiqiyyah 22–29.
2. Dr. `Abd al–Karim ibn `Ali ibn Muhammad al–Namlah: Mukhalafat al–Sahabiy li'l–Hadith al–Nubawiy al–Sharif Dirasah Nadhariyyah Tatbiqiyyah 30–86.
3. Dr. `Abd al–Karim ibn `Ali ibn Muhammad al–Namlah: Mukhalafat al–Sahabiy li'l–Hadith al–Nubawiy al–Sharif Dirasah Nadhariyyah Tatbiqiyyah 87–105.
4. Dr. `Abd al–Karim ibn `Ali ibn Muhammad al–Namlah: Mukhalafat al–Sahabiy li'l–Hadith al–Nubawiy al–Sharif Dirasah Nadhariyyah Tatbiqiyyah 106–123.
5. Sahih al–Bukhariy 1:75 H. 170; Sahih Muslim 1:234 H. 279; Sunan Abi–Dawud 1:19 H. 71; Sunan al–Tirmidhiy 1:151 H. 91; Sunan al–Nassa'iy 1:52 H. 63, 64; Sunan Ibn Majah 1:130 H. 363, 364; Malik ibn Anas: al–Muwatta' 1:52 H. 65; Musnad Ahmad ibn Hanbal 2:460 H. 9931.
6. Sharh Ma`ani al–□thar 1:23; Sunan al–Darqutniy 1:66 H. 17; al–`Ilal al–Mutanahiyah 1:333 H. 544.
7. For instance, refer to Tuhfat al–Ahwadhiy 2:78.
8. Sahih Muslim 1:235 H. 280; Sunan Abi–Dawud 1:19 H. 74; Sunan al–Nassa'iy 1:177 H. 337; Sunan al–Darimiy 1:104 H. 737; Musannaf Ibn Abi–Shaybah 1:59 H. 1831; Sunan Ibn Majah 1:30 H. 366; al–Tabaraniy: al–Mu`jam al–Kabir 12:365 H. 13307.
9. Sunan Abi–Dawud 2:229 H. 2083; Sunan al–Tirmidhiy 3:407 H. 1102; Sunan al–Darimiy 2:185 H. 2184; Sunan al–Darqutniy 3:221 H. 10; al–Hakim al–Nisapuriy: al–Mustadrak `Ala'l–Sahihayn 2:182 H. 2706; Musnad Ahmad ibn Hanbal 6:47 H. 24251, 6:66 H. 24417; Sharh Ma`ani al–□thar 3:7.
10. Al–Muhalla 9:455; Bada'i` al–Sana'i` 2 :249; Ibn Hajar al–`Asqalaniy: Fath al–Bari fi Sharh Sahih al–Bukhariy 9:225.
11. Al–Sarakhsiy: al–Usul 2:6.
12. Sahih al–Bukhariy 5:197; Sunan Abi–Dawud 2:229 H. 2085; Sunan al–Tirmidhiy 3:307 H. 1101, 1102; Sunan Ibn Majah 1:605 H. 1880; Musnad Ahmad ibn Hanbal 1:250 H. 2261.
13. Al–Mughni 6:7, Kashf al–Qina` 5:48.
14. Sahih al–Bukhariy 1:257 H. 702; Sahih Muslim 1:292 H. 390; Sunan Abi–Dawud 1:191 H. 721; Sunan al–Tirmidhiy 2:35 H. 255; Sunan al–Nassa'iy 2:182 H. 1025; Sunan Ibn Majah 1:279 H. 858; Malik ibn Anas: al–Muwatta' 1:75 H. 163; Musnad Ahmad ibn Hanbal 2:8 H. 4540.
15. Musannaf Ibn Abi–Shaybah 1:214 H. 2452; Sharh Ma`ani al–□thar 1:227; al–Dirayah fi Takhrij Ahadith al–Hidayah 1:149.
16. Ibn `Abd al–Barr: al–Tamhid 9:217; al–Mughni 1:295; al–Dirayah fi Takhrij Ahadith al–Hidayah 1:155; Nasb al–Rayah 1:416.
17. Al–Tahqiq fi Ahadith al–Khilaf 1:331, H. 419; al–Mughni 1:295; Tuhfat al–Ahwadhiy 2:88 S. 77.
18. Dr. `Abd al–Karim ibn `Ali ibn Muhammad al–Namlah: Mukhalafat al–Sahabiy li'l–Hadith al–Nubawiy al–Sharif Dirasah Nadhariyyah Tatbiqiyyah 124–145.
19. Ibn Abi'l–Hadid: Sharh Nahj al–Balaghah Sermon No. 3.
20. Al–Hakim al–Nisapuriy: al–Mustadrak `Ala'l–Sahihayn 3:130; Ibn Hajar al–`Asqalaniy: Lisan al–Mizan 2:199 H. 904;

Abu-Na`im: Hilyat al-Awliya' 1:64; Ibn `Asakir: Tarikh Madinat Dimashq 2:417 H. 915-916; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 11:612; Ibn `Abd al-Barr: al-Isti`ab fi Ma`rifat al-Ashab Part III 1114 H. 1855.

21. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 11:611; al-Kulayniy: al-Kafi 1:209 H. 5; al-Tabaraniy: al-Mu`jam al-Kabir 5:194 H. 5067; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:139 H. 4642.

22. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 11:192 H. 970; Musnad Ahmad ibn Hanbal 2:185 H. 6741; al-Tabaraniy: al-Mu`jam al-Awsat 3:227 H. 2995; al-Bayhaqiy: al-Madkhal Ila'l-Sunan al-Kubra 1:429 H. 790; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:343 H. 5321.

23. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 11:193 H. 978; Musnad Ahmad ibn Hanbal 2:181 H. 6702, 2:300 H. 7976; Sahih Ibn Habban 1:275; al-Tabaraniy: al-Mu`jam al-Awsat 8:307 H. 8715; I`tiqad Ahl al-Sunnah 1:117 H. 183.

24. `Abd al-Ghaniy `Abd al-Khaliq: Hijjiyyat al-Sunnah 358; al-Bukhariy: Khalq Af`al al-`Ibad 63; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:343 H. 5321; al-Suyutiy: Miftah al-Jannah 70.

25. Al-`Ayyashiy: Tafsir 2:331-2; al-Hurr al-'□miliy: Wasai'l al-Shi'ah 27:61; al-Burhan 2:476 H. 6; al-Majlisiy: Bihar al-Anwar 5:297. Nu'man the judge, in Ikhtilaf Usul al-Madhhab, Dar al-Andalus Press, 1973, records the same narration.

26. The number of the Hadiths that Malik ibn Anas, in his book of al-Muwatta', narrated on the authority of Imam `Ali ibn Abi-Talib is eight only! While he narrated on the authority of Abu-Hurayrah about one hundred and seventy Hadiths.

27. One of the beliefs that the rulers of the Islamic States imposed upon the publics is that it is forbidden to mutiny or revolt against any ruler even if that ruler is unjust, miscreant, irreligious... etc.

28. Al-Mubarakfuriy: Tuhfat al-Ahwadhiy fi Sharh Jami` al-Tirmidhiy Introduction 352. See also I`tiqad Ahl al-Sunnah 1:52-153 (where the compiler has replaced the statement 'The Qur'an is not created' with the statement 'The Qur'an is created'); Tadhkirat al-Huffadh 1:206.

29. Musnad Ahmad ibn Hanbal 5:382 H. 23293; Sunan Ibn Majah 1:37 H. 97; Sunan al-Tirmidhiy 5:609, 610 H. 3662, 3663; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:80 H. 4455.

30. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 1:188, 9:55.

31. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 105-106; Sunan al-Darimiy 1:126; Sahih al-Bukhariy 1:36 and al-Tarikh al-Saghir 105.

32. Sunan al-Darimiy 1:126.

33. Al-Raziy: al-Jarh wa'l-Ta`dil 1:21.

34. Al-Suyutiy: Tarikh al-Khulafa' 241; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 1:332; Sayyid Ja`far Murtada: al-Sahih 8:11.

35. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 106; Ibn `Asakir: Tarikh Madinat Dimashq 3:175.

36. Al-Ghamidiy: Haqiqat al-Bid`ah wa-Ahkamuha (The Reality and Rulings of Innovations)' 1:74 as quoted from Abu-Dawud: al-Sunnah, Kitab al-Sunnah and Muhammad ibn Waddah: al-Bida` wa'l-Nahy `Anha 30.

37. Al-□jury: al-Shari`ah 48; `Abdullah ibn Ahmad: Kitab al-Sunnah 1:357 as has been cited in Al-Ghamidiy's Haqiqat al-Bid`ah wa-Ahkamuha.

38. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:76.

39. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:76-77; al-Khatib al-Baghdadiy: Taqyid al-`Ilm 106-107.

40. Musnad Ahmad ibn Hanbal 251; Malik ibn Anas: al-Muwatta' 290.

41. Musa Jarullah: al-Washi`ah fi Naqd `Aqa`id al-Shi`ah 77.

42. Abu-Ishaq: Tabaqat al-Fuqaha' 67; al-Khatib al-Baghdadiy: Tarikh Baghdad 8:424. For further details, refer to Ibn Hazm: al-Ihkam fi Usul al-Ahkam 1:246 and on.

43. One of the famous traditions that have been falsely ascribed to the Holy Prophet is that he had nominated ten individuals as having been given the good tidings of entering Paradise. Those individuals are thus called 'al-`Asharah al-Mubashsharah (the ten individuals of Paradise)' and they are Abu-Bakr, `Umar ibn al-Khattab, `Uthman ibn `Affan, Imam `Ali, Sa`d ibn Abi-Waqqas, Talhah ibn Ubaydullah, al-Zubayr ibn al-`Awwam, `Abd al-Rahman ibn `Awf, Abu-`Ubayday ibn al-Jarrah and Sa`id ibn al-Nufayl.

44. Sahih al-Bukhariy 1:13, Dar al-Fikr – Beirut.

45. This is an indication to the following verse of the Holy Qur'an: "And if two parties of the believers quarrel, make peace between them; but if one of them acts wrongfully towards the other, fight that which acts wrongfully until it returns to Allah's

command; then if it returns, make peace between them with justice and act equitably; surely Allah loves those who act equitably. 49/9"

46. `Abdus ibn Malik al-`Attar, one of the Sunnite master scholars and trditionists, is reported to have said, "If anyone, be it righteous or licentious, overcomes the Muslim community and declares himself the caliph (ruler) and is thus given the title 'Amir al-Mu'minin', it will be then obligatory upon anyone who believes in Allah and the Hereafter to regard such a person as the imam (the legal supreme authority)." This 'ruling' has been derived from the deed of `Abdullah ibn `Umar during the campaign of al-Harrah when he had been neutral, but when a party overcame, he declared his loyalty to the prevalent party.

47. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 299-300.

48. Shaykh al-Kulayniy: al-Kafi 1:58 H. 21.

49. Al-Mirza al-Nuriy: Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il 17:258; Shaykh al-Mufid: al-Ikhtisas 281.

50. Al-Kulayniy: al-Kafi 1:70.

51. Al-Borujerdiy: Jami` Ahadith al-Shi`ah; 1:181.

52. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 299.

53. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 301.

54. Al-Borujerdiy: Jami` Ahadith al-Shi`ah; 1:184 as quoted from al-Kulayniy: al-Kafi.

55. Ibn Hazm: al-Ihkam fi Usul al-Ahkam 8:513 S. 38.

56. Abu-Na`im: Hilyat al-Awliya' 3:196-197.

57. `Abdullah ibn Shabramah was a famous master jurisprudent.

58. Al-Kulayniy: al-Kafi 1:57.

59. Al-Borujerdiy: Jami` Ahadith al-Shi`ah; 1:220 as quoted from al-`Ayyashiy: Tafsir.

60. Al-Borujerdiy: Jami` Ahadith al-Shi`ah; 1:153.

61. Al-Barqiy: al-Mahasin 212.

62. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 1:180 H. 915.

63. Shaykh al-Mufid: al-Amaliy 52.

64. According to the Islamic legislation, bondmaids are as lawful as wives for their masters. Hence, when a bondmaid gives birth of a baby, it will be unlawful for her master to sell her.

65. Al-Mirza al-Nuriy: Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il 17:254.

66. Al-Kulayniy: al-Kafi 1:56.

67. Al-Borujerdiy: Jami` Ahadith al-Shi`ah; 1:334.

68. Al-Mirza al-Nuriy: Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il 17:256.

69. Al-Mirza al-Nuriy: Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il 17:309.

70. Al-Barqiy: al-Mahasin 156.

71. Al-Kulayniy: al-Kafi 1:33.

72. Al-Kulayniy: al-Kafi 1:241-242 H. 6; Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 154.

73. Al-Kulayniy: al-Kafi 1:62. Similar sermons can be found in Nahj al-Balaghah and the book of Sulaym ibn Qays al-Hilaliy.

74. Nahj al-Balaghah.

75. Al-Dahlawiy: Risalat al-Insaf.

76. Abu-Fasil is a humiliating nickname said to Abu-Bakr.

77. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 1:221; Musannaf `Abd al-Razzaq 5:451 H. 9767; Tarikh al-Tabariy 2:237; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:83 H. 4462; Ibn `Abd al-Barr: al-Isti`ab 3:974, 4:1679.

78. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 13:173 H. 36518, 13:107 H. 36351, 13:115 H. 36372; Sunan al-Tirmidhiy 5:634 H. 3715.

79. Ahmad ibn `Abd al-Rahman

80. This statement (Inna Li'llahi wa-Inna Ilayhi Raji`un) that is derived from Almighty Allah's saying in the Holy Qur'an, "They say, when afflicted with calamity, 'To Allah We belong, and to Him is our return.' 2/156" is said on occasions of misfortunes.

81. Al-Suyutiy: al-Durr al-Manthur 3:155 as quoted from Sunan al-Tirmidhiy.
82. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 11:124 H. 30877.
83. Sahih Muslim 7:123; Sunan al-Darimiy 2:432; Musnad Ahmad ibn Hanbal 4:367.
84. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 1:41 H. 93.
85. Al-Haythamiy: Majma` al-Zawa'id 9:193; Al-Sa`atiy: al-Fath al-Rabbaniy fi Tartib Musnad Ahmad 22:105; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 1:173 H. 873.
86. Al-Sa`atiy: al-Fath al-Rabbaniy 22:104.
87. Al-Mubarakfuriy: Tuhfat al-Ahwadhiy fi Sharh Jami` al-Tirmidhiy 10:290.
88. Al-Zarqaniy: Sharh al-Mawahib 2:8.
89. Mansur `Ali Nasif: al-Taj al-Jami` li'l-Usul fi Ahadith al-Rasul 1:48.
90. Al-Nawawiy: Sharh Sahih Muslim 15: 189 Kitab al-Fada'il (Section of Merits), Fada'il `Ali (Merits of Imam `Ali).
91. Al-Borujerdiy: Jami` Ahadith al-Shi`ah; Introduction 1:79-83.
92. Al-Borujerdiy: Jami` Ahadith al-Shi`ah; Introduction 1:79-83.
93. Al-Borujerdiy: Jami` Ahadith al-Shi`ah; Introduction 1:83 as quoted from Shihab al-Din al-Khafajiy: Nasim al-Riyad 3:409.
94. Al-Borujerdiy: Jami` Ahadith al-Shi`ah; Introduction 1:84 as quoted from Ibn Hajar al-`Asqalaniy: al-Sawa`iq al-Muhriqah 150.
95. Sahih al-Bukhariy 4:1612 H. 4168; Sahih Muslim 3:1259 H. 1637.
96. The Farewell Hajj is the final ritual collective pilgrimage led by the Holy Prophet.
97. Musnad Ahmad ibn Hanbal 3:59 H. 11578; Sunan al-Tirmidhiy 5:662 H. 3786; al-Tabaraniy: al-Mu`jam al-Awsat 5:89 H. 4757; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:118 H. 4577.
98. Al-Khatib al-Baghdadiy: al-Asma' al-Mubhamah 8:189 H. 95; al-Haythamiy: Majma` al-Zawa'id 1:74; al-Rawdaniy: Jam` al-Fawa'id 12:30; `Abd al-Razzaq: al-Musannaf 10:313; Abu-Nu`aym: Dala'il al-Nubuwwah 1:50; Ibn al-Athir: Usd al-Ghabah fi Ma`rifat al-Sahabah 3:127.
99. Ibn Shahrashub, in Manaqib □li Abi-Talib 1:312, has recorded that the Holy Prophet said, "`Ali is the chest of my knowledge."
100. Nahj al-Balaghah 76, Sermon 33.
101. For example, see Ibn `Abd al-Barr al-Qurtubiy: Jami` Bayan al-`Ilm wa Fadlih and Ibn Abi-Shaybay: al-Musannaf Introduction.
102. Shaykh Muhammad Abu-Zahrah: Abu-Hanifah 304.
103. Musannaf `Abd al-Razzaq 5:456 H. 9770; Ibn `Abd al-Barr: al-Isti`ab 2:625 H. 988; al-Bidayah wa'l-Nihayah 8:21; al-Isabah fi Tamyiz al-Sahabah 5:152 No. 8074.
104. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 2:44 as quoted from al-Jawhariy's Kitab al-Saqifah.
105. Tarikh al-Tabariy 6:184; Ibn `Abd al-Barr: Ibn `Abd al-Barr: al-Isti`ab fi Ma`rifat al-Ashab 3:396.
106. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 13:587; Ibn Kathir: al-Bidayah wa'l-Nihayah 8:125; Ibn `Abd al-Barr: al-Isti`ab fi Ma`rifat al-Ashab 8:397.
107. Ibn al-Athir: al-Bidayah wa'l-Nihayah 8:118.
108. Tarikh al-Tabariy 6:184; Ibn al-Athir: al-Bidayah wa'l-Nihayah 8:125.
109. Tarikh Khalifah 1:155; Futuh al-Buldan 1:145; Tarikh Dimashq 46:157, 59:111.
110. Al-Muntadham 6:5; Tahdhib al-Kamal 31:54; Tahdhib al-Tahdhib 11:126; al-Bidayah wa'l-Nihayah 8:214.
111. Tarikh al-Tabariy 5:59; Ibn al-Athir: al-Bidayah wa'l-Nihayah 8:214.
112. Ibn `Abd al-Barr: al-Isti`ab fi Ma`rifat al-Ashab 3:664.
113. Tarikh Khalifah 1:154; Futuh al-Buldan 1:297; Tarikh al-Tabariy 2:516; al-Bidayah wa'l-Nihayah 5:350-351.
114. Siyar A`lam al-Nubala' 3:43; al-Isabah fi Tamyiz al-Sahabah 4:110.
115. Al-Mas`udiy: Muruj al-Dhahab 2:353 H. 454.
116. Ibn Qutaybah: al-Imamah wa'l-Siyasah 1:31; Ibn Sa`d: al-Tabaqat al-Kubra 3:344; Tarikh al-Tabariy 2:560; Musannaf `Abd al-Razzaq 5:481 H. 9776; Musannaf Ibn Abi-Shaybah 7:439 H. 37071; al-Bayhaqiy: al-Sunan al-Kubra 8:151.

117. Ibn al-Athir: al-Bidayah wa'l-Nihayah 8:123. Ibn `Asakir, in Tarikh Madinat Dimashq 59:85, has narrated on the authority of al-Sa'ib that when `Umar ibn al-Khattab appointed Mu`awiyah ibn Abi-Sufyan as the governor of Aleppo, some people objected, for the latter was still young. On hearing this, `Umar said to them, "How dare you blame me for this, while I have heard the Messenger of Allah saying (about Mu`awiyah), 'O Allah! Make him guide and truly guided and guide him and make others be guided through him.'"

118. Tarikh al-Tabariy 2:638; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 2:133; Ibn al-Athir: al-Kamil fi'l-Tarikh 3:35.

119. Ahmad Zaki Safwat: Jamharat Rasa'il al-`Arab 1:447 as quoted from al-Mas`udiy: Muruj la-Dhahab 2:600; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 1:284.

120. Al-Anwar al-Nu`maniyyah 1:53; Bihar al-Anwar 45:328; al-Mahuziy: Kitab al-Arba`in 104.

121. Qawl al-Sahabiy (the Sahabah's sayings): According to some Sunnite jurisprudential schools, Qawl al-Sahabiy is one of the principles and sources upon which these schools depend in the deduction of religious laws from their sources.

122. Shaykh Muhammad Abu-Zahrah: al-Hadith wa'l-Muhaddithun 102.

123. Dr. Husayn al-Hajj Hasan: Naqd al-Hadith 1:350-351. The quoted words have been originally quoted from Dr. `Ali al-Wardiy: Wu``adh al-Salatin, pp. 118.

124. Ibn Hazm: al-Ihkam fi Usul al-Ahkam 1:100-101.

125. Ibn Hazm: al-Ihkam fi Usul al-Ahkam 2:251.

126. Musannaf `Abd al-Razzaq 5:444 H. 9758; Musnad Ahmad ibn Hanbal 1:55 H. 391; Ibn Sa`d: al-Tabaqat al-Kubra 3:616; Tarikh al-Tabariy 2:235.

127. Al-Tabaraniy: al-Mu`jam al-Kabir 2:58 H. 1281; Ibn Hazm: al-Muhalla 2:274.

128. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 20:21.

129. Tarikh al-Tabariy 2:274; al-Bidayah wa'l-Nihayah 6:323; Ibn Habban: al-Thuqat 2:169.

130. Al-Taftazaniy: Sharh al-Maqasid 5:310.

131. This statement has been quoted by Asad Haydar in his famous book of 'al-Imam al-Sadiq wa'l-Madhahib al-Arba`ah (Imam al-Sadiq and the Four Schools of Muslim jurisprudence)'.

132. Shaykh Muhammad Abu-Zahrah: al-Hadith wa'l-Muhaddithun 234.

From the abovementioned discussions, we can conclude that the prohibition of recording the Hadith passed by three stages:

First: The stage of Abu-Bakr and ``Umar.

Second: The stage of those who followed them, such as `Uthman and Mu`awiyah.

Third: The stage beginning with the end of Mu`awiyah's reign up to the age of the governmental recordings.

First Stage

Abu-Bakr and `Umar issued the decision of the prohibition of reporting and recording the Hadith because they had not learnt and comprehended all the heritage of the Holy Prophet in this respect. Because the position of caliphate (Muslim rulership) necessitates having full acquaintance with the judgments of the Holy Prophet in the various issues, the caliphs did not enjoy a distinctive relationship with the Holy Prophet to know all the judgments that he had issued, and the Holy Prophet was not proven to have declared those caliphs as realizing all the aspects of interpretation of exegesis of the

Holy Qur'an—because of all these reasons, it was natural that disagreement between the verdicts of the caliphs from one hand and the sayings of the Holy Prophet and the judgments of the Divine Revelation from the other hand would occur.

Had this fact of disagreement been shown to people as clear as it is in the present time, it would have caused a big problem, especially that the caliph was engaged in military combats and conquests of the countries that neighbored the Islamic homeland.

For all these reasons, the caliph assumed that it is necessary for him to adopt his personal opinion, even if they would violate the sacred texts, so that he would be excused in the decisions that he would issue out of his personal views and prospects. `Umar therefore used to say, "Well, that verdict was for that occasion and this verdict is for this one."1

On account of the expansion of the young Islamic State by means of conquests and dealing with various peoples who had just embraced Islam, the issues and events increased while the caliph was not in the appropriate scientific situation that qualified him to find answers, from the Islamic legislation, for all these innovative and increasing demands because he had not been acquainted enough with the Hadith of the Holy Prophet and had not comprehended properly the texts that the Holy Prophet had revealed as regards the legal situation of such questions.

As a matter of fact, `Umar ibn al-Khattab had not been devoted to accompanying the Holy Prophet and learning from him; rather he and one of his friends who belonged to the Ansar used to visit the Holy Prophet by turns. Al-Bukhariy has narrated that `Umar ibn al-Khattab said, "My neighbor, one of the Ansar, and I lived in the quarter of the tribe of Umayyah ibn Zayd, which was on the skirts of al-Madinah.

We used to visit the Holy Prophet by turns; I would visit him a day and my neighbor would visit him on the other. When it was my turn, I would go there and carry the news of the Divine Revelation to my neighbor; and when it was his turn, he would carry for me the news and the like."2

Umar ibn al-Khattab was also diverted from accompanying the Holy Prophet by roaming in marts and making business deals. He used to say, "I was engaged in bargains in marts."3 One day, Ubayy ibn Ka`b said to him, "While you were engaged in making deals in marts, I was engaged in the Holy Qur'an."4 That was one of the reasons of the rarity of `Umar ibn al-Khattab's meetings with the Holy Prophet.

Nevertheless, the new events required urgent solutions that must have been derived from the Holy Qur'an and Sunnah; and because the caliph had not comprehended all the items of the Holy Sunnah and the aspects of the interpretation of the texts of the Holy Qur'an, he had to face an unsolvable problem; if he would issue a verdict violating the Holy Qur'an and Sunnah, he would be embarrassed before the Sahabah who would certainly declare the very accurate verdict, as found in the Holy Qur'an and Sunnah, about that even as exactly as they had heard from the Holy Prophet.

For that reason, `Umar, at the outset, used to ask about the Holy Prophet's judgment in such situation—so as to save himself from future embarrassment—or submit to what the Sahabah would mention from the Holy Prophet's words and deeds without discussion.

All the same, if the state of asking the Sahabah about the events and situations involved would incessantly continue and if the fact that all the judgments should be always deduced from these texts would not be restrained, these two things would certainly entrap the caliph in new embarrassments whenever exigencies would necessitate a legal situation revealing the judgment of Almighty Allah and hence many opportunities would be missed by him. It was therefore necessary to find an exit from such embarrassments and missing of opportunities.

That exit was nothing but the enactment as a law the freedom of experiencing one's personal opinions and views as regards the issues of the religious legislation so that `Umar, as well as those who would follow his course, would be excused in whatsoever decision they would take.

As a consequence, the Muslims had to be separated into two parties. The first party embraced those who rejected any personal judgment or deduction unless they are inferred in the light of the texts of the Holy Qur'an and Sunnah—the two major sources of the Islamic legislation.

The second party embraced those who argued that efforts should be exerted in issuing laws in events about which no sacred text is found and argued that only that which conforms to the public interests would be issued even if it would be in violation of the sacred texts.

Interest has been the strongest means that was adopted by the rulers who always claimed that they ordered of matters and warned against others only due to the achievement of the public interests. However, there is an inescapable question that they should answer: Were all these decisions that were claimed to achieve the public interest deduced from the sacred texts of the Holy Qur'an and Sunnah or not?

When the followers of the trend of thorough compliance with the sacred texts adopt a secondary ruling, they will certainly have adopted it in the light of the sacred texts and for a period limited by the necessity, not out of personal perspectives.

On the other hand, the interest in the trend of the pro-caliphs was derived from the act of the caliph and his personal appreciation of a certain question and such ruling would be permanent, not limited. Of course, there is a great difference between the two.

It is undeniable that Ijtihad is so elastic and streamlined that none can stop its procession. One who assumes Ijtihad will find himself the best example on Imam `Ali's description in the famous sermon of *al-Shaqshaqiyyah* where he says, "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."

Second Stage

In the same time as `Uthman ibn `Affan intended to keep up the conducts (*sunnah*) of Abu-Bakr and `Umar, he found himself suitable enough for issuing religious verdicts and practicing Ijtihad according to his own perspectives of interests and opinions as same as Abu-Bakr and `Umar had done because he was hurt by the commitment to what had been done during their reigns, as was openly stated by him in his first sermon after coming to power,5 because he deemed himself not less than they were.

He preceded many others to the conversion to Islam and he was related by marriage to the Holy Prophet; therefore, people should not object to him when he would violate some personal judgments of Abu-Bakr and `Umar because he, with his own eyes, saw these people keeping silent before the personal judgments of `Umar ibn al-Khattab that were in clear violation of the Holy Prophet's traditions and instructions.

Moreover, the publics accepted, assumed, and betook such personal judgments as the course of their lives considering them as weighty as the Holy Sunnah although the majority of these personal decisions opposed the Holy Sunnah and were more dangerous and challenging than the decisions of `Uthman.

`Uthman ibn `Affan used to repeat the following questions to himself: Why did `Umar have the right to enact laws and stop certain actions for nothing more than an "interest" that he himself supposed—such as in the issues of *Salat al-Tarawih* and the temporary marriage—while I am deprived of such a right?

What for is that it is obligatory upon me to follow the policies of Abu-Bakr and `Umar and it is impermissible for me to, just like them, issue judgments and to have followers?

These questions were said openly by `Uthman when he addressed those who objected to his policy, saying, "Certainly, you are criticizing me for a matter that when was done by `Umar ibn al-Khattab, you acceded to it." He then added, "By Allah I swear, I am certainly mightier in followers, closer in supporters, more in number, and worthier than the others are. If I say come on, they will come to me. I have prepared for you your equivalent counterparts... etc."6

As has been previously cited, `Abd al-Rahman ibn `Awf, at the so-called Shura Committee, tried to bind `Uthman ibn `Affan with the adoption of the manners of Abu-Bakr and `Umar only and could obtain pledges and covenants from `Uthman to carry out such obligation, but he then could not bind `Uthman with these covenants; he therefore could do nothing other than keeping silent in his last dialogue with `Uthman on the manner of prayer at Mina:

`Abd al-Rahman ibn `Awf asked: "You did perform this prayer with the Messenger of Allah in the shortened form (shortening the four units of prayers to two only), did you not?

`Uthman answered: Yes, I did.

– You did perform this prayer with Abu–Bakr in the shortened form, did you not?

– Yes, I did.

– You did perform this prayer during your first six years of caliphate in the shortened form, did you not?

– Yes, I did.

– Then what for are you now performing this prayer in the complete form (i.e. four units of prayer)?

– This is due to a personal opinion that I have decided![7]

Hence, `Uthman violated this divine ruling due to his having practiced Ijtihad in his own sense. Accordingly, he exceeded the limits of the divine legislation, but nobody could stop or object to him or to the personal opinions (Ijtihad) of the others, because the ruler of the Muslims had done such; hence, if one would object to the others' Ijtihad, he should first object to the caliph because he had done such.

If Ijtihad (in the sense of the caliphs and their followers and fans) is legal, then the Ijtihad of `Uthman as well as anyone else is legal, too; and if the Ijtihad is illegal, then why had Abu–Bakr and `Umar practiced it?

Once again, the issuance of the decision of prohibiting the recordation of the Hadith and the decision of reducing the reporting from the Holy Prophet—these two decisions created the Ijtihad of Abu–Bakr and `Umar; and it was the Ijtihad of Abu–Bakr and `Umar that caused `Uthman to practice similar Ijtihad and change the religious laws according to the "interests" that he himself assumed; and all the caliphs who came after `Uthman—of course except Imam `Ali ibn Abi–Talib—found their lost in the very application of Ijtihad and assuming of the "interest" since these two concepts stood for the best cover beyond which they would hide for deeming legal and correct all their personal views and decisions.

On the other hand, Imam `Ali ibn Abi–Talib opposed and objected to the creed of this trend. His words in this regard, as found in *Nahj al–Balaghah* and many other reference books, demonstrate his situation so manifestly that none would doubt it. Let us now quote two texts only from his sermons during his reign of caliphate. In these texts, Imam `Ali shows the features of difference and the roots of this invented question:

First Text

"The basis 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 cooperate 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.

Verily, I have heard the Messenger of Allah saying, 'What will you do when you are confused by a seditious matter due to which the child will be older and the big will be senile. People will accept it and betake it as tradition. When a part of it is changed, they will object that the *Sunnah* (tradition) has been changed and an evil thing has occurred to the people!

Then the misfortune will be more catastrophic and the Offspring (of the Holy Prophet) will be taken as captives. The heresy will smash the people in the same way as fire smashing wood and in the same way as millstone smashing the skin under it.

The will study the religious knowledge for the sake of other than Almighty Allah, and they will learn not for acting upon what they learn, and they seek worldly pleasures through acts of the world to come."

He then turned his face to the fore while he was surrounded by some people of his household, friends, and followers, and said, "Before me, the rulers had done some deeds in which they deliberately violated the Messenger of Allah, breaching their covenants with him, and distorting his traditions (*Sunnah*).

If I oblige these peoples to stop acting upon these deeds and if I restore these deeds to their original faces which were carried out during the age of the Messenger of Allah, my soldiers will certainly depart me until I remain alone or with a few of my adherents who have realized my virtue and recognized the (divinely commissioned) obligation of loyalty to me as it is recorded in the Book of Almighty Allah and the Sunnah of the Messenger of Allah.

Most certainly, if I order the Standing-place of Prophet Abraham (*Maqam Ibrahim*) to be restored to the very place in which the Messenger of Allah had put;8 and give Fadak back to the inheritors of Fatimah;9 and restore the *Sa`*10 as it had been decided by the Messenger of Allah;11 and execute the donations that the Messenger of Allah had gifted to some people, but his decision was not executed or carried out; and give back the house of Ja`far to his heirs and take out its share from the Masjid;12 and run over again issues that were unjustly decided;13 and restore women, whom were unjustly divorced from their husbands and married to others, to their actual husbands14 and judge among them according to the very laws of Almighty Allah as regards matrimony; and take the descendants of the tribe of (Banu) Taghlib as captives;15 and restore all that which was distributed from the lands of Khaybar; and erase all the records of governmental gifts;16 and give equally in the same way as the Holy Prophet used to do in order that it may not merely make a circuit between the wealthy among you only; and cancel the land surveying tax;17 and regulate equally the rules of marriage;18 and execute the Khums tax according to the very law that Almighty Allah has revealed and imposed;19 and restore the building of the Holy Prophet's Mosque to its actual place;20 and close the doors that were opened on it;21 and open the

doors that were closed; and ban the rubbing on the sandals (in the ritual ablution);[22] and execute the doctrinal provision on those who drink wines; and decide the two kinds of temporary marriage as lawful;[23] and order to repeated reciting the *Takbir* (the statement of *Allahu Akbar*) five times in the Deceased Prayers;[24] and oblige people to recite the *Basmalah* audibly during the obligatory prayers;[25] and take out of the Holy Prophet's Mosque those whom were entered there after the Holy Prophet himself had ordered to dismiss them and admit therein those whom were taken out of the Holy Prophet's Mosque although he himself had permitted them to enter there;[26] and lead people to submit to the actual laws of the Qur'an and to carry out the divorce as was decided by the Sunnah;[27] and decide the very classes and provisions of the Zakat;[28] and restore the (ritual) ablution, bathings, and prayers to their actual times, ceremonies, and places;[29] and treat the captives of Persia and the other nations according to the instructions of the Book of Almighty Allah and the Holy Prophet's traditions;—if I do all these things, the people will depart me.

By Allah I swear, I have ordered people not to gather during the month of Ramadan[30] except for the performance of the obligatory prayers and I have informed that to offer a supererogatory prayer collectively is a heretical matter, but some of my soldiers called at some of those who fought with me, saying, 'O people of Islam! The Sunnah of `Umar has been changed! He is warning us against performing prayers during the month of Ramadan!'

In reality, I anticipated that they would lead a revolt in a side of my army. I have really encountered onerous things due to separation and obedience to the leaders of wrong and the inviters to Hellfire! However, I have been granted the share of The Near Relatives about which Almighty Allah has added,

'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***)

By Allah I swear, we are the Near Relatives that Almighty Allah has added us to Him and to His Messenger, saying,

"What Allah has bestowed on His Messenger (***and taken away***) ***from the people of the townships,– belongs to Allah,– to His Messenger and to the near relatives and orphans, the needy and the wayfarer; in order that it may not*** (***merely***) ***make a circuit between the wealthy among you. So take what the Messenger assigns to you, and deny yourselves that which he withholds from you. And fear Allah; for Allah is strict in punishment."*** (***Holy Qur'an: 59/7***)...etc.[31]

Second Text

Shaykh al–Tusi, in *Tahdhib al–Ahkam*, has written down that Imam Ja`far al–Sadiq narrated the following:

When he settled in al-Kufah, Imam `Ali Amir al-Mu'minin ordered Imam al-Hasan to declare to the people that no more (supererogatory) congregational prayers should be performed in the mosques during the month of Ramadan. As they heard al-Hasan ibn `Ali carrying out the order of Imam `Ali, people began to shout, "Oh for `Umar! Oh for `Umar!" When he returned back, Imam `Ali asked him about these shouts, and Imam al-Hasan informed him of the people's situations. Hence, Imam `Ali said, "You may allow them to perform that prayer!"32

The following matters can be concluded from the two abovementioned narrations:

1) The rulers (caliphs) who came to power before Imam `Ali had enacted a number of religious laws that were not accepted by Imam `Ali because they were in violation of the Holy Prophet's instructions.

2) Although Imam `Ali spared no efforts in canceling these invented laws, he could not succeed because of the prevalence and great influence of the trend that backed and defended `Umar ibn al-Khattab and followed his decisions which were issued out of his personal opinions.

3) Not only was the disagreement between Imam `Ali and `Umar ibn al-Khattab about the matter of the worthiest of holding the position of leadership of the Islamic nation after the departure of the Holy Prophet, but also they disagreed on matters appertained to the Muslim jurisprudence and the Islamic legislation. Moreover, the disagreement about matters of the Muslim jurisprudence can be sometimes preceded. The same thing is applicable to the question of `Umar's prohibition of recording the Hadith.

Those who argued the validity of Opinionism and the Sahabah's Ijtihad opposed the reporting and recordation of the traditions of the Holy Prophet. Moreover, they gave preference to the personal opinions of Abu-Bakr and `Umar over all other things because they believed that these individuals had realized the actual logics for the religious laws as well as the spirit of the Muslim legislation!

On the other hand, the followers of the trend of thorough compliance with the sacred texts stopped against the threats of those individuals so as to clarify the actual jurisprudence of the Holy Prophet and to convey his traditions to the people even if this would cause their necks to experience the edges of swords.

It has been narrated that after he was stabbed to death, Imam `Ali said to the attendants,

"My will to you is, first, Almighty Allah: join not any partners with Him and, second, Muhammad: waste not his traditions. Keep these two pillars upright... etc."33

Ibn Kathir has narrated that his father said: I came near Abu-Dharr who was sitting near the Middle Jamarah (in Makkah) and was surrounded by people who were asking him about religious laws. In the midst of this situation, a man came near him and said, "Have you not been ordered not to deliver religious verdicts any more?"

Abu-Dharr raised his head towards the man and answered, "Have you been appointed to watch me?

Even if your swords are put on my neck and I have the opportunity to spread any word that I have heard from the Messenger of Allah, I will spread it."[34]

Consider how Abu-Dharr insisted on conveying what he had heard from the Holy Prophet even if swords would be put on his neck! Also, consider how he used the statement, "what I have heard from the Messenger of Allah" instead of the phrase "religious verdict." This matter reveals the big difference between the two trends.

As they felt the responsibility that was burdened on their shoulders, Abu-Dharr and his companions among the followers of the trend of thorough compliance with the sacred texts exerted all possible efforts in conveying the Sunnah of the Holy Prophet to the last spark of life. He therefore said, "Even if your swords are put on my neck and I have the opportunity to spread any word that I have heard from the Messenger of Allah, I will spread it."[35]

As for Abu-Dharr, to say such a statement was so natural because he heard the Holy Prophet on more than one occasion expressing his fear lest his nation would go astray, leave the Right Path, and follow the invented traditions of the others out of their hatred to Imam `Ali.

It has been narrated that Hanash al-Kinaniy said that he heard Abu-Dharr saying, while holding fast to the Gate of the Holy Ka`bah,

O People: Some of you have known me; rather as for those who have not, I tell them that I am Abu-Dharr. I have heard the Messenger of Allah saying, "The like of my Household (the Ahl al-Bayt) is the Ark of Noah; he who embarks it will have been saved; but he who falls behind will have downed.'"[36]

Abu-Dharr is also reported as having said,

O the community that have been engaged in perplexity after their Prophet! Verily, had you not selected for your leadership those whom Almighty Allah has rejected, and rejected those whom Almighty Allah has selected for you, and confessed to the divinely commissioned leadership and successorship of the Household of your Prophet, you would surely have been nourished from above you and from beneath your feet,[37] no shortage would have occurred to the shares of inheritance none of which would have ever failed, and no two individuals have ever disagreed about any of the laws of Almighty Allah; rather you would have found the knowledge of all these present with them (i.e. the Ahl al-Bayt) as same as they are found in the Book of Allah and the traditions of the Prophet. Nevertheless, after you had done what you had done, taste then the ill-effects of your own conduct. "*Those who do wrong will come to know by what a* (*great*) *reverse they will be overturned.* [38]"[39]

It has been also narrated that Imam `Ali said to Abu-Dharr,

You have feared those peoples for your religion but they have feared you for their worldly lives.[40]

The aforesaid narrations reveal the perplexities and ordeals that were suffered by the Muslim community

whose individuals had not known which trend to take! Because they had selected for their leadership those whom Almighty Allah has rejected, and rejected those whom Almighty Allah has selected for them, the Muslims had to encounter such perplexities and ordeals.

The Sahabah led the two major trends of the Muslims. Abu-Dharr and his likes supported the trend of the thorough compliance with the sacred texts and confirmed that the Muslims must abide by the traditions of the Holy Prophet whose authentic version is found with the Ahl al-Bayt.

In this regard, too many are the narrations that have reported from the Holy Prophet the distinctive standing of `Ali ibn Abi-Talib who recorded the words of the Holy Prophet during his lifetime and had the books of *al-Sahifah*, *Kitab al-Jami`ah*, and *al-Jafr* in which he compiled all that which he had heard from the Holy Prophet.

`Ali used to sit alone with the Holy Prophet twice a day—once in the morning and once in the evening. He stated that he had the knowledge of each and every verse of the Holy Qur'an completely... etc.

The other trend of the Sahabah adopted the words of `Umar, rejected the recordation of any material said or reported from the Holy Prophet, and, moreover, they enacted the right of practicing and deciding one's own views as opposite to the Holy Prophet's words so long as that one declares that he had realized the spirit of the religious legislation!

It has been narrated that `Abdullah ibn `Abbas, having noticed that people neglected the Prophetic instruction of raising the voice with the *Talbiyah* (the statement of *Labbayka Allahumma labbayk*), asked why the people had not declared the *Talbiyah*.

He was answered that that was because of their fear from Mu`awiyah. Nevertheless, Ibn `Abbas left his tent raising his voice with the *Talbiyah* and saying, "*Labbayka Allahumma labbayk* in defiance of Mu`awiyah. O Allah: curse these peoples. They have neglected the Sunnah out of their malice against `Ali."41

It has been also narrated that `Ikrimah told Ibn `Abbas that he had heard an old man that he had followed in a congregational prayer at Makkah repeating the *Takbir* twenty-two times and he thought that that old man had been foolish! But Ibn `Abbas answered, "Woe to you! That was the very instruction of Abu'l-Qasim (i.e. the Holy Prophet)!"42

Reports have confirmed that Mu`awiyah ibn Abi-Sufyan usurped the *Basmalah* from the Surahs43 and ordered people not to regard it as part of the Surahs. Other narrations have confirmed that Mu`awiyah once sold a golden jug with more than its weight, but Abu'l-Darda' objected to this deal and informed that he had heard the Holy Prophet declaring such deals as forbidden.

However, Mu`awiyah answered, "Well, I do not see any problem in this deal!" Hence, Abu'l-Darda' said, "Who will accept my apology if I do anything to Mu`awiyah! While I am reporting to him from the

Messenger of Allah, he is answering me with his own opinion! I will never settle in a land in which you live!"[44]

These reports and their likes demonstrate clearly the opposition between the two trends in principles and concepts.

Third Stage

This stage represents the ages of the rulers who came after Mu`awiyah ibn Abi-Sufyan up to the age of the governmental recordings. These rulers adopted the same goals of the rulers who preceded them as well as those who came after them. They all took advantage of the concepts that were prevalent during the first age of Islam as regards the legality of the practice of personal views and opinions in the face of the sacred texts.

These concepts had been invented for the sake of discriminating and holding back the activities of the descendants of Abu-Talib who throughout ages represented the Oppositionists of the ruling authorities. As has been previously cited, `Umar ibn `Abd al-`Aziz ordered Ibn Shihab al-Zuhriy to write down the Prophet's traditions (*Sunnah*) confirming that the conduct of Abu-Bakr and `Umar must be adopted. It has been also narrated that Ibn Shihab al-Zuhriy said, "We had disliked writing down the Prophet's traditions but the authorities compelled us to do it."[45]

One must always keep in mind the fact that these rulers were the descendants of Abu-Sufyan and al-Hakam ibn al-`□s whom were entered under the pennon of Islam by force. Abu-Sufyan is reported to have said, "I swear by him, there is neither Paradise nor Hellfire!"[46]

Disparaging the Holy Prophet, Mu`awiyah said, "The name of the son of Abu-Kabshah (i.e. the Holy Prophet) is declared loudly five times a day! (i.e. *I bear witness that Muhammad is the Messenger of Allah*) Which deed will then perpetuate and which mention will remain after that? Woe to you! Work on burying this mention!"[47]

It has been well-known that Yazid ibn Mu`awiyah cited the poetic verse of Ibn al-Zubu`riy that read: "The Hashimites played with kingdom; certainly, no news (from the heavens) came and no revelation was descended!"

It is also impossible to conceal the report that Abu-Sa`id al-Khidriy, once, pulled Marwan ibn al-Hakam from the dress after the latter had tried to ascend the minbar and recite the ritual *khutbah* of the *Salat al-`□d* (The Feast Prayer) before the performance of that prayer.[48]

Abu-Sa`id further said, "By Allah, you have changed all things. (i.e. religious laws)"

However, Marwan answered, "Abu-Sa`id: That which you keep in mind has gone."

Abu-Sa`id answered, “By Allah, that which I keep in my mind is certainly better than that which I do not know.”

Marwan commented, “Because I know that people will not listen to me after the performance of the prayer, I decided to recite the *Khutbah* before it!”[49]

Commenting on this, Shaykh Muhammad `Abduh says,

“During the Umayyad Dynasty, forgeries prevailed on people causing them misfortunes. Reporters thus increased in numbers while the number of the truthful decreased. The majority of the grand Sahabah refrained from reporting the Hadiths except for a few people that they had trusted.”[50]

The `Abbasid rulers were not less harmful that the Umayyads to the Islamic legislation. They have misused the Shari`ah in order to achieve political purposes and to preserve their regime. Previously, we have cited how al-Mansur, the `Abbasid ruler, ordered Malik ibn Anas to compile the Sunnah in a written form so that he would order the publics to follow. He also summoned Abu-Hanifah to lead a dispute against Imam Ja`far al-Sadiq.[51] In addition, many other narrations have confirmed the ideological disagreement between the two trends as well as the difference in the principles adopted by each party.

The ruling authorities betook the jurisprudential disagreement as their means of recognizing the party of Imam `Ali; therefore, the contradicted narrations that support a certain Muslim jurisprudential school increased in number.[52] Mr. Ahmad Amin says,

“It is strange to know that if we make a diagram for the Hadith, it will take a form of a pyramid the summit of which is the age of the Holy Prophet and then it expands with time passage until it reaches the base, which is the remotest age from the Holy Prophet’s.

Nevertheless, the opposite should have been the most logical; the companions of the Holy Prophet were the most acquainted with his traditions and this acquaintance decreases with the death of these companions. In fact, we notice that the Hadiths during the Umayyad dynasty were bigger in number than the Hadiths during the age of the Rashidite caliphs; and the Hadiths in the `Abbasid dynasty were bigger in number than these in the Umayyad... and so on.”[53]

Mr. Ahmad Amin then justifies this fact by claiming that the wide movement of the immigration for seeking the knowledge of Hadith as well as the roles played by the Jews and Christians had been the reasons behind that. He however pretended to neglect the main reason, which was the role of the ruling authorities and their political goals.

In this respect, I wonder how the Jews—who used to pay the tribute readily and were brought low, in the words of the Holy Qur'an—could practice such a grave, destructive role away from any support or overlooking from the ruling authorities!

In my conception, the most important factors in this respect were the political decisions that enacted the

legality of the personal opinions as opposite to the sacred texts.

Having predicted such, the Holy Prophet expressed his fear for the future of the Islamic legislation, guided to the necessity of the commitment to his instructions, and emphasized on the obligation of adopting and complying with the words of the Ahl al-Bayt, as is obviously clear in the famous Hadith of al-Thaqalayn in addition to many other Hadiths. Abu-Bakr, too, anticipated this when he said, "People who will come after you will be more discrepant that you are." However, he did not treat that except through calling the publics for depending upon the Book of Allah alone!

As a conclusion, from the aforesaid discussions we can understand that all these conceptions and their likes came to surface as a result of the enactment of the prohibition of recording and reporting the Hadith as well as the adoption of the legality of the Sahabah's personal views and other political factors.

It is said that a difference begins with one millimeter and ends up with a kilometer or even becomes endless. The ordeals of the Prophetic texts and all that which happened to the Islamic legislation have become the best example on this geometric fact. The Holy Sunnah unfortunately reached at such an unfavorable level that it has not been recognized except through the acts of the Sahabah and, what is worse is that the opinions and deeds of the Sahabah were decided as restricting the texts of the Holy Qur'an!

Hereinafter, some texts of the Holy Imams of the Ahl al-Bayt that carry answers for the majority of the spurious arguments and confirm the illegality of depending upon personal views as regards the religious laws will be cited:

In a lengthy epistle that he has sent to his followers, Imam Ja`far al-Sadiq says,

"O the compassionated and successful group! Verily, Almighty Allah has perfected for you the welfare that He has conferred upon you. Be it known to you that it is unacceptable, according to the knowledge and commission of Almighty Allah, that any of His creatures may decide a matter appertained to His religion out of his own fancy, opinion, or invented analogy.

Almighty Allah has revealed the Qur'an, has included it the exposition of all things, and has chosen definite people for preserving and teaching it. It is unfeasible for the people of the knowledge of the Qur'an that Almighty Allah has given exclusively to them to adopt any fancy, opinion, or analogy as regards the questions of their religions.

Those are the *Ahl al-Dhikr* (Followers of the Reminders)54 to whom Almighty Allah has ordered the community to refer in the religious questions...

Although the Messenger of Allah, before his demise, had ordered them to adhere to the sacred texts, they, immediately after the demise of him, decided to follow and adopt matters upon which people –the ordinary people– would agree even if such matters would violate the commission of Almighty Allah and

His Messenger.

Certainly, to claim the capability of deciding matters that are in violation of the commissions of Almighty Allah and the Messenger of Him has been the most defiant to Almighty Allah and the most deviant act.

By Allah I swear; it is incumbent upon His creatures to obey Him and to follow His commissions during the lifetime of Muhammad—peace be upon him and his family—and after his death...

Can any of these enemies of Almighty Allah prove that anyone of those who followed and submitted to Muhammad had adopted their personal opinions and acted upon analogies? If they answer affirmatively, they will certainly have forged lies against Almighty Allah and indeed strayed off into a remote error.

And if they answer that it was illegal for anyone (of those who followed and submitted to the Holy Prophet) to decide his own views, fancies, and analogies in matters of the religion, then they will have testified against themselves and proved the falsity of their claims.

In the same way as it was illegal for anyone of those who followed and submitted to the Holy Prophet to decide his own views, fancies, and analogies in matters of the religion during his lifetime, it is also illegal for those lived after him to do such...

Follow and adopt the traditions and heritage of the Messenger of Allah; and follow not your own fancies and opinions lest you will have strayed off. Verily, the most deviant people in the view of Almighty Allah are those who follow their own fancies and opinions without any guidance from Him.

O Group: Adhere to the traditions and conducts of Almighty Allah as well as the traditions and conducts of the Imams of the Household of the Messenger of Allah—the guides to the true. Verily, one who follows that shall have certainly been guided to the truth, but one who neglects and abandons that will have strayed off. This is because these Imams are the very ones the obedience and loyalty to whom have been commissioned by Almighty Allah."[55]

Imam Ja`far al-Sadiq, on the authority of his honorable fathers, has narrated that Imam `Ali, within a long sermon, said,

"Verily, a true believer is he who has taken his religion from his Lord, not from his own opinions."[56]

Imam `Ali has narrated that the Holy Prophet said,

"Almighty Allah says: He who interprets My Words in his own opinion has in fact not believed in Me; and he who anthropomorphizes me has in fact not recognized Me."[57]

It has been narrated that Mu`awiyah ibn Maysarah ibn Shurayh narrated, I once saw Abu-`Abdullah (Imam Ja`far al-Sadiq) in Masjid al-Khayf in the middle of a company of about two hundred persons among whom was `Abdullah ibn Shabramah who asked him, "Abu-`Abdullah: In Iraq, we judge between

people according to the Qur'an and Sunnah, but sometimes we face some questions that we judge according to our own views that we exert efforts in deducing them...”

Replying to him, Imam al-Sadiq asked, “What is your opinion about `Ali ibn Abi-Talib?”

Ibn Shabramah began to praise Imam `Ali as brilliantly as he could.

Then, Imam al-Sadiq commented, “Verily, `Ali rejected to insert any personal opinion in the affairs of the religion of Almighty Allah and rejected to express any opinion or analogy in the questions of the religion... Had Ibn Shabramah known what exactly annihilated the peoples, he would have never accepted or acted upon analogies in the religious questions.”58

It has been narrated that Imam Muhammad al-Baqir said,

“O Zurarah: Beware of those who act upon analogy in the religious affairs. They have neglected the knowledge that they were commissioned to learn and have engaged themselves in learning the knowledge that has been already given to them. They are interpreting the traditions and forging fabrications against Almighty Allah.59

I see coming that when one of these (who act upon analogy) is called from ahead, he answers from behind and when he is called from behind him, he answers from ahead. Thus have they strayed off and been confused in the lands and in the religion.”60

It has been narrated that Imam Ja`far al-Sadiq said,

“Have your books in custody, for you will need them.”

“Record (the knowledge), for you will not retain unless you write down.”

“Write down and circulate your knowledge among your brethren-in-faith. Before you depart life, give your books in inheritance to your sons. People shall experience an age of commotion during which nothing will amuse them except their books.”

Furthermore, too many are the narrations that encourage and confirm the necessity of writing down, the following of the choice companions of the Holy Prophet who had written down the knowledge of the religion, and the thorough compliance with the sacred texts though these narrations are not mentioned herein for fear of lengthiness.

In addition, these narrations denounce the issuance of verdicts out of personal views and baseless inferences as well as the issuance of verdicts depending upon principles that were not decided by the Holy Prophet; rather they were invented in later ages under certain circumstances.

1. Al-Bayhaqiy: al-Sunan al-Kubra 6:255.
2. Sahih al-Bukhariy 1:46 H. 89, 2:871 H. 2335; Sahih Muslim 2:1112; Musnad Ahmad ibn Hanbal 1:33 H. 222; Sunan al-

Tirmidhiy 5:420 H. 420.

3. Al-Bukhariy: Kitab al-`Ilm 1:33 Section: 27 H. 1956, 6:2676 H. 6920; Sahih Muslim 3:1695.

4. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:305; al-Bayhaqiy: al-Sunan al-Kubra 7:69; al-Qurtubiy: Tafsir 14:125-6.

5. It has been narrated on the authority of Mahmud ibn Labid that `Uthman ibn `Affan, from the minbar, said, "It is impermissible for anyone to report any of the traditions of Allah's Messenger unless that Hadith has been circulating during the reigns of Abu-Bakr and `Umar." See Ibn Sa`d: al-Tabaqat al-Kubra 2:336; Ibn `Asakir: Tarikh Madinat Dimashq 39:180. al-Hakim al-Nisapuriy, in al-Mustadrak `Ala'l-Sahihay 4:377, has narrated that when `Umar ibn al-Khattab was stabbed to death, he counseled the attendants about the ruling of the grandfather's share from inheritances. `Uthman ibn `Affan answered, "If we follow your own opinion, this will be true guidance; and if we follow the opinion of the Shaykh who was before you (i.e. Abu-Bakr), this will be excellent!" See also Sunan al-Darimiy 1:159 H. 631; al-Bayhaqiy: al-Sunan al-Kubra 6:246 H. 12201.

6. Tarikh al-Tabariy 4:338-339; Ibn Qutaybah: al-Imamah wa'l-Siyasah 1:46; al-Bidayah wa'l-Nihayah 7:169.

7. Tarikh al-Tabariy 2:606 (Events of AH 29).

8. For the details of this incident, refer to `Allamah Muhsin al-Aminiy: al-Ghadir as well as other reference books of Islamic history.

9. The story of Fadak is too famous to require explanation. Master scholars have written many books about it.

10. Sa` is an Islamic unit of measurement.

11. For the details and actual reality of this issue, refer to Shaykh al-Tusiy: al-Khilaf.

12. This means that the ruling authorities had usurped the house of Ja`far and added it to a mosque.

13. Such as `Umar ibn al-Khattab's verdicts about the shortage in the shares of heritage and the like.

14. The ruling authorities had decided the validity of the divorce that is uttered by those who divorced his wife without witnesses or without having been ritually pure. In the actual Islamic legislation, divorce is invalid unless its stipulations are achieved. Among these stipulations are the presence of witnesses and ritual purity. It is also probable that this statement of Imam `Ali was an indication to his famous saying after the people's homage to him: "By Allah, even if I had found that by such money (distributed unjustly by `Uthman ibn `Affan) women have been married or slave-maids have been purchased I would have resumed it because there is wide scope in dispensation of justice, and he who finds it hard to act justly should find it harder to deal with injustice. Certainly, each and every estate that was given by `Uthman and every amount of money that `Uthman took from the treasury of Allam and gave to certain people must be restored to the public treasury.

15. This is because `Umar ibn al-Khattab had exempted the individuals of the tribe of Taghlib from the jizyah (tribute: A tax imposed on non-Muslim subjects in Muslim countries as remuneration of their enjoying the protection of the Islamic state.) Accordingly, they were no longer included with the Ahl al-Dhimmah (non-Muslim subjects enjoying the protection of the Islamic state) and thus it is legal to take their descendants as captives. In this respect, Muhyi al-Din al-Baghawiy says, "It has been narrated that when `Umar ibn al-Khattab asked them to pay the jizyah, the Arab Christians rejected claiming that they would not pay in the way as the non-Arabs did; rather they suggested to `Umar to take from them taxes under the same title that was taken from the Muslims, which is Sadaqah (alms). Yet, `Umar replied that the Sadaqah (alms) was Almighty Allah's obligation on the Muslims exclusively. Hence, the Arab Christians suggested that he would choose any other title except the jizyah. He therefore contracted with them that they would pay as twice as the Sadaqah.

16. This is because `Umar imposed, in the same effect of the obligatory Zakat, upon the peasants, craftsmen, and businessmen to defray a tax in the interest of the scholars, governmental officials, and soldiers. He further recorded the names of both the parties in two separate records.

17. `Allamah al-Majlisiy, in Bihar al-Anwar 8:284, has written down that `Umar ibn al-Khattab, as one of his personal decisions that were in violation of the Islamic legislation, imposed land tax on the people of Iraq and decided to survey their lands and decided that for each jurayb (a unit of length) of date-palm trees, ten dirhams should be defrayed as tax, and for each jurayb of grapes, eight dirhams should be defrayed... etc. For more details in this issue, refer to Sharif al-Murtada: Kitab al-Shafi.

18. This might have been an indication to the decision of `Umar ibn al-Khattab that a non-Qurayshite man is not allowed to marry a Qurayshite woman; and a non-Arab man is not allowed to marry an Arab woman.

19. This is an indication to `Umar ibn al-Khattab's having prevented the Ahl al-Bayt from receiving their divinely commissioned share of the Khums tax.
20. This means that he would remove from the building of the mosque the additions that were added to it by usurpation.
21. This is an indication to the incident that Archangel Gabriel carried the commission of Almighty Allah that all the doors opened to the mosque must be cancelled except the door of Imam `Ali's house.
22. This is an indication to the fact that `Umar ibn al-Khattab validated the rubbing on the sandals in the ritual ablution while this matter was denied by `'ishah, `Abdullah ibn `Abbas, Imam `Ali, and many others.
23. This is an indication to the ritual Mut`at al-Nisa' and Mut`at al-Hajj.
24. According to the reports of Hudhayfah, Zayd ibn Arqam, and others, the Holy Prophet recited the Takbir five times during the ritual Deceased Prayers.
25. The ruling authorities concentrated on reciting the Basmalah inaudibly during the ritual prayers.
26. This may be an indication to the mutinous 'Sahabah' whom were dismissed from the Holy Prophet Mosque after they had been among the intimate friends of him; therefore, Imam `Ali would dismiss those whom were dismissed by the Holy Prophet, such as al-Hakam ibn al-`'s and others.
27. Earlier in this book, discussions and examples on `Umar ibn al-Khattab's having opposed the Holy Prophet's traditions as regards the method of the valid divorcement have been presented.
28. The actual classes of the ritual Zakat are the following nine categories: (1) (golden) Dinars, (2) (silver) Dirhams, (3) wheat, (4) barley, (5) dates, (6) raisins, (7) camels, (8) sheep, and (9) cows.
29. The ruling authorities had violated all these laws. In my book of Wudu' al-Nabiy, I have explained this matter with more details.
30. This is an indication to the Salat al-Tarawih (the recommended nightly prayers during Ramadan), which `Umar ordered the Muslims to perform collectively. As he saw them lining up for performing this prayer, `Umar commented, 'How excellent this heresy is!" (See Sahih al-Bukhariy 3:58; Ibn Shibbah: Tarikh al-Madinah al-Munawwarah 2:713; al-Tabariy: al-Riyad al-Nadirah 1:309; al-Ya`qubiy: Tarikh 2:140.)
31. Shaykh al-Kulayniy: Rawdat al-Kafi 8:58 H. 21.
32. Shaykh al-Tusi: Tahdhib al-Ahkam 3:70 H. 27.
33. Al-Tabaraniy: al-Mu`jam al-Kabir 1:96 H. 197.
34. Al-Dhahbiy: Tadhkirat al-Huffadh 1:18. The narration has been written down as follows: "... A man from Quraysh came near him and said reproachfully, "Amir al-Mu'minin did warn you against delivering religious answers, did he not?"
Ibn Hajar al-`Asqalaniy, in Fath al-Bari fi Sharh Sahih al-Bukhariy, commented that the one who reproached Abu-Dharr was from Quraysh and the one who prevented him from delivering religious answers was `Uthman ibn `Affan.
35. Sunan al-Darimiy 1:146 H. 545. Ibn Hajar al-`Asqalaniy, in Fath al-Bari fi Sharh Sahih al-Bukhariy 1:161, said that Abu-Dharr believed that it is illegal to obey the instruction of an imam who warns against issuing verdicts. This is because Abu-Dharr believed that it is obligatory to convey and spread the Holy Prophet's instructions.
36. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 2:343; al-Tabaraniy: al-Mu`jam al-Awsat 355 H. 5534; al-Tabaraniy: al-Mu`jam al-Kabir 3:45 H. 2636; Musnad al-Shihab 2:273 H. 1343. The Hadith has been also narrated by other Sahabah, such as Abu-Sa`id al-Khidriy and `Abdullah ibn `Abbas. See, further, al-Tabaraniy: al-Mu`jam al-Awsat 6:85 H. 5869; al-Tabaraniy: al-Mu`jam al-Kabir 3:46 H. 2638, 12:34 H. 12388; Abu-Na`im: Hilyat al-Awliya' 4:306.
37. This is an indication to the holy verse, "If they had observed the Torah and the Gospel and that which was revealed unto them from their Lord, they would surely have been nourished from above them and from beneath their feet. 5/66"
38. This is a quotation from the Holy Qur'an (26/227).
39. Al-Ya`qubiy: al-Tarikh 2:171.
40. Nahj al-Balaghah 2:12 Sermon No. 130; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 8:252; al-Laythiy: `Uyun al-Hikam wa'l-Mawa`idh 552; Shaykh al-Kulayniy: al-Kafi 8:207; al-Jawhariy: al-Saqifah wa-Fadak 78; al-Mahasin 2:354 S. 12 H. 45; Makarim al-Akhlaq 249.
41. Sunan al-Nassa'iy 5:253; al-Bayhaqiy: al-Sunan 5:113; Al-Qasim ibn Muhammad: Al-I'tisam bi-Habl-illah al-Matin 1:360.
42. Sahih al-Bukhariy 1:199 H. 775.

43. Musannaf `Abd al-Razzaq 2:92 H. 2618; al-Shafi`iy: Kitab al-Umm 1:108; Sunan al-Darqutniy 1:311 H. 33, 34; al-Mustadrak `Ala'l-Sahihayn 1:357 H. 85.
44. Malik ibn Anas: al-Muwatta' 2:634; al-Bayhaqiy: al-Sunan 5:280; al-Shafi`iy: al-Risalah 1228.
45. Sunan al-Darimiy 1:122 H. 404.
46. Ibn Abd al-Barr: al-Isti`ab 4:679; al-Mas`udiy: Muruj al-Dhahab 2:343; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 2:45.
47. Al-Zubayr ibn Bakkar: al-Muwaffaqiyyat 576-577; al-Mas`udiy: Muruj al-Dhahab 3:454; Muhammad ibn `Aqil: al-Nasa'ih al-Kafiyah 116; Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 9:338.
48. According to the Islamic laws, the Khutbah must be recited after the performance of the Salat al-`□d (The Eid Prayer).
49. Sahih al-Bukhariy 2:22.
50. Mahmud Abu-Rayyah: Adwa' `Ala'l-Sunnah al-Muhammadiyyah 389 as quoted from Shaykh Muhammad `Abduh: al-Tarikh 2:347.
51. In my book of 'Wudu' al-Nabiy' pp.349-353, I have cited this debate and written down commentaries on it.
52. In my book of 'Wudu' al-Nabiy', this topic has been discussed in details.
53. Ahmad Amin: Duha al-Islam 2:128-129.
54. This is an indication to Almighty Allah's saying in the Holy Qur'an, "Ask the Followers of the Reminder (Ahl al-Dhikr) if you do no know. 21/7"
55. Shaykh al-Kulayniy: al-Kafi 8:5; al-Hurr al-'□miliy: Wasai'l al-Shi'ah 27:37. In a lengthy statement, Imam Ja`far al-Sadiq refuted the arguments of the School of Ijtihad as regards their opinions about the Ijtihad of the Holy Prophet and the false misinterpretations of the Hadith that reads, "Disagreement of my community is mercy... etc." For more details, refer to Sharif al-Murtada: al-Muhkam wa'l-Mutashabah 91 al-Hurr al-`□miliy: Wasa'il al-Shi`ah 27:52.
56. Shaykh al-Saduq: al-Amaliy 4:287, Ma`ani al-Akhbar 1:185 as mentioned in al-Hurr al-`□miliy: Wasa'il al-Shi`ah 27:44-45.
57. Shaykh al-Saduq: `Ilal al-Shara'i` 1:59 as mentioned in al-Hurr al-`□miliy: Wasa'il al-Shi`ah 27:45.
58. Al-Barqiy: al-Mahasin 77:210 as mentioned in al-Hurr al-`□miliy: Wasa'il al-Shi`ah 27:51.
59. They forge lies against Almighty Allah because they depend upon their own conjectures. In this respect, Almighty Allah, in the Holy Qur'an, says, "Say: Has Allah commanded you, or do you forge a lie against Allah. 10/59"
60. Shaykh al-Mufid: al-Amaliy 12:51 as mentioned in al-Hurr al-`□miliy: Wasa'il al-Shi`ah 27:59, H. 43.

From the previously mentioned discussions, we can conclude that the actual motive of the prohibition of recording the Hadith was not only to suppress the merits of the Ahl al-Bayt but also to give rise to a new jurisprudential atmosphere through which the ruler (or the caliph) can block all the jurisprudential shortage that he would find. This conclusion can be manifested more clearly through the consideration of the following presentations:

First Presentation

We have previously presumed that the first spark of the prohibition of recording the Hadith came into view on the tongue of `Umar ibn al-Khattab shortly before the demise of the Holy Prophet when the latter asked the attendants to bring him a pen and an inkpot so that he would dictate a document that would save the Muslims from straying off forever. Objecting to the Holy Prophet, `Umar said, "The man is hallucinating! Let the Book of Allah be sufficient for us!"

This process of the prohibition from recording rested upon offending the sacredness and the magnificent

esteem of the Holy Prophet and upon defaming his divine immaculacy although this process was, in a certain moment, a private situation that `Umar had to take in order to orient the issue of the next leadership to the course that he wanted. As a result, `Umar opened wide the door permitting each one to do as exactly as he wanted.

He also imposed his own opinion on the Sahabah and the attendants in that situation. Even when women, from behind the curtains, shouted at the attendants to carry out the Holy Prophet's order, `Umar answered them, "Shut up! You have had ill situations with him. When he is ill, you press your eyes for shedding tears; and when he restores to health, you hang to his neck!" Yet, the Holy Prophet said, "These (women) are better than you are!"1

This answer exposes that the Holy Prophet had not been satisfied with `Umar's act; rather he wanted to reconfirm his statement that he had previously declared during the Farewell Hajj when he said that he would leave among his people the two weighty things (i.e. the Holy Qur'an and the Ahl al-Bayt) one of which is more precious than the other.

As he anticipated that the Holy Prophet would reconfirm on the Holy Qur'an and the Ahl al-Bayt as the two weighty things that he would leave among his people to follow, `Umar ibn al-Khattab ascribed irrational talk to the Holy Prophet—while the Holy Prophet is too sacred to talk irrationally—in order to underestimate his words or even his written documents in case the Holy Prophet would have written something.

As `Umar belittled the words of the Holy Prophet and ascribed him to hallucination, then it would have been unimportant to present his written document as pretext.

From this cause, the Holy Prophet had to abstain from insisting on recording (or dictating) a document that he promised to save the Muslims from deviation! He therefore said, "Leave me and do not dispute with each other! It is unsuitable to dispute in the presence of a Prophet."2 In brief, the prohibition of recording in this situation was made in order to prevent stating the decision of the next leadership in a written form.

The prohibiting from writing later on was the result of the contradiction between `Umar ibn al-Khattab's opinions and the Holy Prophet's traditions, instructions, and directives. Accordingly, the prohibiting from writing had two dimensions; one is political and the other is legislative.

What is I consider the most probable reason behind the prohibiting from writing and from recording the Hadith, in addition to all that which has been mentioned by the gentle scholars in the presentation of the seventh reason, was that `Umar ibn al-Khattab wanted to establish the conception of "an opinion that I have considered" (i.e. *Ra'y*) and to allow the multiplicity of opinions in order to meet the jurisprudential shortage that very frequently embarrassed him.

Because they knew that the source of the religious laws was exclusively Almighty Allah and the Holy

Prophet, the people did not accept to take these laws except from people who enjoyed elite relationship with the Holy Prophet and had full knowledge with the secrets of the divine revelation and its interpretation.

Furthermore, the two caliphs who came to power after the Holy Prophet had to encounter issues the dealing with which necessitated the issuance of verdicts deduced from personal opinions and away from the sacred texts.

The caliphs therefore had to practice Ijtihad and then allow the others to practice it so that decisions that would be taken out of their practices of Ijtihad would be justifiable and that they would not stand alone in this invented process. `Umar then exerted all efforts to dedicate such right of Ijtihad to himself, but `Uthman ibn `Affan, as has been previously cited, said no.

Second Presentation

Abu-Bakr and `Umar did not claim full acquaintance with all the religious questions in which the Holy Prophet had judged; rather they issued religious decisions according to their personal views. In this regard, Abu-Bakr affirmed on various occasions that the verdicts he issued had not been based upon any reference of legislation; if it therefore was true, this would be originated from Almighty Allah's guidance, but if it was not, it would be Satan's, as well as his, fault.

They also used to ask the other Sahabah about the rulings that had been decided by the Holy Prophet while they had not known; and they did accept the words of these Sahabah in this respect.
They also confessed of their lack of knowledge before everybody including the lady who proved false `Umar's decision in the famous issue of women's dowries and thus he confessed of her having been more knowledgeable than he was in the jurisprudential questions.3

As a matter of fact, the religious rulings that Abu-Bakr and `Umar ignored were not few and were not restricted to one or two questions so that one would exert efforts in finding for them a justifiable interpretation. Meanwhile, the other Sahabah—such as Mu`adh ibn Jabal, Hudhayfah ibn al-Yaman, `Abdullah ibn Mas`ud, and `Ali ibn Abi-Talib—knew the actual religious laws about such questions.

It is now obvious that when `Umar ibn al-Khattab summoned the Sahabah and said to them, "We (i.e. the ruling authorities) are more knowledgeable about these rulings than you are; therefore, I listen to you but sometimes reject your words," and when `Urwah ibn al-Zubayr said to `Abdullah ibn `Abbas, "They (i.e. Abu-Bakr and `Umar) were more know knowledgeable about the traditions of Allah's Messenger than you are and they are also more attentive to them than you are,"—such situations and their likes were declared for the sake of strengthening the scholarly position of Abu-Bakr and `Umar in the ruling government and for obliging the others to accept the decisions of these two even if such decisions would be issued out of their personal views since they were more knowledgeable than anybody else about what is good for the Muslims.

As has been previously cited, when the people brought before `Umar the records that comprised the Holy Prophet's traditions, they had only intended that he would pick up the most accurate of them; they had not wanted him to decide about the fate of these papers and declare his own opinion to be the most accurate.

The concept of most knowledgeability was presented after the affairs of the Islamic State had been settled for `Umar and after the prohibition of reporting and recording the Hadith had advanced in great strides. These two matters made possible for `Umar to claim enjoying the amount of knowledge that he liked after he had threatened and terrified the Sahabah. In the beginning, `Umar permitted the Sahabah to practice Ijtihad and pretended that he had submitted to their opinions as regards the religious laws; and this was the first step in the march of justifying his decisions that he issued later on.

Because the opinions of some of the Sahabah who were less knowledgeable than `Umar, such as Abu–Hurayrah and Samarah ibn Jundub, were decided as true, the opinions of `Umar should be absolutely justifiable since he was not less than these names in knowledge and standing; rather he should be preceded to them.

Moreover, `Umar was the first and last winner in the jurisprudential sessions that were held under his supervision. The unlimited, extensive participation in the practice of Ijtihad, as a preliminary step, achieved another benefit for the ruling authority. This benefit could be seen clearly in the states of the Sahabah's commitments of mistakes as regards the religious laws and their finding faults with each other.

Such states would institute the most powerful justifications and the most logic explanations of `Umar's jurisprudential errors. None would be able to argue that `Umar had made a mistake since the all had participated in that error when they acceded to the issuance of religious laws according to personal views and deductions.

What is more is that we should not forge that the enactment of the prohibition of the recordation and reporting of the Hadith that resulted in the blankness of the Sahabah's books of Hadith had brought about a big space in the religious legislation that could not be met except by the practice of Ijtihad and the resting upon personal opinions. Hence, the one and only purpose behind `Umar's decision of the prohibition of recording the Hadith was the invention of Ijtihad.

Third Presentation

Earlier in this book, we have scanned narrations revealing that some of the Sahabah used to test and provoke `Umar ibn al–Khattab for purpose of attracting his attention towards his faults, not disparaging him.

They used to ask him about the religious ruling of a certain question on many occasions so that he

would take notice of the contradiction in his answers. Such narrations also reveal that the disagreement between the Sahabah was restricted to the jurisprudential questions.

As a matter of fact, `Umar was annoyed by such behaviors; he therefore said to the man who asked him about a question that he had already heard its answer from the Holy Prophet, “May perdition overtake both your hands! You have asked me a question that you had put before the Holy Prophet so that I would contradict him.”4

The experience of finding fault with the caliph can be seen in its clearest version during the reign of `Umar ibn al-Khattab rather than the other rulers. This matter supports the fact that he had opened the door of the adoption of personal opinions so wide that he could not close it.

Generally speaking, one who is actually expert in religious laws must not be alarmed by questions that are put before him; rather he must enjoy putting questions before him so that he will answer. In this respect, Imam `Ali ibn Abi-Talib used to say, “Ask me before you miss me.”

On the other hand, one who lacks the knowledge of the Holy Prophet will panic about any question that is put before him and will also beat Subay` ibn `Usul accusing him of infidelity because he put many questions!5

Fourth Presentation

Owing to the expansion of the area of the Islamic State; the multiplicity of the new questions; the necessity of finding solutions for these questions in the light of the Holy Qur'an and Sunnah; `Umar’s failure to comprehend all the traditions of the Holy Prophet as regards such questions; the possibility of the occurrence of contradiction between `Umar’s reports and the Sahabah’s—owing to all of these reasons, it became fundamental for `Umar to strengthen his previous conceptions of Opinionism (*Ra’y*), which he had presented during the lifetime of the Holy Prophet, and legality of Ijtihad. Also, it became necessary to block the reporting and recordation of the Hadith since these two matters would educate the publics and attract the attentions towards the caliph’s errors.

In the last of his reign, `Umar allowed the Sahabah to practice Ijtihad and declare their own opinions in the religious issues so as to justify his deeds. As well, he ordered them to reduce reporting the Hadith because he did not like hearing the questions whose answers were not known by him. As a consequence, the prohibition of reporting and recording the Hadith relieved from its private frame to prove that the purpose behind it were further than what has been said about it and to prove that it was not related to the issue of the true and false leaderships of the Islamic State.

Fifth Presentation

It is well-known that `Umar dispersed the Hadiths about the virtues and merits of Imam `Ali in particular

and the Ahl al-Bayt in general and that he justified his act of taking them away from the political leadership of the Muslim community that the people of Quraysh had not liked for the Hashimites to hold both "positions" of prophethood and leadership.

Having held the position of the leadership (i.e. caliphate), it became harmless for `Umar to spread the Hadiths revealing the merits of `Ali ibn Abi-Talib; rather it was offensive to spread the Hadiths of jurisprudential questions since such narrations comprised materials that would show clearly the contradictions between `Umar's decisions that were based upon his personal views from one side and the divine revelation and the Holy Prophet's traditions on the other side.

The result of such contradiction would be that all his decisions would be proven false and thus the Muslims would not stand motionless; rather they would revolt against him. Had the government of `Umar failed, the source of such failure would have been this very point.

It is true that after he had come to power, `Umar did not like hearing the details and expositions of the virtues and merits of Imam `Ali and the Ahl al-Bayt since the circulation of such Hadiths would contribute in the shaking of his standing as a caliph and in the undermining of his leading position as well as in strengthening the situation of the opposite party and in revealing his legality and worthiness of holding the position of the leadership of the Islamic State.

The same words are applicable to the situation that `Umar adopted in the case of the Disastrous Thursday (i.e. preventing the Holy Prophet from dictating his final will in a written form). Nevertheless, in addition to the problems that `Umar had to encounter as regards finding suitable answers for the jurisprudential questions that were put before him, the fear from spreading the Hadiths of the merits and virtues of Imam `Ali and the Ahl al-Bayt was one of the leading motives that urged him to decide the prohibition from reporting and recording the Hadith. As a result, he prohibited the reporting and recordation of the Hadith generally so as to save his position and himself from the political, jurisprudential inconveniences.

To take Imam `Ali away from the jurisprudential and political leaderships was one of the essential goals of the state of the caliphs. This sense was publicly declared in `Abdullah ibn `Abbas's famous word,

"Verily, had you not selected for your leadership those whom Almighty Allah has rejected, and rejected those whom Almighty Allah has selected for you, and confessed to the divinely commissioned leadership and successorship of the Household of your Prophet, you would surely have been nourished from above you and from beneath your feet, no shortage would have occurred to the shares of inheritance none of which would have ever failed, and no two individuals have ever disagreed about any of the laws of Almighty Allah."6

This is because the jurisprudential enlightenment was not less important than the political education. If people had recognized the actual capability of Imam `Ali in the knowledge of the religious laws and the actual incapability of the other party (represented by the ruling authorities), this would undoubtedly have

had misgivings about the caliph's jurisprudential knowledge causing one of the two wings of caliphate to fail.

The prohibition from recording the Hadith in general and the decision of reducing reporting it in particular and the opening wide the door of Ijtihad by means of personal opinions, analogies... etc.,—all these matters bear out that there must have been another more important motive, other than the motives mentioned by the scholars as have been presented in the seventh reason, that necessitated the issuance of the decision of prohibiting the recordation of the Hadith.

Sixth Presentation

The majority of the reports that narrated the objections of the Sahabah to `Umar's decision was dedicated to the jurisprudential, not administrative or governmental, aspects. In plain words, the Sahabah objected to `Umar as regards the jurisprudential questions, not the worthiness and merits of other individuals.

Earlier in this book, it has been cited that `Abdullah ibn `Abbas said, "I see coming that you shall certainly be perishing! 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!"7 and `Abdullah ibn `Umar said, "I will never neglect the instructions of the Holy Prophet for a word of any other person!"8 and "The Holy Prophet did it; and certainly he is better than `Umar ibn al-Khattab."

These texts and their likes confirm that the disagreement between `Umar and the Sahabah was dedicated to the exposition of the religious laws and to the principles that `Umar had decided for the Muslim jurisprudence, such as the Ijtihad and *Qiyas*... etc.

The overall scheme of the caliphs included the prohibition from reporting the merits of the Ahl al-Bayt, the evidences on the divinely commissioned leadership of them, and the Holy Prophet's instructions and traditions about the religious laws.

In general, the scheme recommended the prohibition of spreading any item that would contribute in documenting the authenticity of the Ahl al-Bayt School. To prove it, let us cite the following narrations:

It has been narrated that `Abd al-Rahman ibn Yazid said: In the year 82 (AH), Sulayman ibn `Abd al-Malik, having been still the crown prince, passed by al-Madinah during his journey to performing the ritual Hajj. The people greeted him while he was pushing his way in the city. He then visited the places where the Holy Prophet had offered prayers as well as the site where he was injured during the Battle of Uhud.

Accompanied by Aban ibn `Uthman, `Amr ibn `Uthman, and Abu-Bakr ibn `Abdullah, the crown prince visited the sites of Masjid Quba', Masjid al-Fadikh, Mashrabat Ummi-Ibrahim, and Uhud Mount. As he asked about each site that he visited, the fellows explained to him what had happened therein. He then

ordered Aban ibn `Uthman to write down a book about the life account of the Holy Prophet as well as the events of his campaigns.

Aban said, “I have already written down such a book whose materials have been authenticated by trustworthy individuals.”

Sulayman thus ordered that book to be copied ten times. When the book was copied on parchments, the copies were presented before the crown prince. As he noticed that the Ansar were praiseworthily mentioned in the book, especially as regards the two historical homages of al-`Aqabah and the Battle of Badr, he commented, “I cannot imagine that these people (i.e. the Ansar) did really enjoy such merits. There is only one option in this regard; either my family had denied the merits of these people or they were not as exactly as what is mentioned in this book.”

Aban ibn `Uthman answered, “Your Excellency: the deeds that they had committed against the oppressed martyr should not stop us from saying the truth. They (i.e. the Ansar) were as exactly as what is mentioned in this book.”

Sulayman said, “I must not order of copying such a book before I seek the permission of *Amir al-Mu’minin* (i.e. the caliph; `Abd al-Malik ibn Marwan). Probably, he will refuse such a thing.”

He therefore ordered the copies to be torn out and commented, “When I return, I will ask *Amir al-Mu’minin*, and if he agrees, nothing will be easier than re-copying the book.”

When he was back to the capital, he presented the question before his father, the caliph, who commented, “What will you excuse when you bring us a book that is empty from any item of honor for us? Do you intend to introduce to the people of Syria matters that we do not want for them to know?”

Accordingly, Sulayman answered, “For this very reason have I ordered the copies of the book to be torn out. I would never copy the book before I seek your opinion.”

The caliph thus acceded to this good opinion.9

1. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 5:644 H. 14133; Ibn Sa`d: al-Tabaqat al-Kubra 2:244.
2. Sahih al-Bukhariy 1:54 H. 114; Ibn Hazm: al-Ihkam fi Usul al-Ahkam 7:425; Ibn `Abd al-Barr: al-Isti`ab 1:169; Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 1:209.
3. Al-Bayhaqiy: al-Sunan al-Kubra 7:233 H. 14114; Sa`id ibn Mansur: Kitab al-Sunan 195 H. 598.
4. Musannaf Ibn Abi-Shaybah 3:174 H. 13181; al-□had wa’l-Mathani 3:228 H. 1589; Sharh Ma`ani al-□thar 2:232; al-Tabaraniy: al-Mu`jam al-Kabir 3:262 H. 3353.
5. Al-Ghamidiy: Haqiqat al-Bid`ah wa-Ahkamuha 1:114 (as quoted from Ibn Hajar al-`Asqalaniy: al-Isabah fi Tamyiz al-Sahabah 165); Sunan al-Darimiy H. 146; Ibn Waddah: al-Bida` 69; Durr al-Ta`arud 7:172. In his book of ‘al-Masa'il’ 1:478 H. 81, Ahmad ibn Hanbal says, “Abu-`Uthman al-Nahdiy said that a man—from the tribe of Yarbu` or the tribe of Tamim—asked `Umar ibn al-Khattab about the interpretation of the words ‘wa’l-Dhariyat’ wa’l-Nazi`at’, ‘wa’l-Mursalat’, mentioned in the holy Qur'an in the holy verses, “I swear by the wind that scatters far and wide, 51/1” “I swear by the emissary winds, sent one after another (for men's benefit), 77/1” “I swear by the angels who violently pull out the souls of the wicked. 79/1”

Instead of answering the man, `Umar ibn al-Khattab ordered him to remove his head cover. As the man did, `Umar noticed that there was hair on his head. He thus said, "If I found you hairless, I would certainly behead you!"
`Umar then ordered us (or wrote a missive to the people of al-Basrah, ordering them) not to sit with that man forever. As a result, whenever we saw that man, whose name was Subay` ibn `Usul, we left him and separated even if we were one hundred persons.
On the other side, al-Hakim al-Nisapuriy, in al-Mustadrak `Ala'l-Sahihayn 2:506 H. 3736, has narrated on the authority of Abu'l-Tufayl that Imam `Ali ibn Abi-Talib Amir al-Mu'minin, once, stood on the minbar and said, "O people: Ask me before you miss me. Seize this opportunity and ask me, for you shall never find anyone like me to ask."
On hearing this, Ibn al-Kawwa' stood up and asked, "O Amir al-Mu'minin! What is the interpretation of (the holy verse) 'Wa'l-Dhariyati Dharwa; I swear by the wind that scatters far and wide. 51/1'?"
The Imam answered, "This is the wind."
Ibn al-Kawwa' went on, "What is the interpretation of (the holy verse) 'Fa'l-Hamilati Waqra; Then those clouds bearing the load of minute things in space. 51/2'"
The Imam answered, "This is the clouds."
Ibn al-Kawwa' continued, "What is the interpretation of (the holy verse) 'Fa'l-Jariyati Yusra: Then those ships that glide easily. 51/3'?"
The Imam answered, "This is the ships.
Ibn al-Kawwa' continued, "What is the interpretation of (the holy verse) 'Fa'l-Muqassimati Amra: Then those angels who distribute blessings by Our command. 51/4'?"
The Imam answered, "This is the angels."
Ibn al-Kawwa' then asked, "Who are those about whom Almighty Allah, in the Holy Qur'an, has said, 'Have you not seen those who have changed Allah's favor for ungratefulness and made their people to alight into the abode of perdition (Into Hell)? They shall enter into it and an evil place it is to settle in. 14/28-29'?"
The Imam answered, "These are the hypocrites from the tribe of Quraysh."
Commenting on this narration, al-Hakim al-Nisapuriy says that its series of narrators is authentic; yet, al-Bukhariy and Muslim have not recorded it." See this narrative and its ways of narration in the following reference books of Hadith: `Umdat al-Qari 10:19; Taghliq al-Ta`liq 318-319; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 13:159-162; al-Ahadith al-Mukhtarah 2:126 H. 494, 176 H. 556, 298 H. 678; Musnad al-Shashiy 2:96 H. 620; Ibn `Asakir: Tarikh Madinat Dimashq 27:99; al-Mi`yar wa'l-Muwazanah 298; Nudhum Durar al-Simtayn 126; Nahj al-Sa`adah 2:631; al-Ihtijaj 1:386; Jawahir al-Matalib 1:300.
6. Al-Bayhaqiy: al-Sunan al-Kubra 6:253 H. 12237.
7. Al-Bidayah wa'l-Nihayah 5:141; Musnad Ahmad ibn Hanbal 2:95 H. 5700 (In this reference book, it is written that `Abdullah ibn `Umar answered those who asked him why he had violated his father who prohibited the Mut`at al-Hajj, "Whose instruction must be followed; the Messenger of Allah or `Umar?"); al-Bayhaqiy: al-Sunan al-Kubra 5:21 H. 8658.
8. Sahih al-Bukhariy 2:567 H. 1488; Musnad Ahmad ibn Hanbal 1:135 H. 1139.
9. Al-Zubayr ibn Bakkar: al-Muwaffaqiyyat 332-333. In this reference book, the author has written a commentary to this report.

Let us now have a look at the stages of the prohibition from recording the Hadith and the gradual method followed in this respect, as well as the solution due to which the idea of the prohibition and the practice of Ijtihad became the legality adopted through all the confusing aspects explicated in this book.

It is now understandable that the decision of the prohibition of recording the Hadith, which led to the invention of Ijtihad and Opinionism, passed by essential stages and definite periods since it was not originated by the Holy Prophet or deduced from any of his instructions. These stages will be hereinafter

mentioned in the form of events.

(1) The Hadith Circulated Increasingly

As a natural result of the wide scope of the personal opinions (Ijtihad) of Abu-Bakr and `Umar, as well as the Sahabah who imitated their conceptual course, and the emergence of contradiction between the mujtahids' decisions and the Holy Prophet's traditions (*Sunnah*), the reporting of Hadith expanded very far and wide since it was seen as an essential matter for the conclusion of the most authentic and purest form of the religious law.

In addition, such personal opinions were very manifestly discriminated from the reporting of Hadith in general. For the Sahabah, the reporting from the Holy Prophet was such a natural matter.

Accordingly, it is probable that Abu-Bakr's famous saying ("You are reporting from the Messenger of Allah matters about which you are discrepant. People who will come after you will be more discrepant that you are.") carried an indication to the multiplicity of trends during his reign and the Sahabah's having adopted private views, which were different from the others'.

This was the very reason behind the extension of the discrepancies among the Muslims that occurred later on. The reporting of Hadith was thus a very strong trend whose influence can be clearly understood from `Umar ibn al-Khattab's famous saying, "You have reported very much Hadith from the Messenger of Allah," and from the statement of Ibn Sa`d, in *al-Tabaqat al-Kubra*, that reads, "During the reign of `Umar ibn al-Khattab, the Hadiths were noticeably big in number," and from the statement of al-Khatib al-Baghdadiy, in *Taqyid al-`Ilm*, that reads, "When `Umar knew that people had kept books of Hadith..." as well as many other historical texts.

(2) Abu-Bakr Prohibited The Reporting And Set Fire To His Book Of Hadith

After the reporting from the Holy Prophet had increased so prominently that it had become a sweeping trend, Abu-Bakr, having been the caliph, ordered the Sahabah not to report any material from the Holy Prophet to any further extent. He thus said, "Do not report anything from the Messenger of Allah.

If one asks you about it, you should say: only does the Holy Qur'an stand between you and us." He then set fire to his book of Hadith after he had said to his daughter `□'ishah, "Daughter; collect and bring me the papers comprising Hadiths that you have." When she brought these papers to her father, he set fire to them... etc.

(3) `Umar Ordered The Sahabah To Reduce Reporting The Hadith

Because the reporting of Hadith continued increasingly during his reign and because the Sahabah did not comply with the instructions of Abu-Bakr, `Umar ibn al-Khattab, more insistently, continued Abu-Bakr's proposal of prohibiting the reporting and recordation of the Hadith. As he saw off a group of the Sahabah that he had delegated to al-Kufah, `Umar asked them, "Do you know why I am seeing you off?"

"Yes, we do," they answered. "This is because for the sake of our being the companions and supporters of the Holy Prophet."

Replying them, `Umar said, "This is true. But I am seeing you off for another matter that I wanted to tell you in private... you must reduce reporting the Hadith and I am responsible for this decision."

On another occasion, he said to them, "Reduce reporting from the Messenger of Allah except the affairs that are needed (or apparently needed)... etc."

(4) `Umar Collected And Set Fire To The Sahabah's Records Of Hadith

The Sahabah did not comply with or carry out Abu-Bakr's instructions of stopping recording the Hadith in the same way as they had not been influenced by the event that he had set fire to his own book of Hadith; rather the majority of the Sahabah kept many books of Hadith and this matter was not welcomed by `Umar since the existence of such books would prevent the caliph from achieving his will. `Umar therefore ordered these books to be collected before him.

Firstly, the Sahabah thought that `Umar wanted to check these documents and books and then decide the most authentic among them. Nevertheless, they were surprised when he set fire to them all!

As a matter of fact, this process of burning such books and documents was for the reason that they comprised materials that would act as official documents against `Umar and as clear evidences on ascribing mistakes to him. In order to avoid the occurrence of such matters of bad results, `Umar decided to wipe out these documents.

As another motive, the records that belong to the first age of Islam and that were written down by one of the Sahabah enjoyed such an effective value that could refute the ruler's opinion. Accordingly, a Hadith that is found in a written form cannot be opposed or ascribed to forgery.

The reporting of Hadith, on the other hand, can be opposed by another Hadith that is immediately fabricated without exerting huge efforts. For that reason, the ruling authorities allowed the reporting but

disallowed the recordation of the Hadith.

Some authors have argued that the permissibility of reporting the Hadith and the impermissibility of recording it was because a sect of the Jews had believed that the religious heritage should be recorded while the opposite sect had believed that it should be memorized.

In addition, in view of the fact that Ka`b al-Ahbar and Wahab ibn Munabbih were intimate counselors of `Umar, it is likely that he was influenced by their opinions as regards the reporting and recordation of the Hadith, since he needed to keep a tight rein on some of the reports from the Holy Prophet.

The best treatment of this issue would be to separate between the two. It has been narrated that `Umar, once, asked Ka`b al-Ahbar about the origin of poetry, and the latter answered, "Some of the descendants of Isma`il (Prophet Ishmael) would have their Gospels (i.e. divine book) in their hearts and would speak of wisdom."1

According to another narration, Wahab ibn Munabbih said, "Once, Musa (Prophet Moses) said to the Lord: 'In the Torah, I have read that a nation would keep their Gospels in their hearts wherefrom they would recite them, while they would be preceded by a nation who read their Gospels from their books but they would not retain them. I implore to You to make this nation mine.' Yet, the Lord answered, 'This is the nation of Muhammad.'"2

Dr. Hasan Dha'dha', in '*al-Fikr al-Diniy al-Isra'iliy* (The Israelite Religious Creed)' pp. 97, quotes the following statement from the Talmud, Temura 14:

"As for a nation that narrates orally, you do not have the right to prove it in a written form."3

(5) `Umar Detained Some Of The Sahabah And Ordered The All To Stop Reporting And Recording The Hadith

In spite of all the continuous steps and the collaborating measures, some of the grand Sahabah, indifferent to the ruling authorities' opinions and trends, did not stop reporting and recording the Hadith. Nevertheless, `Umar ibn al-Khattab did not assume an indifferent attitude towards this; rather he issued strict decisions preventing unfalteringly any process of reporting and recording the Hadith.

He furthermore addressed to the Sahabah, preventing them from reporting the Hadith, saying, "Certainly, your talks are the most evil talks and your words and the most evil words. Anyone of you who intends to say something must quote from the Book of Allah (i.e. the Holy Qur'an) otherwise he must sit motionless."4

Very often, `Umar threatened the reporters of the Holy Prophet's heritage. Previously in this book, `Umar ibn al-Khattab's situations against and menacing words to `Ammar ibn Yasir, Abu-Musa al-Ash`ariy, and many others have been cited.

As a consummative step, `Umar detained the Sahabah who used to report the Hadith in the holy city of al-Madinah, the capital of the Islamic State, so that they would be always under his supervision and sight and also they would not disperse Hadiths violating his personal opinions.

In this regard, historians have written down that `Umar ibn al-Khattab arrested some of the Holy Prophet's companions... etc. Other narrations have quoted `Abd al-Rahman ibn `Awf as saying, "Before his death, `Umar ibn al-Khattab ordered the companions of the Messenger of Allah, namely `Abdullah (ibn Mas`ud), Hudhayfah, Abu'l-Darda', Abu-Dharr and `Uqbah ibn `Amir, to be present before him although they lived in remote countries. He then reproached them for having spread the traditions of the Messenger of Allah in these countries.

"Are you now preventing us from such?" asked they.

"No, I do not," answered `Umar. "Yet, you will reside here, and you will never depart me so long as I am alive. I am more knowledgeable. I will hear from you and reply."

Hence, they could not leave the capital until the death of `Umar.5

(6) The Two Caliphs Restricted The Religious Affairs To The Holy Qur'an

As a substitute for the Hadith and as a justification of their decision of prohibiting the reporting and recordation of it, Abu-Bakr and `Umar propagated the notion of "Only does the Holy Qur'an stand between you and us," and "I will never add anything to the Book of Allah" as well as the like slogan that they had raised in order to escape the thorough compliance with the texts of the Holy Sunnah and to make the practices move to a more expansive circle, which is the Holy Qur'an in which the all believe and sanctify.

(7) `Umar Allowed The Sahabah To Practice Ijtihad And Act Upon Analogy

As he saw the wide range of the religious questions that he should answer,—although he had no acquaintance with sacred texts dealing with these questions—`Umar concluded that it was necessary to allow the Sahabah and himself to practice Ijtihad and to decide *Qiyas* and *al-Maslahah* (public interest) and other matters as principles in the Islamic legislation.

(8) `Umar Attempted To Restrict The Ijtihad

Because the concept of Ijtihad was practiced by the Sahabah in such a limitless manner, their opinions were exposed to contradiction and discrepancy and it became difficult to discriminate between these

opinions.

Having noticed that, `Umar ascended the minbar and warned the Sahabah against such discrepancies. For the same reason, he said to those whom he had summoned, “I am more knowledgeable than you are. I will hear from you and reply.”

The confirmation on the conducts of Abu-Bakr and `Umar in the so-called Shura Committee; `Uthman ibn `Affan and Mu`awiyah ibn Abi-Sufyan’s decisions of accepting only the Hadiths that were common during the reign of `Umar ibn al-Khattab; `Umar ibn `Abd al-`Aziz’s decision of restriction the recordation of the Hadith to the conducts of Abu-Bakr and `Umar[6] other than anything else—all these stages by which the Islamic nation passed, and their likes, substantiate that the personal opinions of Abu-Bakr and `Umar became *Sunnah* that must be followed and their practices of *Ijtihad* became a third source of the Islamic legislation (besides the Holy Qur'an and the Holy Sunnah) although neither Abu-Bakr nor had `Umar claimed such before.

From the previous, we can conclude that the concepts of Isma`il Ad-ham, Tawfiq Sidqi, Rashid Rida,[7] and their fans in Pakistan who had denied the Holy Sunnah absolutely and claimed the obligation of the commitment to the Holy Qur'an alone—these concepts have been an inevitable outcome of the decision of prohibiting the reporting and recordation of the Hadith, which was decided by Abu-Bakr and `Umar.

Besides, all the justifications and motives that were declared by Abu-Bakr and `Umar as pretexts of the issuance of their decision have been proven untrue. The same thing can be said about all the discussions and reasons presented by all the authors and men of letters—Shiites and Sunnites, Orientalists and Muslims—in this respect.

This is because the decision of the prohibition of reporting and recording the Hadith had its private conditions, prior convictions, and personal motives in the view of `Umar ibn al-Khattab, Abu-Bakr, `Uthman ibn `Affan, and the Umayyad rulers... etc.

1. Ibn Kathir: al-Bidayah wa’l-Nihayah 6:62; al-Safuriy: Nuzhat al-Majalis 2:199.
2. Ibn Kathir: al-Bidayah wa’l-Nihayah 6:62; al-Safuriy: Nuzhat al-Majalis 2:199.
3. See al-Rawhaniy: Buhuth(un) Ma`a Ahl il-Sunnah wa’l-Salafiyyah 97; al-Fadliy: Tarikh al-Tashri` al-Islamiy 40; al-`□miliy: al-Sahih Min Sirat al-Nabiy.
4. Ibn Shabbah: Tarikh al-Madinah al-Munawwarah 3:800.
5. Ibn Mandhur: Mukhtasar Tarikh Madinat Dimashq 17:101.
6. It has been narrated on the authority of Hajib ibn Khalifah al-Barjumiy that `Umar ibn `Abd al-`Aziz, having been the caliph, said in a sermon addressed to the Muslims, “Indubitably, all that which was decided by the Messenger of Allah and by his Two Companions (i.e. Abu-Bakr and `Umar) must be decided as religion that we adopt other than anything else, while any issue decided by others must be suspended.” See Abu-Na`im: Hilyat al-Awliya' 5:298; al-Suyutiy: Tarikh al-Khulafa' 1:241.
7. Mustafa al-A`dhamiy: Dirasatun fi’l-Hadith al-Nubawiy, 32.

Two major issues can be inferred from the abovementioned discussions:

First Issue

The warning against writing down the Hadith was not legal; and all the narrations that are ascribed to the Holy Prophet in this respect have been totally forgeries. Actually, the decision of the prohibition of recording the Hadith was originated from a political situation adopted by `Umar ibn al-Khattab and the rulers who came to power after him (of course, except Imam `Ali ibn Abi-Talib). It was natural that false Hadiths had been fabricated for the sake of justifying `Umar's attitudes towards the reporting and recordation of the Hadith.

If there had been authenticated narrations revealing that the Holy Prophet had warned against and prohibited from writing down his heritage and Hadiths and the Muslims had known about such Prophetic decisions, Abu-Bakr would not have written down five hundred Hadiths that he had received from people that he trusted; and he would not have sent a message comprising the sayings of the Holy Prophet about the rulings of the almsgiving and other topics to `Amr ibn al-`□s and Anas ibn Malik; and `Umar ibn al-Khattab would not have summoned the Sahabah so as to discuss with them and seek their advices concerning the question of writing down the Hadith and they then advised him to carry out; and he would not have ordered the people to bring him all the papers and books in which they had recorded the Hadith... etc.

All these facts indicate and prove the legality of writing down the Hadith. Later on, I will present a detailed thesis about the jurisprudential trend of the Sahabah who kept the Holy Sunnah in written form, the Ansar, and the Sahabah who participated in the battles led by Imam `Ali ibn Abi-Talib.

Such a thesis will expose how these Sahabah had disagreed to the trend of the ruling authorities who prohibited recording the Sunnah. In addition, these Sahabah and Ansar supported the trend of the thorough compliance with the sacred texts.

After the second caliph, namely `Umar ibn al-Khattab, had been acquainted with the existence of records comprising the traditions of the Holy Prophet with the Sahabah, he ordered them to bring these records to him. While they had believed that the caliph just wanted to investigate these records and choose the most authentic among them, a surprise was waiting for them! The caliph collected these records and set fire to them!

A deep contemplation over the texts of the fabricated reports exposing that the Holy Prophet had warned against and prohibited from writing down his traditions and instructions divulges that such a prohibition had been preceded by the permissibility of recording the Hadith.

In other words, according to the claims of those who prohibited the recordation of the Hadith, the Holy Prophet had first permitted the people to write down his traditions, but he then prohibited them from

such. He thus said, “Anyone who had already written down anything should now erase it!”[1]

Thus, this fact proves false the claims of Dr. Subhiy al-Salih and other scholars that the Holy Prophet had prohibited the Muslims from writing down his Hadiths so that they would not be confused with the Holy Qur'an, but when the Holy Qur'an was recorded in papers, the Holy Prophet allowed recording his traditions![2]

Once again, the decision of the prohibition of recording the Hadith was a pure governmental resolution that was free from any legal form derived from the Holy Sunnah. on the contrary, the Holy Prophet, through numerous narrations and instructions, confirmed on the learning of writing and reading; in the issue of the prisoners of the Battle of Badr, he decided to release any prisoner who would learn ten of the Muslim individuals how to write and read; and he, on more than one occasion, confirmed the necessity of spreading his Hadith.

Nevertheless, Dr. Subhiy al-Salih and other scholars have claimed that the Holy Prophet allowed the Muslims to write down his Hadiths after he had prevented them from such, while the abovementioned authentic narrations have manifestly confirmed the opposite.

As a consequence, we can conclude that the decision of the prohibition had two dimensions; the first was political and the other was related to the Muslim legislation and jurisprudence. The details of these two dimensions have been previously cited. In addition to the Muslim sectarian factors, the discrepancies about the traditions of the Holy Prophet were within the outcomes of the decision of prohibiting the reporting and recordation of the Hadith.

Thus, the claim of Goldtzeher that all the Hadiths that comprised the warning against writing down the Holy Sunnah was fabricated by the Opinionists and all the Hadiths that comprised the confirmation on the recording was fabricated by the Hadithists—this claim has been also proven false.[3]

Nevertheless, it is undeniable that the foremost Opinionists, during the reigns of the Holy Prophet and the first three caliphs, had played a role in the fabrication of Hadiths calling for stopping recording the Holy Sunnah, while the reporting and recordation of the Hadith were practiced by the grand Sahabah and were deemed legal by the Holy Prophet himself; rather these Hadiths were not fabricated by the Hadithists, as has been claimed by Goldtzeher.

In view of that, I do not regard as necessary that some authors join between the Hadiths comprising the warning against recording the Hadith and those comprising the confirmation on it, since, in my conception, the motives of the emergence of such two trends had been purely political. The details of this matter have been earlier in this book discussed. The exposition of these motives is the most important effort that is exerted in this regard.

Yet, some scholars have attempted to make comparisons between these two categories of Hadiths, claiming that some of them can be categorized as *Marfu`* (related to the Holy Prophet without mentioning

the intermediate series of narrators) while the others as *Mawquf* (Discontinued Hadith; a narration that is related to one of the Sahabah but the latter had not related it to the Holy Prophet), and thus the *Marfu`* must be preferred to the *Mawquf*... etc.

It has been narrated that a number of the Sahabah and Tabi`un warned against and loathed writing down the Hadith. As a matter of fact, these are personal impressions that were originated from their feelings towards the decision of the prohibition of recording the Hadith. Besides, they stand for personal opinions.

These Sahabah and Tabi`un did not want for the Hadiths to be documented in written forms so that they would not be confused with other materials; rather they intended that their contradictory items ensued from their personal opinions and their practice of Ijtihad as well the contradiction between their personal opinions and the Holy Prophet's Sunnah would not come to view.

Nevertheless, they used to note down their personal views so that any contradiction between these views would be avoided. When they did not like publicizing these notes, they set fire to them. In this respect, it has been narrated that al-Shi`biy told that Marwan, once, ordered a man to sit behind a curtain so that he would write down any word said by Zayd ibn Thabit who was present there. As he noticed the situation, Zayd said, "Excuse me, Marwan! I am just expressing my personal opinions!"4

Dr. Muhammad `Ajjaj al-Khatib says,

The Tabi`un disliked writing down the knowledge very much especially after their personal opinions had been circulated among the publics. They therefore anticipated lest their students would write down these personal opinions with the Hadith and thus confusion would occur.

It is now easily inferable that those who disliked writing down the religious knowledge had done such because they, most certainly, did not want their personal opinions to be written down. In this respect, our master scholar, Dr. Yusuf al-`Ishsh, says, "It has been narrated that this generation (i.e. the Tabi`un) disliked writing down the religious knowledge.

The one and only reason behind such was that because they all were jurisprudents (*fuqaha*) not reporters of Hadith, and a jurisprudent usually speaks out both a Hadith and his personal view, they anticipated that their personal views would be written down besides the traditions of the Holy Prophet. They therefore disliked the recordings."

Demonstrating examples on this fact, Dr. al-`Ishsh further says, "Actually, there are traditions revealing that the Sahabah disliked their personal opinions to be kept in written forms. For instance, Zayd ibn Thabit refused that Marwan would write down his words.

It has been also narrated that Sa`id ibn al-Musayyab, one the scholars whom are reported to have disapproved of writing down the religious knowledge, answered the man who had asked him about a

question.

The man then asked Sa`id's personal opinion about another question, and Sa`id answered. The man then wrote down Sa`id's opinion. One of the companies of Sa`id asked, "Are you going to let him write down your personal opinions?" Hence, Sa`id asked the man to give him that paper, and he then tore it out.[5] According to another narration, Jabir ibn Zayd said to those who were writing down his opinions, "You are writing materials that I may change tomorrow."[6]

Dr. Subhiy al-Salih says,

They hated the writing of the religious knowledge more and more after their personal opinions had been publicized. They anticipated that people would write down these personal opinions next to the traditions of the Holy Prophet. Many narrations have confirmed this truth. However, the most obvious narration in this regard is that concerning the saying of Jabir ibn Zayd when those... etc.[7]

It has been further narrated that Ibn `Awf said, "I believe that these records will certainly mislead the people."[8]

It has been narrated that `Umar ibn al-Khattab refrained from accomplishing the book that he had written about the shares of grandmothers from inheritances. Accordingly, it is probable that such refraining was because he anticipated that such book, which comprised his personal views about the question, would be confused with Holy Sunnah.

The same thing can be said about the Sahabah and Tabi`un who ordered their heirs to erase their books and terminate them by water. In plain words, these books and their likes must have comprised the authors' personal views rather than the Hadith of the Holy Prophet. Dr. Muhammad `Ajjaj al-Khatib further says,

Historians have reported that these master scholars disliked writing down the religious knowledge. Manifestly, these reports have meant that the scholars disliked writing down their personal opinions, not the Hadith and traditions of the Holy Prophet.

Similarly, all the reports that carry the warning against and the prohibition from writing down in general have meant the writing down of the personal views. Those very scholars and Tabi`un are authentically reported to have allowed and urged their students to write down the Hadiths that they mentioned. This fact supports my previous idea.[9]

In view of that, Zayd ibn Harith disliked writing down his speech, because it was his personal opinions rather than reports from the Holy Prophet; and Sa`id ibn al-Musayyab did the same thing for the same reason. Moreover, reference books of Hadith and biography have comprised many texts in this regard.[10] It is now evident that the deeds of these Sahabah cannot be presented as evidence on the discommendation of writing down the Holy Sunnah.

As long as this topic is being discussed, it seems suitable to refer to another issue; it has been narrated that the Sahabah used to write down the Hadith in order to memorize it, and when they memorized, they used to erase it. Such narrations have been mentioned in the book of *Taqyid al-`Ilm* and other reference books.

To accept and to add this report to the many reports that revealed the Sahabah's having issued religious verdicts in most cases out of their personal inferences lead us to the result that the personal opinions were mixed with the Hadith in such a way that it became too confusable to discriminate between the two.

For that reason, much of the Holy Prophet's verbal heritage is in fact the words and understandings of the Sahabah, especially when we believe that Abu-Bakr and `Umar brought to existence the decision of the prohibition of reporting and recording the Hadith and that the decision, which was never deemed legal by any of the texts of the Holy Sunnah, was a personal situation imposed by certain circumstances. In this regard, Shaykh Muhammad Abu-Zahw, in his book of *al-Hadith wa'l-Muhaddithun* pp. 126, says that the decision was a personal view of `Umar.

Yahya ibn Ju`dah is reported to have said, "`Umar ibn al-Khattab had wanted to write down the (Holy) Sunnah but he changed his mind afterward. He then wrote a missive to all the Islamic provinces ordering them to erase any written item of the Sunnah."

The words of "had wanted", "changed his mind", and "wrote a missive to all the Islamic provinces" clearly indicate that `Umar ibn al-Khattab had done so out of his personal desire and private volition.

The following is quoted from the book of *Dala'il al-Tawthiq al-Mubakkir*:

"All those who stood against recording the Hadith had actually had their personal reasons. Moreover, even al-Faruq (i.e. `Umar) who is considered the head of those who objected to the recordation of the Hadith had not presented even a single report from the Holy Prophet to support his viewpoint that opposed the recording."11

Al-Qasim ibn Muhammad ibn Abi-Bakr is also reported to have said, "`Umar, after he had received news confirming that people started to hold (or write) books, denied and disliked the matter... etc."

This narration indicates that it was `Umar, not the Holy Prophet, who had denied and disliked the matter before his eyes fell on these documents. Of course, such a question is terribly noteworthy.

To sum it up, `Umar ibn al-Khattab adopted the policy of prohibiting the reporting and recordation of the Hadiths including those comprising the merits of certain people and the religious laws. This policy was originated from his personal opinion, as it had never obtained legality from the Holy Prophet. For these reasons, we have not made any comparison between the narrations comprising the warning against the recordation of the Hadith and those comprising the encouragement on it.

Second Issue

The issuance of laws deduced from the sources of the Islamic legislation (*Shari`ah*) took two trends opposite to each other in principles and fundaments. Some Muslims have argued that personal opinions and fancies, as the opposites of the decisive evidences, are legal matters in the issuance of religious laws; and have also argued that the personal views of `Umar ibn al-Khattab in many issues, such as that of the share of the *al-Mu'allafah Qulubuhum*, should be considered legal.

On the other side, some of the Sahabah rejected such personal opinions unless they would be deduced from the sacred texts (of the Holy Qur'an and Sunnah). They also believed that the Holy Prophet had been thoroughly compliant with the sacred texts and had never issued his personal opinions or fancies; rather he used to wait for the divine revelation in order to judge in the questions that were raised before him. In this respect, the Holy Qur'an has declared:

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

"We have sent down to thee the Book in truth, that thou mightest judge between men, as guided by Allah." (***Holy Qur'an: 4/105***)

"It is not fitting for a believer, man or woman, when a matter has been decided by Allah and His Messenger to have any option about their decision: if any one disobeys Allah and His Messenger, he is indeed on a clearly wrong path." (***Holy Qur'an: 33/36***)

Most likely, these sacred texts of the Holy Qur'an have proposed the acts of those practisers of Ijtihad who intended to recognize the actual interest, out of their personal opinions, while they were in the presence of the Holy Prophet who was the one and only to convey the instructions and laws of Almighty Allah.

Hence, these sacred texts have carried clearly the illegality of such acts, since Almighty Allah has perfected His laws in His Book and commissioned His Prophet to explain them to the people. In his refutation of `Umar ibn al-Khattab's claims in the question of the divinely commissioned leadership (Imamate) of the Holy Imams of the Ahl al-Bayt, `Abdullah ibn `Abbas cited the third holy verse as his evidence.[12]

Not only do Ijtihad and dependence upon personal views in the issuance of religious verdicts and in the judgment of religious affairs lack any decisive evidence from the Divine Revelation, but they are also considered violation against the Owner of the Shari`ah and deciding laws opposite to what Almighty Allah has revealed. In this regard, the Holy Qur'an reads,

"Say: Hath Allah indeed permitted you, or do ye invent (***things***) ***to attribute to Allah?"*** (***Holy Qur'an: 10/59***)

These Sahabah disallowed the resting upon personal opinions as regards the religious affairs, because they knew for sure about the presence of certain individuals who had full acquaintance with the revelation and exact interpretation of the sacred texts, and they knew for sure that Almighty Allah has conferred upon these individuals with exclusive understanding and comprehension of the affairs of His religion.

As everybody knows, the Sahabah also knew that it was permissible to neglect the personal inferences of the Sahabah since their words would be no more than personal views that lack any binding value in the Divine Legislation.

The preference of the opinions of Abu-Bakr and `Umar to the words of the Holy Prophet; the adoption of their personal views before comparing them to the Holy Qur'an and Sunnah to see whether they are corresponding to these two or not; and the claim that `Umar being more knowledgeable than the others as regards the logics for the religious laws—these matters cannot stand before the facts.

`Umar ibn al-Khattab intended to achieve an essential matter in the religious legislation; he wanted for his personal opinion-based decisions not to be criticized and objected after his death; rather he wanted for them to be included with the Islamic legislation.

For this very matter, `Abd al-Rahman ibn `Awf specified, as stipulation of holding the position of the leadership of the Islamic State, that `Uthman ibn `Affan should rule according to the Book of Allah, the Sunnah of His Messenger, and the conducts of the two Shaykhs—Abu-Bakr and `Umar, because any violation of the conducts of the two Shaykhs would strengthen and support the opposite party (of the objection to the personal views and the thorough compliance with the sacred texts).

As he agreed to these stipulations, `Uthman ibn `Affan had decided to act upon them, but in the last six years of his reign, he exceeded this red line since he regarded himself as qualified as the two Shaykhs to practice Ijtihad.

On the other hand, Imam `Ali ibn Abi-Talib neither accepted the practice of Ijtihad in issues about which sacred texts are available nor agreed to the last stipulation, proposed by `Abd al-Rahman ibn `Awf, of acting upon the conducts of the two Shaykhs; rather he only agreed to act upon the Book of Almighty Allah and the Sunnah of the Holy Prophet.[13]

Thus, two opposite trends came into view as regards the Islamic legislation; one trend was represented by Imam `Ali and his followers, such as `Abdullah ibn `Abbas, `Ammar ibn Yasir, Abu-Dharr al-Ghifariy, Salman, and many others and, from the next generations, al-Hasan ibn `Ali, al-Husayn ibn `Ali, `Ali ibn al-Husayn, Muhammad ibn `Ali, Ja`far ibn Muhammad, Musa ibn Ja`far and the other Imams of the Ahl al-Bayt and their followers and disciples.

The other trend was represented by the rulers and their followers, such as Abu-Bakr, `Umar ibn al-Khattab, `Uthman ibn `Affan, Mu`awiyah ibn Abi-Sufyan, `Amr ibn al-`[illegible]s, `Abdullah ibn `Amr, Abu-

Hurayrah, Samarah ibn Jundub, Husham ibn `Abd al-Malik, Abu-Ja`far al-Mansur, and Harun al-Rashid as well as the other Umayyad and `Abbasid rulers.

Surely, those who adopted the dependence upon personal opinions in the issuance of religious laws used Ijtihad and Ta'wil (individual interpretation) in order to save themselves from flagrant embarrassments among which were that they wanted to find excuses for `Abd al-Rahman ibn Muljim for he murdered Imam `Ali ibn Abi-Talib although that murderer was not included with the Sahabah; they wanted to find excuses for Yazid ibn Mu`awiyah for he killed Imam al-Husayn ibn `Ali; they wanted to find excuses for Abu'l-`diyah for he killed `Ammar ibn Yasir; they wanted to find excuses for Mu`awiyah ibn Abi-Sufyan for he poisoned Imam al-Hasan to death; they wanted to find excuses for `Uthman ibn `Affan for he set fire to the copies of the Holy Qur'an; they wanted to find excuses for `Umar ibn al-Khattab for he set fire to the books of Hadith; and they wanted to find excuses for Abu-Bakr for he justified Khalid ibn al-Walid's crimes of killing Malik ibn Nuwayrah and committing fornication with his widow at the same night!

Again, as a result of the caliph's enactment of laws in the Islamic legislation, the idea of preferring the less virtuous to the most virtuous came to light. Accordingly, Mu`awiyah, Yazid, Marwan ibn al-Hakam, and his sons—all these are less virtuous than others are. Nevertheless, the public interest necessitated that they should sit on the chair of the leadership of the Islamic State.

Imam `Ali's Attitude

Let us now cite some of the oppressions that were practiced against the Ahl al-Bayt owing to their having adhered to their beliefs and insisted on keeping the religion pure from any innovative matters and heresies.

Describing the harm that the people of Quraysh had inflicted upon the Hashimites, Imam `Ali said,

"As Almighty Allah grasped the soul of His Prophet, the people of Quraysh took hold of the matter (of caliphate) against us. We were thus taken away from the right that we are the worthiest of having it among all the peoples.

Yet, I found that endurance thereon was better than separating the word of the Muslims and shedding their blood, especially the people had just converted to Islam and the religion had just been so fresh that the least feebleness would spoil it and the least discrepancy would turn it over."14

In his missive to his brother `Aqil, Imam `Ali further said,

"Certainly, the Arabs are today backing each other in waging war against your brother in the same as they backed each other in waging war against the Messenger of Allah in the past."15

On other occasions, Imam `Ali said,

“O Allah! I beseech Thee to take revenge on the Quraysh and those who are assisting them, for they have cut asunder my kinship and over-turned my cup and have joined together to contest a right to which I was entitled more than anyone else.

They said to me: “If you get your right, that will be just, but if you are denied the right, that too will be just. Endure it with sadness or kill yourself in grief.” I looked around but found no one to shield me, protect me or help me except the members of my family.16

When Allah took the Prophet (to Himself) a group of men went back on their tracks. The ways (of misguidance) ruined them and they placed trust in deceitful intriguers, showed consideration to other than kinsmen, abandoned the kin whom they had been ordered to love, and shifted the building from its strong foundation and built it in other than its (proper) place.”17

In one of his sermons that he delivered before his disciples, Imam Muhammad al-Baqir said,

“Before he was taken by Almighty Allah, the Messenger of Allah had informed that we are the worthiest of leading the people. Nevertheless, the people of Quraysh began to back one another until they swerved the matter (of the leadership) from its original place.

Although they presented our due and our privilege as their pretexts against the Ansar, they alternated one another in seizing our right. When it returned to us, their allegiance to us was breached and wars were waged against us, and the holder of the matter was kept in increasing difficulty until he was killed.

Then, allegiance and pledges were sworn and given to al-Hasan but he was then betrayed and disappointed before the enemies. The people of Iraq further revolted against him until he was stabbed with a dagger in his flank, and his camp was stolen, and even the anklets of his bondwomen were about to be robbed. He therefore had to make peace with Mu`awiyah in order to spare the lives of his adherents, who were very very few, and him.

Then, twenty thousand persons from the people of Iraq swore allegiance to al-Husayn but they then betrayed, fought against, and slew him although their allegiance to him were still hanged to their necks.

After that, we, the Ahl al-Bayt, have been still humiliated, oppressed, exiled, contemned, deprived (of our rights), slain, and terrified; and thus we have not experienced any security over the souls of our adherents and us...

The fabricators and the deniers have thus found an excellent field for practicing their fabrications and denial in order to flatter their masters, wicked judges, and evil governmental officials in each and every city; they therefore forged lies against us and spread them to these individuals reporting from us that which we did not say or do so as to make people hate us.

This situation was in its highest level during the reign of Mu`awiyah after the demise of al-Hasan. Accordingly, our adherents decreased in number, hands and legs were severed for the least doubt, and

anyone who mentioned us or declared loyalty to us would be imprisoned, or his properties would be confiscated, or his house would be demolished. These misfortunes and ordeals increasingly perpetuated until the reign of `Ubaydullah ibn Ziyad, the killer of al-Husayn.

As al-Hajjaj came afterward, he massacred them (i.e. the adherents to the Ahl al-Bayt) so violently and persecuted them for the least doubt or accusation to the degree that people preferred to be accused of infidelity and atheism to being accused of adherence to `Ali (i.e. being Shiites). Moreover, the situation reached such a gravely dangerous state that a man who was known as virtuous, pious, and truthful would narrate fabulously strange reports and events showing the merits and most virtuousness of some of the past rulers, while all such reports were definitely fabricated and such events had never occurred. Nevertheless, that man thought of them as true because they had been narrated by reporters known as truthful and pious."18

Referring to the fact that the Muslims had not carried out the instructions of the Holy Qur'an and Sunnah; rather they were prevailed by several trends, Imam `Ali says,

"I wonder, and there is no reason why I should not wonder, about the faults of these groups who have introduced alterations in their religious pleas, who do not move on the footsteps of their Prophet nor follow the actions of the vicegerent. They do not believe in the unknown and do not avoid the evil. They act on the doubts and tread in (the way of) their passions.

For them good is whatever they consider good and evil is whatever they consider evil. Their reliance for resolving distresses is on themselves. Their confidence in regard to dubious matters is on their own opinions as if every one of them is the Leader (Imam) of himself. Whatever he has decided himself he considers it to have been taken through reliable sources and strong factors."19

On another occasion, he said,

"Certainly the Qur'an is with me. I never forsake it since I adopted its company. We have been with the Prophet in battles wherein those killed were fathers, sons, brothers and relations of one another. Nevertheless, every trouble and hardship just increased us in our belief, in our treading on the right path, in submission to (divine) command and in endurance of the pain of wounds.

We now had to fight our brethren in Islam because of entry into Islam of misguidance, crookedness, doubts and (wrong) interpretation. However, if we find any way by which Allah may collect us together in our disorder and by which we may come near each other in whatever common remains between us we would accept it and would give up everything else."20

In a sermon that he delivered on return from the Battle of Siffin, Imam `Ali further said,

"At that time people had fallen in vices whereby the rope of religion had been broken, the pillars of belief had been shaken, principles had been sacrileged, system had become topsy turvy, openings were

narrow, passage was dark, guidance was unknown and darkness prevailed. Allah was being disobeyed, Satan was given support and Belief had been forsaken. As a result the pillars of religion fell down, its traces could not be discerned, its passages had been destroyed and its streets had fallen into decay."21

On another occasion, he said,

"I always apprehended from you consequences of treachery and I had seen you through in the garb of the deceitful. The curtain of religion had kept me hidden from you but the truth of my intentions disclosed you to me. I stood for you on the path of truth among misleading tracks where you met each other but there was no leader and you dug but got no water."22

Indications

Without doubt, the people of Quraysh exerted all possible efforts to boycott the Hashimites in the beginning of the Divine Mission. Nevertheless, the Hashimites endured and withstood the three-year siege imposed by the Arabs in the Abu-Talib Col. Then all the Arabs agreed to participate in killing the Holy Prophet so that the Hashimites would not be able to take revenge.

For this reason, the Holy Prophet praised the Hashimites saying, "They never let me down neither in the pre-Islamic era (i.e. Jahiliyyah) nor in Islam. In fact, they and we are inseparably the same." On saying this statement, the Holy Prophet intertwined his fingers.23

The Hashimites thus never separated or disappointed the Holy Prophet; rather they acted as his shelter and armor as they defended him to the last spark of his lifetime.

In the same way as the Arabs allied with each other against the Holy Prophet, they allied with each other to contend and annihilate his household. The schemes for which they had planned during the lifetime of the Holy Prophet were practically expanded and established after him.

Except for the Ahl al-Bayt, the people of Quraysh decided the legality of dependence upon personal views in the issuance of religious laws, the legality of personal identifications of the public interest, the legality of exerting efforts for realizing the logics of the religious laws, and the prohibition of recording the Hadith as well as any issue that would contribute in the spread of the Holy Prophet's heritage and traditions. Moreover, they decided many such baseless matters.

As is known by everybody, all these decisions were carried out practically afterward; the appointment of a successor (in the sense of crown prince) in the Islamic government became legal because they claimed the Holy Prophet's having not nominated any individual as his successor and because Abu-Bakr nominated his successor; the recordation of the Hadith became abominable and hateful because `Umar ibn al-Khattab did not like it and then became permissible because `Umar ibn `Abd al-`Aziz practiced it; and it was decided that Prophethood and leadership of the Islamic State (i.e. Imamate) must not be joined for the same clan and the Messenger of Allah had not left any inheritance because Abu-

Bakr and `Umar believed in such. In this respect, it seems possible to quote the following narration,

When `Uthman ibn `Affan was decided as the caliph after `Umar, al-`Abbas ibn `Abd al-Muttalib said to Imam `Ali, "Did I not tell you (that this would happen)?"

Imam `Ali answered, "O Uncle: You have forgotten a matter! You should have considered the saying of `Umar (ibn al-Khattab) -that he declared from the minbar (i.e. publicly)- that Almighty Allah would not allow the members of this family (i.e. the Hashimites) to hold both the Prophethood and the caliphate!

I only wanted him to belie his claim with his own words so that the people would realize that `Umar's claim had been false and untrue and that we (i.e. the Hashimites) can hold the position of the caliphate."

Thus, al-`Abbas kept silent.24

Had it been true that the Holy Prophet are ordered not to leave any inheritance, why did Abu-Bakr say, "I have handed over the properties, sword, and mule (i.e. riding animal) of the Messenger of Allah to `Ali."?25

Why did the widows of the Holy Prophet demanded Abu-Bakr with giving them their shares of the Holy Prophet's inheritance?

These questions require urgent answers. In my conception, the misapprehensions have led to common beliefs that are still present in the history and daily lives of the Muslims.

I cannot find a reasonable justification why it was astoundingly surprising that Almighty Allah bestowed upon the family of Muhammad the Book, Wisdom, and a great kingdom while it was not surprising that He had bestowed upon the family of Prophet Abraham these things! In this respect, Almighty Allah has said in the Holy Qur'an,

"Or do they envy 'THE PEOPLE' for what Allah hath given them of His bounty? But We had already given the people of Abraham the Book and Wisdom, and conferred upon them a great kingdom." (***Holy Qur'an: 4/54***)

Imam `Ali has said,

"By Allah I swear; the people of Quraysh have hated us for nothing other than that Almighty Allah has preferred us to them and ordered them to follow us."

As has been previously cited, in his reply to the message of Muhammad ibn Abi-Bakr, Mu`awiyah said,

"It was your father and his *faruq* (i.e. `Umar ibn al-Khattab) who preceded anyone else in usurping the right of `Ali and in violating him. They had already agreed on and planned to do this..."

In any event, the most important point in this discussion is that the Muslim jurisprudence was certainly

inflicted by political motives, and the actual religious laws became ambiguous because of private atmospheres that were fashioned by the ruling authorities and the Opinionist caliphs.

Supporting this fact, Ibn al-`Arabiy, as is recorded in the book of *al-I`tisam*, says,

Our master scholar, Abu-Bakr and Fihriy, used to raise his hands (to the level of the ears) during the genuflection (*Ruku`*) of the ritual prayers and when he raised his head after it. This manner has been decided by the Malikiyyah and Shafi`iyyah Schools of Muslim jurisprudence. Also, it has been decided by the Shi`ite Muslims.

One day, he visited me in the place where I used to deliver my lectures and the time for the Dhuhr Prayer was about to commence. He went forward until he stood in the first line (of the followers of the congregational prayer) while I was sitting on the seashore breathing the pure air due to the hot weather. Abu-Tamnah, a captain, sat next to me along with his sailors waiting for the prayer and looking at the ships there.

When Shaykh al-Fihriy raised his hands in the *Ruku`*, Abu-Tamnah said to his companions, "See how you let this man enter our mosque! Stand up, kill him, and throw him in the sea before anybody would see you."

As I heard this order, I was terribly terrified. I thus said, "How strange this is! This is al-Tartushiy! He is a jurisprudent!"

They asked me, "If he is such, why is he raising his hands (during the prayer)?"

I answered, "Thus did the Holy Prophet! And thus has decided the scholars of the Malikiyyah School according to the narration of the people of al-Madinah!"

I then tried to keep them quite until the Shaykh finished his prayer. I immediately hurried towards him. When he noticed the pale color of my face, he asked me about the reason and I told him of the whole story.

He then laughed saying, "I will be very lucky if I am killed because of my adherence to one of the traditions of the Holy Prophet!"

I said, "Is it lawful for you to do such? You are among the people who may shed your blood if you do it."

He then changed the subject.26

In this narration, Ibn al-`Arabiy advised his teacher to act upon Taqiyyah (pious dissimulation), while his teacher preferred to be slain for practicing one of the traditions of the Holy Prophet.

It is also appropriate to quote the following words of `Umar ibn al-Khattab,

“During the time of the Messenger of Allah, people were called to account in the light of the Divine Revelations. Now, because the Divine Revelation has stopped, I will call you to account according to your external deeds.

Hence, we will secure and show favor to him who shows us good deed, and we will not consider that which he conceals at all since it is only Almighty Allah Who calls to account for the hidden deeds. In the same way, we will neither secure nor believe him who shows us ill deed even if he claims the virtuousness of his inner self.”27

As one of the examples on the political motives’ influence, al-Bukhariy, as well as Muslim, wrote down, in their books of *al-Sahih*, the reports of Marwan ibn al-Hakam, Abu-Sufyan, Mu`awiyah ibn Abi-Sufyan, `Amr ibn al-`□s, al-Mughirah ibn Shu`bah, `Abdullah ibn `Amr ibn al-`□s, and Nu`man ibn Bashir, but they did not write down a single narration from Imam al-Hasan or Imam al-Husayn, the grandsons of the Holy Prophet; and they did not write down a single narration from Imam Ja`far al-Sadiq although they lived in the same age of him.

Herein, the names of those whose narrations were written down by al-Bukhariy more than others are listed: Abu-Hurayrah, `□'ishah, `Umar ibn al-Khattab, `Abdullah ibn `Umar, and `Abdullah ibn `Amr ibn al-`□s. More detailed, al-Bukhariy wrote down 446 narrations from Abu-Hurayrah, 270 from `Abdullah ibn `Umar, and 442 from `□'ishah. From Lady Fatimah al-Zahra', the daughter of the Holy Prophet, al-Bukhariy narrated one narration only; and from Imam `Ali, he narrated twenty-nine narrations only. Let us thus put the following question:

Why has the al-Bukhariy’s book of *al-Sahih* included a very little number of Imam `Ali’s narrations (29 only) if compared with the narrations of Abu-Hurayrah (446)? Were Abu-Hurayrah or `Abdullah ibn `Amr ibn al-`□s closer and more favorite to the Holy Prophet than `Ali ibn Abi-Talib? Was `Ali one of the Sahabah whom were described by Abu-Hurayrah as having been engaged in making deals in the marts rather than attending the sessions of the Holy Prophet?

Naturally, the answer is no.

In fact, the reason is something else. The reason is that the Qurayshite spirit held sway over the religious laws!

It has been narrated that, after accomplishing the matter of the new leadership on the Shura Day, al-Miqdad ibn al-Aswad said to `Abd al-Rahman ibn `Awf, “You have neglected `Ali while he is most certainly one of those who judge with the right do justice in the light of truth.”

`Abd al-Rahman answered, “By Allah, I have only exerted all my efforts for the sake of the Muslims’ good.”

Al-Miqdad replied, “I have never seen anybody given the like of what has been given to this Household

after their Prophet. I am very surprised by the people of Quraysh! They have neglected the man who is the most knowledgeable and the fairest judge. By Allah, if only I could find supporters in this matter!"

`Abd al-Rahman said, "Fear Allah, Miqdad! I only anticipate that you are leading a mutiny."

One of the attendants asked al-Miqdad, "May Allah have mercy upon you! Who are the members of that Household? And who is that man?"

Al-Miqdad answered, "The Household are the descendants of `Abd al-Muttalib; and the man is `Ali ibn Abi-Talib."[28]

The Holy Prophet is reported to have said during the sermon of the Farewell Hajj:

"O People: Take the (governmental) donations so long as they are actual donations; but when the people of Quraysh fight each other for coming to power and give you such donations as bribes, then you should not take."[29]

Comparison Between The Two Trends

On balance, the separating edge between the two trends was the negligence of the Hadith and the reference to the Holy Qur'an alone. Declaring this decision, Abu-Bakr said, "Do not report anything from the Messenger of Allah. If one asks you about it, you should say: only does the Holy Qur'an stand between you and us."

The following points demonstrate some of the points of difference between the two schools:

1) The School of Ijtihad has believed that the Holy Prophet had the right to practice Ijtihad and decide verdicts depending upon his personal views, while the School of Thorough Compliance (or the School of the Ahl al-Bayt) denied such claim since it has been based upon fancy; and there is a great difference between fancy and conjecture on one side and certitude and conviction on the other.

2) The School of Ijtihad has claimed that the Holy Prophet did not nominate any successor, while the School of Thorough Compliance confirms that he nominated `Ali and his progeny as his successors and divinely commissioned leaders of the Muslim community.

3) The School of Ijtihad and the people of Quraysh prohibited the Muslims from writing down the traditions of the Holy Prophet, while the School of the Ahl al-Bayt practiced and called for it despite all the circumstances.

4) The School of Ijtihad has claimed that the Holy Qur'an should be alone adopted and should not be confused by any other material, while the School of the Ahl al-Bayt confirmed that each text of the Holy Qur'an can carry more than one meaning and can be interpreted into more than one sense; therefore, its facts and details cannot be comprehended except through the Holy Sunnah as well as the exegesis of

those whom Almighty Allah has given exclusively the knowledge of the Holy Qur'an.

5) The School of Ijtihad has not accepted resting upon the Holy Qur'an in examining the opinions and words of the Sahabah; rather it has believed the Sahabah's words' being restricting the general meanings of the Holy Qur'an! On the other hand, the School of the Ahl al-Bayt has called for the obligatory necessity of resting upon the Holy Qur'an in deciding the acceptability of the Sahabah's words and then whatever opposes the Holy Qur'an must be thrown away. In this regard, the Holy Infallibles are reported to have said, "If I relate to you anything, you should first ask me for a proof from the Holy Qur'an."

6) "Refer all my word to the Holy Qur'an; if they conform to it, then you should accept it, but if it does not, you should then throw it away."

7) The School of Ijtihad has believed that all the religious laws deduced by the mujtahids must be decided as valid, while the School of the Ahl al-Bayt has believed that a mujtahid may be right or wrong.30

8) The School of Ijtihad has canceled decency and justness as one of the stipulations in many religious laws, such as judicature, and even acts of worship. It has thus decided that it is lawful to follow, in a congregational prayer, any imam (leader) whether he is pious or wicked! On the other hand, the School of the Ahl al-Bayt has not acceded to such laws.

1. This form has been mentioned in the report ascribed to Abu-Sa`id al-Khidriy. See al-Khatib al-Baghdadiy: Taqyid al-`Ilm 30-31; Sahih Muslim—Kitab al-Zuhd 16:3 H. 21, 39.
2. Subhiy al-Salih: Ulum al-Hadith wa Mustalahuh 7-9; Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 53.
3. Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy, 82.
4. Ibn Sa`d: al-Tabaqat al-Kubra 2 :361.
5. The entire narration is written down in Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 2:144.
6. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 2:31. The words of Dr. Muhammad al-Khatib are quoted from his book of 'al-Sunnah Qabl al-Tadwin 323-324.
7. Subhiy al-Salih: Ulum al-Hadith wa Mustalahuh 34.
8. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 57.
9. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 324.
10. For instance, refer to Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:74, and al-Khatib al-Baghdadiy: Taqyid al-`Ilm 64.
11. Dala'il al-Tawthiq al-Mubakkir 239 as mentioned in Sayyid Muhammad Rida al-Jalaliy: Tadwin al-Sunnah al-Sharifah 288.
12. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 12:53.
13. Al-Majlisiy: Bihar al-Anwar 31:371.
14. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 1:249.
15. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 3:67.
16. Nahj al-Balaghah Sermon No. 216.
17. Nahj al-Balaghah Sermon No. 149.
18. Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 11:43-44.
19. Nahj al-Balaghah Sermon No. 88.

20. Nahj al-Balaghah Sermon No. 121.
21. Nahj al-Balaghah Sermon No. 2.
22. Nahj al-Balaghah Sermon No. 4.
23. Sunan al-Nassa'iy 7:131; Sunan Abi-Dawud 3:146, H. 2980.
24. Shaykh al-Saduq: `Ilal al-Shara'i` 171, Chapter: 134, H. 1; Shaykh al-Majlisiy: Bihar al-Anwar 31:355.
25. For details, see, for instance, Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 16:240.
26. Al-Qasim ibn Muhammad: al-I`tisam bi-Habl-illah al-Matin 1:358.
27. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 403 as quoted from al-kifayah 78.
28. Tarikh al-Tabariy; Ibn al-Athir: al-Kamil fi'l-Tarikh 3:37 (Story of the Shura).
29. Sunan Abi-Dawud 3:137 H. 2958.
30. The majority of the Muslim jurisprudents, especially the Shi`ah Imamiyyah scholars, have adopted th conception of the 'Mukhatti'ah', which means that a mujtahid may be right or wrong; when his conclusion is right (i.e. conforming to the actual law of Almighty Allah), he will be awarded a double reward, and when his conclusion is wrong, he will be awarded once only. The adopters of this conception also believe that the Islamic legislation comprises rulings for each and every event and a proof on such rulings can be found in sources other than the Holy Qur'an and Sunnah. On the other hand, those who belong to the School of Ijtihad have adopted the conception of Taswib. In the terminology of the Muslim jurisprudence and the Principles of the Muslim Jurisprudence (`Ilm al-Usul), al-Musawwibah (the adopters of Taswib) are those who argue that Almighty Allah has referred the rulings in the questions about which no sacred text (from the Holy Qur'an and Sunnah) can be found to the mujtahids and thus whatever is decided by the mujtahids should be decided as the law of Almighty Allah.

When they noticed that the adopters of the thorough compliance with the sacred texts would not stop recording the Hadith despite of the many endeavors to wipe out the features of this matter, the Opinionists and the adopters of the legality of Ijtihad understood the necessity of humoring this trend and providing something for them in this regard so that they would not face any future problem as regards the legislation, since the postponement of the recordation of the Hadith would result in its loss and extinction.

As a consequence, the supporters of the School of Ijtihad exerted all efforts in finding the substitute by which they would face the School of the Thorough Compliance. Husham ibn `Abd al-Malik (or `Umar ibn `Abd al-`Aziz), the Umayyad ruler, ordered Ibn Shihab al-Zuhriy (died in AH 124) to write down the Holy Sunnah.

The Caliphs And The Recordation Of Hadith

It has been narrated on the authority of Mu`ammar that Ibn Shihab al-Zuhriy said,

"We disliked recordation of the knowledge (of Hadith) until we were forced by those rulers. We thus decided not to prevent any of the Muslims from it."1

According to another narration, al-Zuhriy said,

"As the kings ordered me to write down the Sunnah, I did. I then felt embarrassed before Almighty Allah

and thus decided to write it to the others in the same way as I had written to the kings."2

According to a third narration Abu'l-Malih said,

"We had not have the courage to write down the knowledge of the Hadith before al-Zuhriy until he was compelled to write down for Husham (ibn `Abd al-Malik, the Umayyad ruler). As al-Zuhriy wrote for the sons of Husham, the people could write down the Hadith."3

It has been also narrated that after he had opposed Husham ibn al-Hakam, Ibn Shihab al-Zuhriy became his clerk; he thus accompanied him to the Hajj and became the teacher of his sons.4

It is undeniable that all those who prohibited the recordation of the Hadith during the lifetime of the Holy Prophet belonged to the tribe of Quraysh. This fact makes us doubt the soundness, spontaneity, and sincerity of the caliphs' intentions as regards this matter. In the past, those people of Quraysh prevented `Abdullah ibn `Amr ibn al-`[illegible]s from writing down the words of the Holy Prophet during his lifetime.

Their situations from the Hadith during the reigns of `Umar ibn al-Khattab, `Uthman ibn `Affan, and Mu`awiyah ibn Abi-Sufyan were very clear; they, without any hesitation, backed these rulers as regards the prohibition from recording the Hadith.

In addition, the situations of Abu-Sufyan and Mu`awiyah, his son, against the Holy Prophet and the Divine Message encourages us to doubt the rulers' intentions as regards the recordation of the Hadith.

As soon as `Uthman ibn `Affan came to power, Abu-Sufyan visited the tomb of Hamzah -the Holy Prophet's uncle and the master of martyrs- and kicked it with his foot saying,

"See, Abu-`Imarah! The matter for which you had unsheathed your sword against us has now become in the hands of our boys who are playing with it as they like!"5

The following narration has been reported by al-Mughirah:

When Mu`awiyah visited al-Kufah, al-Mughirah pleased him to stop persecuting the Hashimites lest he would be mentioned badly in the future. Answering him, Mu`awiyah said,

"Too far and impossible is this! What sort of mention that I wish for myself in the future? When the son of (the tribe of) Taym (namely Abu-Bakr) came to power, he ruled justly and did what he had done; but as soon as he perished, his mention died with him, except that there may exist an individual who says, 'Abu-Bakr was so-and-so!' Then the son of (the tribe of) `Adiy (namely `Umar ibn al-Khattab) came to power, tried his best, and ruled for ten years. As soon as he perished, his mention died with him, except that there may exist an individual who says, '`Umar was so-and-so!'

On the contrary, the name of the son of Abu-Kabshah (i.e. the Holy Prophet) is declared loudly five times a day! (i.e. *I bear witness that Muhammad is the Messenger of Allah*) Which deed will then

perpetuate and which mention will remain after that? Woe to you! Work on burying this mention!"6

It has been also narrated that when Mu`awiyah arrived in al-Kufah, he declared,

"I have not fought you to make you perform the prayers, observe the fasting, carry out the Hajj, or defray the Zakat! I have already known that you are doing these deeds; rather I have fought you in order to domineer over you."7

How is it then logic to refer in the religious laws to such a source about whom the Holy Prophet had a bad impression or such people who had taken such a unenthusiastic situation from the Divine Message? Moreover, some of these people had been accursed by the Holy Prophet by names!

These individuals had endeavored to sow the seeds of dispersion among the Muslims and had led many conspiracies and trickeries against the Holy Prophet; how is it then logic to trust their reports or to put in their hands the treasuries of the Holy Sunnah?

It has been narrated that Bashir al-`Adawiy came to `Abdullah ibn `Abbas and reported many Hadiths one after another, while the latter neglected him totally. Having found that very strange, he asked Ibn `Abbas, "What for are you paying no attention to my words. I am reporting to you from the Messenger of Allah and you are ignoring me!"

`Abdullah ibn `Abbas answered, "In the past, we used to open our eyes and ears to listen to any word reported from the Messenger of Allah. However, when people from all classes and levels broke into this field, we listened to none except those whom we know (as trustworthy)."8

Because the policy of the Umayyad rulers was based upon distortion and terrorism, the reporters of Hadith and the Prophetic traditions could not open their mouths with the facts, which were obviously apparent before everybody. For instance, it has been narrated that Husham ibn `Abd al-Malik ordered Ibn Shihab al-Zuhriy to claim that the verse of the Holy Qur'an that reads,

"And to him who took on himself the lead among them will be a penalty grievous," (***Holy Qur'an: 24/11***)

was revealed about `Ali! On the other side, it has been also narrated that the same Ibn Shihab al-Zuhriy, having related to Mu`ammar a Hadith about the virtue and merits of Imam `Ali, asked him to conceal this Hadith as much as he could, for the Umayyad ruling authorities would never excuse anyone revealing one of the merits of Imam `Ali. Mu`ammar then wondered, "So long as you know this fact about them, why have you supported them and stood in their line against the other party?"

Al-Zuhriy answered, "Stop this! The Umayyad rulers have given us shares in their fortunes and thus we have had to accede to their fancies."9

In his missive to Muhammad ibn Muslim al-Zuhriy, Imam `Ali ibn al-Husayn (Zayn al-`bidin) presented

the actual manner of the man who had fallen in the trap of the ruling authorities bringing about many impasses to himself. This immortal missive reads,

Allah save you and us from seditious matters and guard you against the Fire (of Hell) out of His mercy. You have been enjoying a state due to which it is serving for anyone who knows you to show compassion to you. You have been overburdened with the graces of Allah Who has given you a good physical health and a long age.

Furthermore, He has constituted His claims against you when He charged you with the responsibility of His Book, made you understand His religion, introduced to you the traditions of His Prophet Muhammad. He has also imposed upon you a responsibility in every favor that He has done to you and every claim that He has instituted against you. He has tested your gratitude in every matter that He has done to you and every grace through which He has shown His favors to you. He says:

'If you give thanks, I shall give you greater favors, but if you show ingratitude, know that My retribution is severe.' (***Holy Qur'an: 14:7***)

Consider to which party you will be added when you will (inevitably) stand before Allah Who will ask you about His graces; how you acted upon them, and about His claims; how you treated them.

Never think that Allah will accept your unjustifiable excuses or will be satisfied with your negligence. Too far is that! Too far is that! It is definitely not in that manner. Allah has ordered the scholars to convey His knowledge to people and not to hide any part of it in His Book when He said:

'When Allah made a covenant with the People of the Book saying: Tell the people about it without hiding any part?' (***Holy Qur'an: 3:187***)

You should know that the least of concealing knowledge and the lightest burden is to entertain the estrangement of an unjust person and pave the way of seduction to him through responding to him when he sought your nearness and called upon you.

I am too afraid that you will acknowledge your sins with the betrayers tomorrow and will be asked about whatever you have gotten due to your supporting the unjust in oppression, since you have taken the gift that was not yours, you have been close to him who did not give back anyone's right, you have not rejected a wrongdoing when he approached you, and you have responded to him who antagonized Allah.

As the unjust ones invited you, they make you the axis of the hand-mill of their wrongdoings, the bridge on which they cross to their misfortunes, and the stairs to their deviation. You have been the propagandist of their temptation when you took their courses.

They have employed you as the means through which they aroused doubts against the scholars and dragged the hearts of the ignorant to them. The best one in their government and the most powerful of

them could not achieve success like that which you have attained through showing their corrupt affairs as honest and attracting the attentions of the celebrities as well as the ordinary people to you.

If you compare what you have done to them with what they have given to you, you will find it too little.

Likewise, they have built for you very trivial thing while they ruined your great things.

Look in yourself, for no one will look in you except you yourself, and maintain judgment with yourself as if you are the judge.

Look into your gratitude to Him Who nourished you with His graces when you were little and when you became old. I am too afraid you will be one of those about whom Allah says in His Book:

'Their descendants who inherited the Book gained by bribery only worthless things from the worldly life saying, We shall be forgiven for what we have done.' (***Holy Qur'an: 7:169***)

You are not living in a permanent abode; you are in a temporary house that you will leave soon. How does a man stay after the departure of his matches? Blessed be those who are fearful of this world. How miserable those who die and leave their sins after them are!

Beware; you have been told. Take the initiative; you have been respited. You are dealing with Him Who is never ignorant. He who counts your deeds is never remiss. Supply yourself (with the necessary provisions); the long journey is approaching you. Correct your guilt; it has been inflicted by a cureless malady.

Do not think that I wanted only to censure, reproach, and dishonor you. I only wanted Allah to revive the opinions that you have missed and give you back your religious affairs that you have lost. This is because I remembered Allah's saying:

"***Keep on reminding them. This benefits the believers."*** (***Holy Qur'an: 51:55***)

You neglected the reference to your old men and friends who passed away while you remained after them like a hornless sheep.

See whether they had suffered what you suffered or faced what you faced. Had they neglected a good-deed that you did or had they been unaware of something that you retained?

The only difference between you and them is that you have occupied a distinctive standing in people's minds that they have been pursuing your opinions and carrying out your orders. They deem lawful anything that you deem lawful and deem unlawful anything that you deem unlawful. You are not fit enough for so.

It is, in fact, the departure of their scholars, the prevalence of ignorance upon them and you, the fondness of leadership, and the seeking of the worldly pleasures that they, as well as you, enjoy—these

matters made them overcome you through their desire to gain what you have in possession.

Can you not feel the ignorance and deception that you live, while people are indulging into misfortunes and sedition? You have exposed them to misfortunes and tempted them by precluding them from their earnings because of what they have seen from you.

Hence, they longed for attaining the level of knowledge that you have attained or obtaining, through it, what you have obtained. They therefore have drowned in a bottomless ocean and an immeasurable misfortune. May Allah give you and us. He is the One Whose help is sought.

So then, leave all that in which you are engaged so that you may catch up with the virtuous ones whom were buried with their tatters while their bellies were stuck to their backs. No screen was put between Allah and them. The worldly pleasures could not charm them and they paid no attention to them (such pleasures). They longed for (Allah), sought (Him), and soon caught up (with Him).

If this world makes you in such a manner, while you are attaining such an age, enjoying such a deep-rooted knowledge, and being so near of death, how can then a juvenile be saved (against the worldly pleasures), while he is ignorant, weak-minded, and brainless? We are Allah's and to Him we will return. Upon whom should we depend? Whom should we blame? We should only complain of our grief and what are we suffering to Allah. We only charge our misfortune about you to Allah's account.

Look into your gratitude to Him Who nourished you with His graces when you were little and when you became old, your magnifying Him Who makes you handsome among people through His religion, your preserving the dress of Him Who covered you up among people through His dress, and your closeness or remoteness from Him Who ordered you to come near and be modest to Him.

Why do you not wake up from your slumber, and reform yourself after your stumble? You should have said: By Allah I swear, I have not done any act for the sake of Allah and for stimulating one of the rites of His religion or terminating one of the wrong customs.

Do you show gratitude to Him Who settled all your needs in this way?

I am too afraid you are one of those about whom Allah the Exalted says:

'They neglected their prayers and followed their worldly desires. They will certainly be lost.' (***Holy Qur'an: 19:59***)

Allah has ordered you to carry His Book and deposited His knowledge with you, but you have wasted them both. We thank Allah Who has saved us from that with which He has inflicted you."[10]

It has been also narrated that Mu`awiyah ibn Abi-Sufyan bribed Samarah ibn Jundub with four hundred thousand dirhams for he had fabricated a report that the verse of the Holy Qur'an that reads,

***"And there is the type of man who gives his life to earn the pleasure of Allah: And Allah is full of kindness to* (*His*) *devotees,"* (*Holy Qur'an: 2/207*)**

was revealed to express the manner of `Abd al-Rahman ibn Muljim, the murderer of Imam `Ali ibn Abi-Talib![11]

In view of that, the fabrication of reports was not an offensive deed during the reign of Mu`awiyah nor did the people at that time fear Almighty Allah or observe their duties to Him as they had gone on fabricating reports and accusing other authentic ones of being fabricated. In this respect, al-Mada'iniy says,

"Too many fabricated reports and circulated awful calumny came to surface. Unfortunately, the jurisprudents, judges, and governmental officials accepted and pursued these fabricated narrations. The hypocritical *qurra'* (reciters of the Holy Qur'an) and the poor people who had pretended themselves pious and religious were the foremost in fabricating and ascribing reports falsely to the Holy Prophet in order to gain prizes from the ruling authorities, to be honored by them, and to gain money, lands, and houses as gifts from the government.

Unfortunately, such fabricated reports reached at the hands of pious men who—although they had never accepted fabrication and calumny— acknowledged and spread them thinking of them as true. Had they known the falsity of these reports, they would certainly have never related or adhered to them."[12]

Al-Dahlawiy says,

"With the elapse of the reign of the Rashidite Caliphs, the caliphate went to a people who overpowered the Muslim community unworthily while they were not acquainted with the knowledge of the religious laws. As a result, these rulers had to seek the aid of the fuqaha (jurisprudents) and to have them accompanied them on all occasions.

The remainders of the genuine scholars attempted to escape and reject whenever they were summoned for undertaking this mission. As the peoples of these ages, save the religious scholars, witnessed how the genuine scholars escaped whenever they were summoned for such tasks, they sought to learn the religious knowledge no matter what the price would be so that they would attain such positions.

Hence, the new religious scholar began to inquire about such position after the genuine scholars had been urgently called for holding them and, similarly, the new generations of the scholars became so humiliated owing to their advancing to the rulers after the genuine scholars had been honorable owing to their turning away from the rulers... etc."[13]

Al-Makkiy, in *Manaqib al-Imam Abu-Hanifah* 1:171, has narrated the following,

Abu-Hanifah said, "I, once, was summoned by one of the Umayyad family (or ruling authorities) to answer a jurisprudential question. In this very question, I believe that the most authentic answer was the saying of `Ali—may Allah be pleased with him—and I myself have acted upon this saying in my religious

affairs.

Hence, I began to ask myself what I should do to save myself from that trouble! I finally decided to be honest with that Umayyad individual and give him the very answer in which I believed." Of course, this was because the Umayyads had neither issued verdicts according to `Ali's sayings nor had they accepted him... In that age (i.e. the Umayyad reign), the name of `Ali was not mentioned at all.

The master scholars used to say, "the Shaykh says" as an indication to him. The Umayyad ruling authorities prevented the people from calling the name of `Ali to their newborns otherwise, misfortune would inflict anyone who would violate such order.14

It has been also narrated that Yunus ibn `Ubayd asked al-Hasan al-Basriy how he always ascribed sayings to the Holy Prophet while he had not lived in his age. Al-Hasan al-Basriy answered,

"You are asking me about a matter that nobody before you had ever asked. Except for your close relationship with me, I should never answer you. We are living in an age that you know (It was the reign of al-Hajjaj). Therefore, whenever you hear me saying 'The Holy Prophet said,' you should know that I mean `Ali ibn Abi-Talib. This is because we are living in an age when I cannot mention the name of `Ali."15

Al-Shi`biy is also reported as saying,

"We have actually suffered very much because of the family of Abu-Talib; if we love them, we will be slain, and if we hate them, we will be in Hellfire!"16

Shaykh Abu-Ja`far al-Iskafiy is also reported as saying,

"Mu`awiyah ibn Abi-Sufyan employed a number of the Sahabah and another number of the Tabi`un to fabricated offensive reports against (Imam) `Ali in order to encourage people to speak evil of him and to disavow him.

For achieving so, Mu`awiyah gave those terribly seductive prizes. They therefore fabricated many reports that pleased Mu`awiyah. Among these Sahabah were Abu-Hurayrah, `Amr ibn al-`[illegible]s, and al-Mughirah ibn Shu`bah; and from the Tabi`un was `Urwah ibn al-Zubayr."17

Ibn `Arafah, known as Niftawayh, is also reported as saying,

"The majority of the Hadiths declaring the merits of the Sahabah were fabricated during the reigns of the Umayyad rulers. Those who had fabricated such reports intended to curry favor with these rulers through such fabricated matters thinking that they would put down the Hashimites."18

These situations and their likes made Imam Muhammad al-Baqir declare,

"The peoples are causing us a great misfortune! If we invited them (to join us), they would not respond;

and if we leave them, they will never be guided to the right through anyone except us."

Imam `Ali ibn al-Husayn is also reported as saying,

"You kept fabricating forgeries against us until the people began to hate us."

In one of his famous Supplications, Imam `Ali ibn al-Husayn says,

"O Allah, this station belongs to Thy vicegerents, Thy chosen, while the places of Thy trusted ones in the elevated degree which Thou hast singled out for them have been forcibly stripped! But Thou art the Ordainer of that —Thy command is not overcome, the inevitable in Thy governing is not overstepped! However Thou willest and whenever Thou willest! In that which Thou knowest best, Thou art not accused for Thy creation or Thy will!

Then Thy selected friends, Thy vicegerents, were overcome, vanquished, forcibly stripped; they see Thy decree replaced, Thy Book discarded, Thy obligations distorted from the aims of Thy laws, and the Sunnah of Thy Prophet abandoned!"19

Explaining the discrepancy of the Muslims, Imam `Ali ibn al-Husayn said,

"What will they (i.e. the Muslim community) do after they have violated those who (legally) issue orders, and they have missed the age of the true guides, and they have been following their own impressions, plunging into deviant matters in the midst of murks?

Some sects of this ummah have adopted for themselves (as belief) the violation of the leaders (i.e. Imams) of the Religion and the Tree of Prophethood -the choicest of the religious-. They have thus deceived themselves with the trickeries of monkery, and have exaggerated in the sciences (of the religion), and have described Islam with its best qualities, and have decorated themselves with the best Sunnah; but when the time was prolonged for them and the distance seemed too far for them and they were tried by the same ordeals of the truthful ones, they turned back on their heels missing the path of true guidance and the emblem of redemption.

Other sects went as far as underestimating us, making excuses for the Qur'anic verses which seem to them to be alike (i.e. the allegorical verses), giving their own interpretation thereof, and casting doubts about the transmitted narrations in our honor.

They thus hurled themselves into the depths of the spurious matters and the darkest spots of gloom without any torch from the illumination of the Book (i.e. the Holy Qur'an) or any tradition from the cores of knowledge.

Nevertheless, they have claimed following the very true guidance. With whom shall people in this nation seek refuge, since the pillars of this creed have been forgotten and the nation has divided upon itself with dissension, each party accusing the other of atheism, while Almighty Allah says,

'Do not be like those who became divided and disagreed with each other even after receiving the Clear Evidences.' (***Holy Qur'an: 3:104***)

Who can be trusted to convey the Divine proofs and interpret the Judgment other than the peers of the Qur'an and the descendants of the Imams of Guidance, the lamps amidst the darkness, those whom Allah made as His Arguments against His servants?

He has never left His creation alone without a Proof. Do you know them or find them except from the branches of the Blessed Tree, the remnant of the Elite from whom Allah has removed all impurity, purifying them with a perfect purification, clearing them from sinning and decreeing their love in His Book?"20

When a man disputed with him about the ruling of a religious question, Imam `Ali ibn al-Husayn said to him,

"Listen! If you come with me to my house, I will show you the traces of (Archangel) Gabriel on our furniture. Will there be anyone more knowledgeable with the Prophet's traditions more than we are?"21

He is further reported to have said,

"Verily, the religion of Almighty Allah cannot be understood through the imperfect intellects, the fake opinions, and the baseless analogies. Rather, it is only understood through the thorough submission (to Almighty Allah).

Hence, he who submits to us will have been saved, and he who follows us will have been guided to the true path, while he who acts upon analogies and personal opinions will have perished."22

Indeed, distortion has been one of the ordeals of the Islamic community. In his book of *Tarikh al-Madhahib al-Islamiyyah* pp. 285-286, Ibn Zuhrah writes down the following,

"The Umayyad ruling authorities must have had a hand in the disappearance of the majority of (Imam) `Ali's verdicts and judgments. It is unreasonable that while they cursed (Imam) `Ali publicly from the minbars and, in the same time, they allowed the scholars to mention his knowledge or to report his verdicts and sayings especially those related to the basis of the Islamic government."

To dive into the details of this fact requires many big books and volumes; rather let us be sufficed with the following statement of Ibn al-Athir in order to be acquainted with what had happened to those who wrote down the religious knowledge, or the heritage of the Holy Prophet, during the age of al-Hajjaj ibn Yusuf al-Thaqafiy,

"Al-Hajjaj ibn Yusuf al-Thaqafiy, the governor of Iraq in the Umayyad dynasty, stamped on the arm of Jabir ibn `Abdullah al-Ansariy and on the necks of Sahl ibn Sa`d al-Sa`idiy and Anas ibn Malik in order to humiliate them and to make the publics stay away and not to hear from them."23

The Ahl Al-Bayt And The Recordation Of Hadith

It has been uninterruptedly narrated that the Ahl al-Bayt allowed the recordation of the Hadith. Imam `Ali ibn Abi-Talib recorded the seventy-cubit book of *al-Jami`ah*, which included the dictations of the Holy Prophet and has been reported in the narrations of the Holy Imams.[24] In a book entitled *The Book of `Ali ibn Abi-Talib as reported from the Messenger of Allah; A Muslim Jurisprudential Documentative Thesis*, Dr. Rif`at Fawziy `Abd al-Muttalib has collected all the narrations of that *al-Jami`ah* that are dispersed in the jurisprudential reference books.[25]

This *Sahifah* (i.e. book) was kept by the Imams—the descendants of Imam `Ali. They handed it over in heritage from one to another and preserved it to the greatest extent. In this respect, Imam al-Hasan ibn `Ali is reported to have said,

"Verily, the (true) knowledge is with us, and we are its people. The entire knowledge is elaborately collected with us. Indeed, we have all the things that shall take place up to the Resurrection Day, including matters that are as minute as the retaliation of scratching, collected in a book dictated by the Messenger of Allah with the handwriting of `Ali."[26]

When he was asked about his father's opinion about the right of option, Imam al-Hasan ordered a box to be brought to him. He then opened it and took out a yellowish book that comprised the opinions of Imam `Ali about that matter.[27]

This book was kept by Imam al-Husayn, then Imam `Ali ibn al-Husayn, then Imam Muhammad al-Baqir, then Imam Ja`far al-Sadiq... etc.[28]

It is thus obvious that the descendants of Imam `Ali cared about this book so incomparably that in spite of all the horrible circumstances that surrounded him, Imam al-Husayn was not distracted by anything from depositing that book to his elder daughter, Fatimah, and ordering her to give it to his son, Imam `Ali ibn al-Husayn. This is because this book has been one of the treasures of the Holy Prophet's Household and his deposit with them.

Moreover, this book was so precious in the view of Lady Fatimah al-Zahra', the daughter of the Holy Prophet, that when she once missed it, she said to Fiddah her bondmaid, "Woe to you! Look for that book because it is as precious as al-Hasan and Husayn in my view."[29]

This great interest in the book was neither aimless nor originated from personal desire. In point of fact, to equalize this *Sahifah* to al-Hasan and al-Husayn, the one and only delight of the Holy Prophet in this world, is a matter that requires thorough consideration.

On the face of it, the knowledge that is comprised by that *Sahifah* is equivalent to the knowledge carried by al-Hasan and al-Husayn from the Holy Prophet and, similarly, that *Sahifah* can supply the Muslims with the same amount of knowledge that can be given to them by Imam al-Hasan and Imam al-Husayn.

On the other side, this ever-increasing attention to the books in general and to the *Sahifah* of Imam `Ali in particular cannot be found with the adversary school of Ijtihad and Opinionism. Abu-Bakr is reported to have set fire to the books in which he had written down the instructions of the Holy Prophet; and `Umar ibn al-Khattab is reported to have set fire to the books in which the people had recorded the Hadith; and `Uthman ibn `Affan is reported to have set fire to the copies of the Holy Qur'an; and Mu`awiyah is reported to have ordered the publics not to narrate the heritage of the Holy Prophet except the Hadiths that were widespread during the reign of `Umar ibn al-Khattab. The same thing is applicable to the other rulers.

Nevertheless, the Ahl al-Bayt continued recording the heritage of the Holy Prophet and preserved these records since the beginning of the Islamic legislation and the divine revelation up to a recent time.

It has been narrated that the Holy Prophet ordered Imam `Ali to write down, saying, "Write down what I will dictate."

Imam `Ali asked, "Do you anticipate that I may forget?"

The Holy Prophet answered, "No, I do not. But I want you to write down so that your partners will benefit from it."

"Who are my partners?" asked Imam `Ali.

The Holy Prophet answered, "They are the Imams who will come after you."30

This narration confirms that the Holy Prophet wanted to preserve, with his Household and others, the divine legislation that he conveyed by means of writing down so that these records would be maintained as scientific heritage from which all the Muslim generations would benefit. Hence, as the Ahl al-Bayt used the *Sahifah* of Imam `Ali, looked in it, and asked the others to witness its existence, they intended to give proof on the authenticity of their reportings from the Holy Prophet and on the fact that whatever they said had never been personal views or baseless suggestions; rather they had been originated by the Holy Prophet.

It has been narrated on the authority of Imam Ja`far al-Sadiq that whenever Imam `Ali ibn al-Husayn studied the *Sahifah* of `Ali, he would say, "Who can do all these?"31

It has been also narrated on the authority of Imam Muhammad al-Baqir that his father, Imam `Ali ibn al-Husayn, once asked him, "Get me these papers comprising the acts of worship of `Ali ibn Abi-Talib."

When he did so, his father read a few lines of these papers and then left them with tedium, saying, "Who can stand the worship of `Ali!"32

These two narrations make us ask whether the *Sahifah* of `Ali comprises explications of the religious laws and duties only or includes other fields of knowledge. According to the abovementioned texts, the

book of Imam `Ali comprises the major and supererogatory acts of worship as it embraces all the fundaments and principles of Islam as a perfect, cognate unit in addition to all matters required by the Muslims.

As Imam `Ali ibn al-Husayn Zayn al-`bidin (the best of the worshippers) who is well-known of his unparalleled worship[33] studied the recommended, supererogatory, and preferable acts of worship mentioned in the *Sahifah* of `Ali, he said, "Who can do all these?"

While the Holy Imams of the Ahl al-Bayt and their adherents continued ceaselessly recording the Holy Prophet's heritage and worked for preserving these records, the other School of Opinionism and Ijtihad set fire to and erased such records and prohibited the reporting and recordation of the Hadith.

This great incongruity undoubtedly proves the most authenticity and most accuracy of the proofs of the Ahl al-Bayt and the trend of the thorough compliance with the sacred texts, unlike the other trend of Opinionism and Ijtihad, which carries a confused heritage that is influenced by various factors and personal opinions beginning with the enactment of the personal opinions and interpretations disregarding the sacred texts, passing by the ratification of analogy and other innovative and invented principles, and ending up with endless personal opinions and trends.

To have a deeper look at the narrations of the *Sahifah* (book) that were held by Imam Muhammad ibn `Ali al-Baqir and Imam Ja`far ibn Muhammad al-Sadiq opens our eyes on the fact that these holy Imams had increasingly concentrated on and cared for that *Sahifah*. It has been narrated that `Adhafir al-Sayrafiy said that he, accompanied by al-Hakam ibn `Utaybah, visited Abu-Ja`far (i.e. Imam Muhammad al-Baqir) and asked him many questions. Although the Imam honored them considerably, they disagreed about a certain question.

Settling the dispute, Abu-Ja`far asked his son to bring him the Book of `Ali. Having been kept in a drawer, it was a handsome book through which Abu-Ja`far began to skim until he reached at the question involved. Referring to the book, Abu-Ja`far said, "This is the handwriting of (Imam) `Ali and the dictation of the Messenger of Allah."

He then turned his face towards al-Hakam and said,

"Wherever Salamah, Abu'l-Miqdam, and you go, you shall never find any people carrying the most authentic knowledge other than the people to whom (Archangel) Gabriel used to ascend (from the heavens)."[34]

According to another narration, al-Hakam ibn `Utaybah, once, asked Imam Muhammad al-Baqir about the parts of the blood money for the teeth. Answering him, Imam al-Baqir said,

"Thus have we found it (i.e. the question) in the Book of `Ali."[35]

It has been also narrated that Zurarah ibn A`yun once asked Imam Muhammad al-Baqir about the share

of grandfathers from inheritances... Zurarah said that Imam al-Baqir then asked his son, Ja`far,[36] to recite the *Sahifah* of the shares of inheritances before me. He therefore brought out a book that was as huge as a camel's thigh and threw its edge before me.

As Zurarah looked in it, it was obvious that it must have been written in an ancient age. The next morning, Imam al-Baqir asked Zurarah whether he had read the chapter of the shares of inheritances in that book. He then added,

"By Allah I swear, what you have seen is verily the very truth. What you have seen was the dictation of the Messenger of Allah and the handwriting of `Ali. My father told me on the authority of his father that Amir al-Mu'minin told him of such."[37]

It has been also narrated on the authority of Abu-Ayyub al-Khazzaz that Imam Ja`far al-Sadiq said that it has been written down in the Book of `Ali that he who has relatives... etc.[38]

It has been also narrated on the authority of Sulayman ibn Khalid that Imam Ja`far al-Sadiq said that it has been written down in the Book of `Ali that one of the Prophets complained to Almighty Allah about... etc.[39]

The Book Of `Ali Again

As has been previously said, the Book of Imam `Ali was so comprehensive that its contents cannot be dedicated to questions of the religious laws of inheritance and judicature since the Holy Imams have referred to this book during discussing all the life affairs as well as the various fields of the Muslim jurisprudence, such as the following questions:

Cats' leftover;[40] performing the ritual ablution as a part of the bathing of the major ritual impurity;[41] the rulings of the funerals, the best time of offering the Dhuhr and `Asr Prayers, and the *Tashahhud* in the prayers;[42] the ruling regarding what to do with a dead *Muhrim*;[43] performing the prayer while putting a garb made of the hair of an animal the meet of which is forbidden to eat;[44] the *Tashahhud* in the prayers;[45] the fact that Almighty Allah rewards those who very much offer prayers and observe fasting;[46] the decency of the imam of congregational prayers;[47] the etiquettes of supplication (*Du`a'*);[48] the forbiddance from defraying the Zakat;[49] some questions about Enjoining the Right (*al-Amr bi'l-Ma`ruf*), the outbreak of adultery, and rupture of family ties;[50] the observance of fasting when the new moon is, personally, seen;[51] the *Muhrim*'s putting on pallium;[52] the *Muhrim*'s hunting;[53] doubt in the times of the ritual Circumambulation (*Tawaff*);[54] granting security to those who voluntarily join the Muslim community;[55] the properties of one's son;[56] the meaning of 'thing' in a will;[57] a number of questions appertained to matrimony;[58] the oaths;[59] eating the meat of falcons and hawks;[60] some questions appertained to game and legal slaughtering of animals;[61] the parts to be cut from the fat tails of sheep;[62] the forbiddingness from eating the catfish, the eel, the fish that die inside the water and then float on its surface,[63] the pipefish,[64] the spleen, the wastes of the sea,[65] the hagfish,[66] and the meat of

domestic donkeys;[67] rulings appertained to the lands;[68] laws and statutory shares of inheritance;[69] judicature;[70] doctrinal provisions (*Hudud*);[71] blood money (*Diyah*);[72] rulings of adultery;[73] the major sins;[74] devouring the wealth of orphans;[75] the punishments for acts of disobedience (to Almighty Allah);[76] painstakingness in acts of worship;[77] divine tests for the faithful believers;[78] the likeness of the worldly life;[79] having a good opinion about Almighty Allah;[80] respect for the neighbor;[81] well-manneredness;[82] the violators of the Sabbath;[83] the encouragement on seeking knowledge;[84] the blood money for the damaged teeth;[85] and many other issues that are derived from the primary religious questions and fields of knowledge.

Although I have not been very accurate in the inventory of the narrations in the Imamiyyah Shi`ite reference books of Hadith, the aforesaid topics have been no more than various examples on the subjects comprised by the Book of `Ali.

My purpose beyond this has been only to demonstrate the difference between the two schools—Sunnite and Shi`ite—in jurisprudence and to prove the fact that the Muslims, after they had disagreed about the political leadership, disagreed about jurisprudence. It is worth mentioning that the School of Thorough Compliance with the Sacred Texts adhered to the Book of `Ali in order to prove its genuineness and derivation from the Holy Prophet and the Divine Revelation.

Consequently, those who issued the decision of prohibiting the reporting and recording of the Hadith blacked out this book and, as a result, some people received the rulings mentioned therein very astonishingly because they had never heard of them before.

All these narrations prove that the "Book of `Ali" has been so comprehensive that it comprises all the worldly and religious sciences that the Holy Prophet conveyed from Almighty Allah. One of the abovementioned narrations has confirmed that the "Book of `Ali" comprises the recounting of the previous Prophets and the ancient nations that Imam `Ali took directly from the tongue of the Holy Prophet. Moreover, the narratives of the ancient beliefs and peoples have reached us from the Book of `Ali... etc.

Imam `Ali Ibn Abi-Talib

Besides the writing down of the famous *Sahifah* from the Holy Prophet, Imam `Ali ibn Abi-Talib, according to reference books of history, recorded other books the materials of which were derived from the knowledge of the Holy Prophet. Sharif al-Murtada (died in AH 436) has ascribed the book of *al-Muhkam wa'l-Mutashabah fi'l-Qur'an* (The Decisive and Allegorical Verses in the Qur'an) to Imam `Ali.[86] Al-Ash`ariy al-Qummiy (died in AH 301) has ascribed the book of *Nasikh al-Qur'an wa-Mansukhuh* (The Repealing and the Repealed Verses of the Qur'an) to Imam `Ali.[87] al-Hafidh ibn `Uqdah al-Kufiy (died in AH 333) has confirmed that Imam `Ali wrote in about sixty items of the knowledge of the Holy Qur'an.[88]

Patterning the pioneer of the Islamic recording, Imam `Ali's descendants and disciples wrote many books in all fields of religious knowledge. It has been narrated that al-Harith al-A`war al-Hamadaniy[89] and Abu-Rafi`[90] each reported from Imam `Ali an entire book. Rabi`ah ibn Sumay` has narrated the rulings of the Zakat that Imam `Ali wrote down with his handwriting when he appointed him as the Zakat collector.[91]

Muhammad ibn Qays al-Bujaliy has narrated the suits in which Imam `Ali issued judgments. He then presented these narrations before Imam Muhammad al-Baqir, who attested them.[92] Maytham ibn Yahya al-Tammar wrote down a famous book, which was circulating up to the seventh century (of Hijrah). Directly from this book, al-Tabariy quoted many paragraphs.[93]

Asbagh ibn Nubatah al-Mujashi`iy has reported from Imam `Ali the section of the suits in which he issued judgments. These reports have been published in a book entitled *Aqdiyat al-Imam `Ali* (The Judgments of Imam `Ali) and *`Aja'ib Ahkam Amir al-Mu'minin* (The Amazing Verdicts of Amir al-Mu'minin). Sulaym ibn Qays has also written down a book from whom Aban ibn `Ayyash narrated.

In addition, many other Sahabah and Tabi`un wrote down many books whose materials were quoted or reported from Imam `Ali ibn Abi-Talib. In this respect, al-Suyutiy, in his book of *al-Ashbah wa'l-Nadha'ir*, has written down on the authority of Ibn `Asakir that some of the Grammarians used to refer to the thesis of Abu'l-Aswad al-Du'aliy that he had received from Imam `Ali ibn Abi-Talib.[94]

It has been also narrated that Imam `Ali wrote an epistle to Malik al-Ashtar when he appointed him as the governor of Egypt. This epistle has been published with the famous book of *Nahj al-Balaghah* and in an independent book. Master scholars have written down many commentaries and explanations of this famous epistle that comprises the significant and unparalleled concepts of Imam `Ali in the fields of policy, management, unity, and rights of the leaders and the subjects.[95]

It has been narrated on the authority of al-A`mash, on the authority of Ibrahim, that his father once said, "One day, (Imam) `Ali delivered a sermon in which he said,

Verily, liar is he who claims that we (i.e. the Ahl al-Bayt) hold anything from which we read except the Book of Almighty Allah (i.e. the Holy Qur'an) and this *Sahifah*.

The *Sahifah* was a book hanged to his sword comprising some laws of the blood money for breaking the teeth of camels as well as details of the blood money for some wounds.[96]

It has been also narrated that Tariq said that he once heard Imam `Ali saying from the minbar,

"We have no book to recite before you except the Book of Almighty Allah and this *Sahifah*."[97]

These two narrations and their likes reveal significant features about the *Sahifah* of Imam `Ali and the recordation of the Hadith. Accordingly, a part of the Muslims found it strange that Imam `Ali kept a book, or a number of books, comprising the knowledge of Islam.

Of course, such astonishment was the result of their accumulative ignorance with the recordation of the religious knowledge in general and in its benefits; with the reporting of the Hadith and with its good results; with the divine revelation; and with the true interpretations of the sacred texts... etc.

Moreover, these Muslims accused Imam `Ali of having held a book "besides the Book of Almighty Allah" or another "Qur'an." Unfortunately, some of the modern Muslim scholars and writers who lack any knowledge with the minute details of the recording and the records that were present in the first age of Islam have falsely claimed that Imam `Ali held a book of the Holy Qur'an different from the existent one.

Through the aforementioned texts, Imam `Ali wanted to explain the matter for the Muslims; he had nothing other than the Holy Qur'an and a book (*Sahifah*) in which he had written down the dictations of the Holy Prophet.

This *Sahifah* is a comprehensive exegesis and interpretation of the Holy Qur'an and the divine revelations with all of their dimensions and purports. Thus, the *Sahifah* comprises nothing further than these two basic sources of the Islamic legislation.

Once again, Imam `Ali's words in the aforesaid narrations stood for refuting a spurious argument or a false accusation of the existence of a book matching or opposing the Holy Qur'an; therefore, the narrator has mentioned in particular the laws of the blood money for breaking the teeth of camels as well as details of the blood money for some wounds, because these laws had been known for them since the lifetime of the Holy Prophet. The *Sahifah* had not comprised materials that they had never heard of; rather it comprised the details of such materials.

Furthermore, the narrations have mentioned the *Sahifah* in particular; and this does not mean that Imam `Ali did not write down or hold other books; rather it has been proven that the Ahl al-Bayt kept other books. Later on in this book, details in this respect will be presented.

To put it briefly, by his saying, "and this *Sahifah*" Imam `Ali intended to declare that all his sayings are originated from the Holy Prophet.

If truth be told, the *Sahifah* of Imam `Ali was the head of all items of knowledge and the loftiest book in the view of the Ahl al-Bayt; therefore, Imam `Ali and his descendants concentrated on it so confirmatively that Ibn Sirin wished had he seen or obtained that book, saying,

"Had I obtained that Book (i.e. the *Sahifah*), I would have certainly obtained the knowledge entirely."[98]

Imam `Ali ibn Abi-Talib was the foremost caller to the recordation of the religious knowledge in general and the heritage of the Holy Prophet in particular. He immeasurably confirmed and supported this process. In this regard, it has been narrated on the authority of al-Harith that Imam `Ali once declared, "Who will purchase knowledge from me with one dirham!" I thus went to him and bought some papers with one dirham.[99]

In addition, too many are the narrations that demonstrated Imam `Ali's having encouraged and declared the legality of recording the religious knowledge. For instance, he is reported to have said,

"Write down the knowledge, Write down the knowledge!"100

"Handwriting is a signal; therefore, the clearer the better."101

To his clerk `Ubaydullah ibn Abi-Rafi`, Imam `Ali once said,

"Prepare your ink-pot, extend the edges of your pen, expand the distance between the lines, and reduce the distance between the letters (of one word)."102

He is also reported to have said,

"Lengthen and fatten up the tip of your pen, sharpen it, make me hear the drone of the 'n', roll the 'h', stuff the 's', crisscross the '`', rend the 'k', intensify the 'f', well-arrange the 'l', lighten the 'b', 't', and 'th', stand up the 'z' and raise its tail, and always put your pen behind your ear so as to remember it."103

These excellent instructions in the Arabic calligraphy are considered among the important pillars of the process of recording. Up to the present time, these instructions have been applied by the calligraphists in order to show their skillfulness in bettering the Arabic handwriting.

The Ahl al-Bayt cared for the recordation of the religious knowledge very much; they therefore guided their disciples in particular and the clerks in general to the minutest details of writing. Additionally, the above-mentioned narrations prove false all the claims that Imam `Ali warned against the compilation of books on religious knowledge and the keeping of such records. They also confirm our discussions about the role of the ruling authorities in the fabrication and forgery against the Holy Prophet and the Ahl al-Bayt.

For more clarification, let us cite the following narration that was reported by Ibrahim ibn Muhammad al-Thaqafiy (died in AH 283) in the book of *al-Gharat*:

Having quoted Imam `Ali's epistle to Muhammad ibn Abi-Bakr and the people of Egypt -regarding religious affairs-, the writer narrated on the authority of `Abdullah ibn Muhammad ibn `Uthman on the authority of `Ali ibn Muhammad ibn Abi-Sayf on the authority of the companions of Muhammad ibn Abi-Bakr that when the epistle of Imam `Ali reached him, he used to read it carefully, learn from it, and apply it to his affairs and judgments.

When Muhammad ibn Abi-Bakr was attacked and murdered, `Amr ibn al-`[illegible]s seized all of the epistles and books that he had kept and sent them to Mu`awiyah ibn Abi-Sufyan. As he read this very epistle of Imam `Ali, he liked it very much. Al-Walid ibn `Aqabah, who accompanied Mu`awiyah, suggested to him to set all these books and epistles to fire.

“Shut up, son of Abi-Ma`it! Your opinions are always worthless!” shouted Mu`awiyah.

Al-Walid answered, “It is you who lacks good opinion! Is it reasonable that all the people know that you keep the words of Abu-Turab (i.e. Imam `Ali), learn from them, and judge according to them? If such, why do you then fight against him?”

Mu`awiyah said, “Woe to you! Do you want me to burn such knowledge? By Allah I swear that I have never heard of or seen any item of knowledge more comprehensive, more sagacious, and clearer than this one.”

Al-Walid asked, “If you do admire his knowledge in such a wonderful manner, what for then are you fighting against him?”

Mu`awiyah answered, “Unless Abu-Turab killed `Uthman, we would accept and adopt his judgments.”

Mu`awiyah then paused for a while, gazed at the attendants, and said, **“We will not say that these epistles were from `Ali ibn Abi-Talib; rather we will declare that these were Abu-Bakr’s epistles that he had sent to his son Muhammad. We thus can accept and adopt them.”**104

Abu-Ishaq (i.e. Ibrahim ibn Muhammad al-Thaqafiy, the author of *al-Gharat*, narrated on the authority of Bakr ibn Bakr on the authority of Qays ibn al-Rabi` on the authority of Maysarah ibn Habib on the authority of `Amr ibn Murrah on the authority of `Abdullah ibn Salamah that Imam `Ali, having led a congregational prayer, expressed great sorrow -in a form of a poetic verse- and when he was asked about the reason, he said, “When I appointed Muhammad ibn Abi-Bakr as the governor of Egypt, he told me about his lack of knowledge concerning the religious laws. I therefore wrote to him an epistle comprising these laws, but he was then killed and that book was taken.”105

This narration demonstrates the scope of Imam `Ali’s anticipation that Mu`awiyah ibn Abi-Sufyan would distort the Holy Sunnah.

Fatimah Al-Zahra'; Daughter Of The Holy Prophet

Both Sunnite and Shi`ite narrators have confirmed that Lady Fatimah al-Zahra' had a book that she had received from her father. As for the Sunnite reference books of Hadith, al-Khara'itiy has recorded on the authority of Mujahid that when Ubayy ibn Ka`b visited Fatimah, the daughter of Muhammad (peace be upon him and his family), she showed him a *kurbah* (a part of the trunk of date-palm trees) on which it was written that one who has believed in Almighty Allah and in the Hereafter must be kind to his neighbor.106

It has been narrated on the authority of al-Qasim ibn al-Fudayl that Muhammad ibn `Ali narrated that `Umar ibn `Abd al-`Aziz, the Umayyad ruler, once sent him a missive in which he ordered him to copy the will of (Lady) Fatimah. One of the paragraphs of that will was the claim that she put a curtain before

her, and when the Messenger of Allah saw that curtain, he returned while he had intended to visit her... etc.[107]

As for the Shi`ite reference books of Hadith, Ibn Babawayh al-Qummiy has recorded that Imam Ja`far al-Sadiq said,

"As I was reading in the Book of Fatimah, I found that all the kings (i.e. rulers) that would rule on this earth are written in that book by their fathers' and their names."[108]

It has been also recorded in *al-Kafi* that Imam Ja`far al-Sadiq answered a question depending upon the contents of the Book of Fatimah.[109]

Because the Book of Fatimah has been well-known as *al-Mushaf*,[110] the enemies have used this point to malign the disciples of the Ahl al-Bayt School although the word *Mushaf* was used in the first age of Islam to denote any book and it has been never dedicated to referring to the Holy Qur'an alone.

To support this fact, Shaykh Tahir al-Jaza'iriy has written down that as soon as the Holy Prophet departed life, the Sahabah hurried to compile all that which he had written in his will in one book that they named *al-Mushaf*.[111]

Imam Al-Hasan Ibn `Ali Al-Mujtaba

Imam al-Hasan kept his father's *Sahifah* from which he learnt the knowledge of the Holy Prophet. It has been narrated that `Abd al-Rahman ibn Abi-Layla asked Imam al-Hasan about Imam `Ali's verdict about the right of option. Imam al-Hasan ordered a box to be brought to him. He then opened it and took out a yellowish book that comprised the opinions of Imam `Ali about that matter.[112]

This narration reveals two facts the first of which is that the Sahabah had disagreed about the ruling of the right of option; therefore, `Abd al-Rahman ibn Abi-Layla asked Imam al-Hasan about Imam `Ali's opinion in the question. Secondly, it was commonly known that Imam `Ali's religious rulings (i.e. jurisprudence) was the most genuine; therefore, `Abd al-Rahman ibn Abi-Layla asked for these rulings from Imam al-Hasan since he believed that the Book of `Ali had been with him.

More than once, Imam al-Hasan ibn `Ali concentrated on the significance of spreading the genuine knowledge and the necessity of the responsibility that the Ahl al-Bayt and their descendants should undertake in preserving the genuine Islamic legislation by means of reporting and recording the Hadith. In this regard, it has been narrated on the authority of Shurahbil ibn Sa`d that Imam al-Hasan, once, summoned his sons and nephews and said to them,

"My sons and nephews: As you are now the infants among this people, you will soon be the adults of others. You should thus learn the (religious) knowledge. Any of you who cannot report it must write it down and keep it in his house."[113]

Thus, Imam al-Hasan instructed his sons and nephews to learn the religious knowledge since infancy so that they will benefit by it and teach it to others. Of course, this instruction was resulted from the fact that the genuine knowledge was on the edge of loss and in the danger of falling in abyss. One can now imagine what the fate of the Islamic legislation be if these records would not be preserved for the next generations.

Although records and reference books are existent and easily obtainable in the present time, disagreements and waste of the actual religious rulings are in full swing; what would be our manner if recordation of the religious knowledge was not practiced at all?

It has been narrated on the authority of Abu-`Amr ibn al-`Ala' that Imam al-Hasan answered those who asked him his opinion about an eighty year old man who was still writing down the Hadith, "This man is making good living."[114]

Imam Al-Husayn Ibn `Ali, The Martyr

The Holy Imams of the Ahl al-Bayt and their adherents believe indisputably that the Book of Imam `Ali moved to Imam al-Husayn after the martyrdom of Imam al-Hasan. According to the book of *Basa'ir al-Darajat*, when Imam al-Husayn had to encounter the enemy, he summoned his elder daughter, Fatimah, and gave her a folded book.[115]

According to another narration, when Imam `Ali advanced to Iraq (for fighting), he trusted the books that he had kept to Ummu-Salamah, the Holy Prophet's widow. These books were kept by Imam al-Hasan after the demise of Imam `Ali. After the demise of Imam al-Hasan, these books were kept by Imam al-Husayn and then by Imam `Ali ibn al-Husayn... etc.[116]

These books were different from the book that the Holy Prophet had trusted to Ummu-Salamah and asked her not to hand it over to his successor provided that the successor himself would ask her for it. Ummu-Salamah maintained that book, and when the publics elected and swore allegiance to Imam `Ali as their leader, he came and asked her about the book, and she gave it to him.[117]

It has also been narrated on the authority of Imam `Ali ibn al-Husayn that Muhammad ibn al-Hanafiyyah, Imam `Ali's son, came to Imam al-Husayn and asked him something from their father's heritage.

"Your father left nothing more than seven hundred dirhams that remained from his gifts. However, the people came to me asking, and I have to answer them," answered Imam al-Husayn.

Muhammad then said, "Well, give me from the knowledge of my father."

Hence, Imam al-Husayn brought a book that is four fingers longer or shorter than one span (of the hand). That book was filled up with knowledge.[118]

To sum it up, the book that the Holy Prophet had trusted with Ummu-Salamah was different from the one that he had dictated to Imam `Ali ibn Abi-Talib. The earlier one comprised materials needed by the ruler for managing the governmental affairs, while the latter comprised the religious laws, the history of the ancient nations, and so on.

Owing to the incomparable significance of that book, Imam al-Husayn, having encountered the worst circumstances, exerted all efforts for conveying the knowledge of that book to his successor. It is thus undeniable that Ummu-Salamah was one of the foremost Muslim women who preserved the recordation of the religious knowledge and realized the menace of preventing it. For that reason, this righteous lady was highly respected by the Holy Imams of the Ahl a-Bayt who trusted with her the records of the genuine legislation of the Holy Prophet.

Having been one of the supporters and heralds of the necessity of reporting and recording the Hadith, Imam al-Husayn said in a sermon that he had delivered at Mina,

"You have seen, realized, and witnessed what this tyrant is doing to us and to our adherents. I therefore want to carry out a matter; and if you believe it as true, then you should carry it out. Listen to my words and write down my sayings; and when you go back to your districts and tribes, call those whom you trust and believe to our right that you know, for I fear lest this matter will be wiped out and thus the right would vanish."[119]

It has been also narrated on the authority of `Abdullah ibn Sinan that he once asked Imam Ja`far al-Sadiq what should be done to a *Muhrim* (entering into *Ihram*: putting the pilgrimage uniform) who departs life.

The Imam answered that when `Abd al-Rahman ibn `Ali died at al-Abwa' (while having been *Muhrim*), Imam al-Husayn who was accompanied by `Abdullah ibn `Abbas and `Abdullah ibn Ja`far did the same procedures that are done to the other dead people and then covered his face without letting any scent touch his body. He then commented, "I found this way written down in the Book of `Ali."[120]

It has been also narrated that Muhammad ibn al-Hanafiyyah wrote down a reference book of Hadith.[121] This indicates that all the sons of Imam `Ali wrote books on the religious knowledge and concerned themselves with the recording out of their care for preserving the Holy Sunnah and documenting all that which they reported from the Holy Prophet.

Imam `Ali Ibn Al-Husayn Al-Sajjad

Imam `Ali ibn al-Husayn is reported to have written down many epistles the most famous of which are *Risalat al-Huquq* (The Treatise on Rights) and *al-Sahifah al-Sajjadiyyah* commonly known as "The Psalms of Islam."[122] It has been narrated that Abu-Hamzah al-Thamaliy said, "As I recited an epistle that comprised the words of (Imam) `Ali ibn al-Husayn on asceticism, I copied it. I then showed my copy

to `Ali ibn al-Husayn who confirmed and corrected it."[123]

It is probable that Abu-Hamzah al-Thamaliy had read a part of the *al-Sahifah al-Kamilah al-Sajjadiyyah* because this epistle comprises many topics besides asceticism. It is also probable that the book was a part of Imam `Ali ibn Abi-Talib's Book since Imam al-Sajjad had that book with him. It has been narration, in this respect, that when he was asked about an issue, he answered that in the Book of `Ali, it is written... etc.[124]

Shaykh al-Kulayniy, too, has narrated on the authority of Imam Ja`far al-Sadiq that whenever Imam `Ali ibn al-Husayn read the Book of Imam `Ali, he would say, "Who can do all this?" He would then act upon it.[125]

In addition, Imam Muhammad al-Baqir, Zayd ibn `Ali (the martyr), and al-Husayn al-Asghar are reported to have narrated from their father an epistle on the rulings of the ritual Hajj.[126]

Imam Muhammad al-Baqir and Zayd ibn `Ali, sons of Imam `Ali ibn al-Husayn, are also widely known as having cared for the documentation of the religious knowledge. Shaykh Ahmad Muhammad Shakir, the editor of the book of *Mafath Kunuz al-Sunnah*, has considered the book of Zayd ibn `Ali entitled *al-Majmu`*—on the assumption that the book is truly ascribed to him—the oldest among the books of the ancient master scholars.[127]

Mr. Muhammad `Ajjaj al-Khatib says,

"In view of that, the book of *al-Majmu`* is considered the most important historical document proving that the compilation and writing down of books began at the beginning of the second century (of Hijrah). This fact has been concluded through our presentation of many books and compilations without putting our hand on any material model representing the foremost of these books except for Malik ibn Anas's *al-Muwatta'* which was accomplished before the middle of the second century. Accordingly, the book of *al-Majmu`* was written down thirty years before *al-Muwatta'*. Obviously, the book of *al-Majmu`* comprised inseparably the two collections of the Muslim jurisprudence and the Hadith."[128]

From the book of *Tamhid(un) Li-Tarikh al-Falsafah al-Islamiyyah*, Asad Haydar quotes the following:

"Zayd ibn `Ali wrote a jurisprudential record, which has been discovered among the ancient manuscripts in the Biblioteca Ambrosiana, Milan; section of the Southern Arab lands. This manuscript is considered the most ancient collection on the Muslim jurisprudence. In any case, this book should be taken into consideration as regards the compilation of the Muslim jurisprudence."[129]

The books has been published under the title of *Musnad al-Imam Zayd ibn `Ali*.

Nevertheless, since the time of the Holy Prophet, many records were written down and these are surely more ancient than the collection of Zayd ibn `Ali. Moreover, the material model of the Islamic records belongs to the first century (of Hijrah) as represented by *Risalat al-Huquq* and *al-Sahifah al-Kamilah al-*

Sajjadiyyah, which were put in written forms by Abu-Hamzah al-Thamaliy and others. These two books are two lively material models that are still surviving.

It is worth mentioning that the books of Imam `Ali ibn al-Husayn, in their major significance, betook themselves a new trend in the Muslims' documented culture and opened new fields, which are still huge in the heritage of the Muslims. These fields are the *Du`a'* (Supplication) and the *Huquq* (Rights).

As a matter of fact, these two fields are considered the most important and ancient culture ever known by the Muslims, because they treated the two most necessary matters needed by the Muslim community during the lifetime of Imam `Ali ibn al-Husayn after the Islamic ethics and the individual and social rights had been about to be wiped out during the reigns of Yazid ibn Mu`awiyah and the rulers who followed him.[130]

As a result, the recordation of the treatments of these issues stood for the documentation of the diseases and remedies of that period of the Islamic history, as well as the history of an important stage of the Islamic legislation and fresh Islamic knowledges.

On the assumption that the book of *al-Majmu`* is truly ascribed to Zayd ibn `Ali, the records of Imam `Ali ibn al-Husayn confirm the authenticity of the books of Imam Muhammad al-Baqir and Zayd ibn `Ali, for their books comprised materials that they had received on the authority of their father from their ancestors.

It has been also narrated on the authority of Ibn al-Safwan that Zayd ibn `Ali wrote another book entitled *al-Qillah wa'l-Jama`ah* upon which he depended in disputing against his rivals.[131]

In the introduction of his revision of the book of *al-Safwah* that is ascribed to Zayd ibn `Ali, Naji Hasan writes down that more than ten epistles on various topics, such as theology, *Tafsir*, Muslim jurisprudence, and narrations are ascribed to Zayd ibn `Ali.[132]

Sayyid al-Mu'ayyidiy al-Hasaniy has also listed some titles of the books written by Zayd ibn `Ali,[133] yet I have not been acquainted with any further information about these books.

Mr. `Abd al-Halim al-Jundiy has also quoted that `Amr ibn Abi'l-Miqdam compiled a comprehensive reference book on the Muslim jurisprudence that he had reported from Imam `Ali ibn al-Husayn Zayn al-`[illegible]bidin.[134]

Recently, Sayyid Muhammad Jawad al-Jalaliy has revised the book of *Gharib al-Qur'an* that is ascribed to Zayd ibn `Ali. The book has been published by the Islamic Propagation Organization - Iran.

It is now noticeable that the Holy Imams of the Ahl al-Bayt gave considerable attention to the process of recording and reporting the religious knowledge in general and the heritage of the Holy Prophet in particular. In addition, they themselves used to record the Hadith, instruct their sons to do it, and encourage their disciples on writing down.

The age of Imam `Ali ibn al-Husayn should be considered exclusively; it was the most critical age by which the Scholars of the Ahl al-Bayt passed since it followed the Incident of al-Taff (the martyrdom of Imam al-Husayn). By virtue of the documentation of the Holy Prophet's heritage, precious books during that age of the Islamic history came to light. This was in fact one of the miracles in the history of the Muslim culture.

Imam Muhammad Ibn `Ali Al-Baqir

The age of Imam Muhammad al-Baqir and Imam Ja`far al-Sadiq is considered the golden age as regards the spread of the rulings of the School of Recordation. During that age, Almighty Allah prepared certain political circumstances—that resulted in the collapse of a state (i.e. the Umayyad) and the emergence of another (i.e. the `Abbasid)—in which the ruling authorities were engaged. This matter opened wide the door for the followers of the School of Recordation to write down, report, and present all that which they had without any fear.

It was also natural that the Book of `Ali and the other books of the Ahl al-Bayt, in the capacity of their being the most ancient and the most authentic reference books on the Islamic knowledges, held the highest position and played the greatest role, because they were written during the age and on the order of the Holy Prophet who dictated them while Imam `Ali handwrote them, and Imam al-Hasan and Imam al-Hasan, from whom Almighty Allah has removed uncleanness and purified thoroughly, retained them. Such characteristics cannot exist in any recording save the Holy Qur'an and the *Sahifah* of Imam `Ali.

Pursuant to and in view of this, we can understand the secret behind the fact that Imam Muhammad al-Baqir and Imam Ja`far al-Sadiq showed the Book of Imam `Ali to their disciples, to the adherents of the trend of prohibiting the recordation of the Hadith, and to the askers in generals. Mostly, the holy Imams used to present the *Sahifah* of Imam `Ali when disputes about controversial questions flared up.

Nevertheless, they also referred to and presented the *Sahifah* even on ordinary occasions in order to increase the faith of their disciples. Of course, when such disciples would see with their own eyes the handwriting of Imam `Ali and the dictation of the Holy Prophet, their belief in their intellectual trend, that is originated from the Holy Sunnah, would increase.

Yet, the most important point in this discussion is that the age of Imam Muhammad al-Baqir and Imam Ja`far al-Sadiq was characterized by the launch of scientific activities and the existence of large quantity of scholars, scientists, jurisprudents, and intellectuals. It has been narrated that there were, in the age of the origination of the Islamic jurisprudential schools, four hundred narrators each of whom used to say, "(Imam) Ja`far ibn Muhammad narrated to me... etc."

Thus, the holy Imam deemed necessary to refute the opposite opinion and to give greater value to the trend of the thorough compliance with the sacred texts over the other trend of Opinionism and Ijtihad. Such preponderating could be done through the written evidence that perpetuated from the age of the

Holy Prophet since the authenticity of such evidence is not exposed to any sort of criticism or refutation.

For this reason, the holy Imams presented the *Sahifah* of Imam `Ali on many occasions so as to prove false the opposite opinions and to confirm that all what they were reporting from the Holy Prophet had never been distorted, changed, or influenced by the political factors.

In this respect, it has been narrated that Imam Muhammad al-Baqir said to Zurarah:

"O Zurarah: Beware of those who act upon analogy in the religious affairs. They have neglected the knowledge that they were commissioned to learn and have engaged themselves in learning the knowledge that has been already given to them. They are interpreting the traditions and forging fabrications against Almighty Allah since they are depending upon their fancies. Almighty Allah has said in this respect,

'Say: Has Allah commanded you, or do you forge a lie against Allah?' (***Holy Qur'an: 10/59***)

I see coming that when one of these (who act upon analogy) is called from ahead, he answers from behind and when he is called from behind him, he answers from ahead. Thus have they strayed off and been confused in the lands and in the religion."135

As has been previously cited, it has been narrated that `Adhafir al-Sayrafiy said that he, accompanied by al-Hakam ibn `Utaybah, visited Abu-Ja`far (i.e. Imam Muhammad al-Baqir) and asked him many questions. Although the Imam used to honor him considerably, they disagreed about a certain question.

Settling the dispute, Abu-Ja`far asked his son to bring him the Book of `Ali. Having been kept in a drawer, it was a handsome book through which Abu-Ja`far began to skim until he reached at the question involved. Referring to the book, Abu-Ja`far said, "This is the handwriting of (Imam) `Ali and the dictation of the Messenger of Allah." He then turned his face towards al-Hakam and said,

"Wherever Salamah, Abu'l-Miqdam, and you go, you shall never find any people carrying the most authentic knowledge other than the people to whom (Archangel) Gabriel used to ascend (from the heavens)."136

The aforementioned narration proves that because al-Hakam ibn `Utaybah, Salamah ibn Kuhayl, and Abu'l-Miqdam were master scholars, Imam Muhammad al-Baqir used to honor them considerably. Supposing this, Muslim biographers have written nicely about these personalities. Likewise, the Imam took out the *Sahifah* of Imam `Ali after they had disagreed about a question in order to clarify it for them.

The statement, "it was a handsome book" confirms that the Book of Imam `Ali was very big and was considered an encyclopedia on the Islamic knowledge. The Ahl al-Bayt cared very much for that book; they therefore kept it in a drawer in order to maintain it and procure its safety.

According to another narration, Muhammad ibn Muslim is reported to have said,

Abu-Ja`far (i.e. Imam Muhammad al-Baqir) opened before me a book (*Sahifah*), and the first sentence that caught my eyes was that "When a legator's heirs are his nephew and his grandfather, the inheritance is divided between them equally." I said to him, "May Allah accept me as ransom for you! Judges are not deciding anything of an inheritance to the nephew (of a legator) when the grandfather is existent." Imam Muhammad al-Baqir answered, "Verily, this book is written with the handwriting of `Ali according to the dictation of the Messenger of Allah."[137]

So, the attention of Muhammad ibn Salamah was attracted to the religious ruling as he noticed that it had not been carried out by the judges whom were appointed by the ruling authorities. He therefore wanted to know the secret beyond that.

Answering him, Imam Muhammad al-Baqir confirmed that the ruling on which his eyes fell was not recently recorded and thus it might have been exposed to oblivion, errancy, or distortion; rather it was found in a paper dictated by the Holy Prophet with the handwriting of Imam `Ali. As a result, the ruling was decisively free from distortion or mistake.

According to another narration, it has been narrated that Ibn `Uyaynah al-Basriy said that he was present when the following issue was put before Ibn Abi-Layla, the judge: Before his demise, a man had endowed one of his relatives a house without determining the time of the transfer of the possession.

When the man departed life, his heirs as well as the man to whom that house was endowed attended before the judge, Ibn Abi-Layla, who commented, 'I think that the matter should be left as it had been during the lifetime of the legator.' Rather, Muhammad ibn Muslim al-Thaqafiy intruded saying, 'Verily, `Ali ibn Abi-Talib had decided the opposite of your decision in this very mosque.'

'What you do you know about this issue?' asked Ibn Abi-Layla.

Muhammad ibn Muslim al-Thaqafiy said, 'I have heard Abu-Ja`far (i.e. Imam Muhammad al-Baqir) saying that (Imam) `Ali ibn Abi-Talib decided to cancel the retention and carry out the inheritances.'

Ibn Abi-Layla asked, 'Can you prove this in a written form?'

'Yes, I can,' answered Muhammad.

'You should thus bring me that written form,' Ibn Abi-Layla said.

'I will do provided that you will not read except the paragraph intended,' stipulated Muhammad.

'I will observe this,' agreed Ibn Abi-Layla.

Hence, Muhammad ibn Muslim al-Thaqafiy showed the judge that narration in the book. He therefore objected the lawcase.[138]

From the above-mentioned narration, we can conclude that Ibn Abi-Layla, the judge, used to examine

matters before issuing judgments; he knew that the wording of Muhammad ibn Muslim al-Thaqafiy was not enough proof in itself and in the same way as Muhammad was jurisprudent, Ibn Abi-Layla was also jurisprudent in the same level; he therefore asked him, "What do you know about this issue?"

Although the answer came that it was Imam Muhammad al-Baqir who had said so, the judge was not convinced with this answer; he therefore demanded with seeing that judgment in a written form (i.e. in a book) because he had, firstly, realized the significance of the reconditions and, secondly, he had heard about the *Sahifah* of `Ali and that was the best opportunity to be sure of the existence of such a book when his eyes would fall on it.

Furthermore, Muhammad ibn Muslim specified as a condition of seeing that book that Ibn Abi-Layla would not see any other item except that question involved. He thus confirmed that the disciples of the Ahl al-Bayt had been too careful to let that book or its contents and narrations fall in untrustworthy hands and it would thus be confused with personal opinions and then such opinions would be falsely ascribed to the Book of Imam `Ali causing the original narrations to be wasted and lost by people.

If truth be told, Ibn Abi-Layla had submitted to the right, retracted his previous judgment, and issued a new judgment congruent with what had been mentioned in the *Sahifah* of `Ali. This case demonstrates the significance and benefit of the recordation of the Hadith. Had all the narrations and religious laws been recorded in this form, no difference between the Muslims would have ever been noticed except in a scanty amount.

It has been narrated on the authority of `Abd al-Malik that Imam Muhammad al-Baqir, once, ordered the Book of Imam `Ali to be brought to him. Having been folded like a thigh, the book was brought by Ja`far (i.e. Imam al-Sadiq).

In the book it was written down that wives must have no share of their husbands' estates that are left as inheritance. Commenting on this, Imam Muhammad al-Baqir said, "I swear by Allah that this is the dictation of the Messenger of Allah and the handwriting of `Ali."139

It has been also narrated on the authority of Abu-Basir that he, once, asked Abu-Ja`far (Imam Muhammad al-Baqir) whether the testimony of adultery is permissible or not. The Imam's answer was negative. Abu-Basir, however, answered that al-Hakam ibn `Uyaynah claimed the opposite. The Imam thus said,

"O Allah! Do not forgive him! Almighty Allah has not said to al-Hakam,

'And most surely it is a reminder for you and your people.' (***Holy Qur'an: 43/44***)

Let al-Hakam go left and right! By Allah I swear that (true) knowledge cannot be obtained from anyone save us, the Ahl al-Bayt, to whom Archangel Gabriel used to ascend (from the Heavens)."140

It has been also narrated on the authority of Muhammad ibn Muslim that Imam Muhammad al-Baqir

said,

“Verily, each and every item of truth and reality that is kept by any of the people must have been taken from us, the Ahl al-Bayt. Similarly, Amir al-Mu'minin `Ali ibn Abi-Talib is certainly the clue, source, basis, and spring of each and every decent and just issue that is decided by any of the people. However, when matters are confused for the people, it must be their own fault; and when they are right, the source of this right must be `Ali ibn Abi-Talib.”141

In addition, Imam Muhammad al-Baqir kept many other books that he had received from his forefathers as well as the choicest companions of the Holy Prophet. He also dictated very much of this knowledge to his students who wrote them down in books. In this respect, Muhammad `Ajjaj al-Khatib says,

“Muhammad al-Baqir, son of `Ali ibn al-Husayn, (AH 56-114) wrote down many books some of which were received and spread by his son, Ja`far al-Sadiq.”142

`Abdullah ibn Muhammad ibn `Aqil ibn Abi-Talib is reported to have said,

“Abu-Ja`far (Imam Muhammad al-Baqir) and I used to visit Jabir ibn `Abdullah carrying clays on which we would write down.”143

Obviously, the Holy Prophet must have ordered Jabir ibn `Abdullah to convey some of his instructions to Imam Muhammad al-Baqir.

It has been also narrated on the authority of Abu'l-Jarud al-`Abdiy that Imam Muhammad al-Baqir had a book on the exegesis (*Tafsir*) of the Holy Qur'an144 as his disciples kept many other books that they had received from him.145 Furthermore, the majority of his disciples wrote down his narrations and sayings.146

Imam Ja`far Ibn Muhammad Al-Sadiq

As for Imam Ja`far al-Sadiq, he concentrated on the recordation of the religious knowledge as he, from time to time, used to show the Book of Imam `Ali to his companions and those who put religious questions before him as well as whenever a controversial question would be discussed.

In this regard, it has been narrated that Abu-Basir al-Muradiy, once, asked him about a question concerning the laws of inheritance. The Imam said, “Should I show you the question in the Book of `Ali?”

“Has the Book of `Ali been still existent?” wondered Abu-Basir.

Imam Ja`far al-Sadiq answered, “The Book of `Ali shall never be obliterated.”

The Imam then took out a handsome book in which the following statement was written: “When the heirs of a man are his paternal and maternal uncle, the paternal uncle's share is two thirds of the inheritance

while the maternal uncle's is one third."[147]

Although he was one of the intimate friends and the devoted adherents of the Ahl al-Bayt, Abu-Basir believed that the Book of Imam `Ali had been obliterated due to Abu-Bakr's decision of the prohibition of the existence of the recordations, or the book would have been burnt with the other books of the Sahabah that had been set to fire at the hands of `Umar ibn al-Khattab, or Mu`awiyah would have wiped the book out after the martyrdom of Imam `Ali.

Nevertheless, Imam Ja`far al-Sadiq answered Abu-Basir unfalteringly, "The Book of `Ali shall never be obliterated." This statement demonstrates that the Book of `Ali has been the most precious thing for the Ahl al-Bayt; it is therefore impossible that it would be wiped out or lost; rather it is preserved with them as it is transmitted by inheritance from one to another.

Obviously, it was Imam Ja`far al-Sadiq who suggested to Abu-Basir that he would show him the Book of `Ali. This fact confirms that the Imam desired that the Book would occupy its proper place in the Muslim jurisprudence; he therefore very frequently showed and cared for it.

Owing to his very much interest in the recordations and books, Imam Ja`far al-Sadiq was called *Suhufiy*, which means bookish or one who is interested in books. This title was loved by the Imam who used to say, "Yes, it is true! I am bookish. I have read the books of my forefathers—Abraham and Moses."[148]

It has been also narrated on the authority of Abu-Basir that Imam Ja`far al-Sadiq said,

"One day, some people from al-Basrah visited and asked me about narrations that they had written down. What is the thing that prevents you from writing down? Verily, you shall not learn unless you write down."[149]

Supporting the aforesaid fact that the Holy Imams paid great attention to the questions of the laws of inheritance, judicature, and legal testimonies, it has been narrated that Muhammad ibn Muslim asked Imam Ja`far al-Sadiq about the amount of the knowledge that has been inherited whether it is general items of knowledge or the interpretation of all the matters about which people are talking, such as the laws of divorce and the shares of inheritance. The Imam answered,

"Verily, (Imam) `Ali had written down all the items of knowledge including the laws of divorce and the shares of inheritance... etc."[150]

As noticed in this narration, Imam Ja`far al-Sadiq, having referred to the entire knowledge, mentioned in particular the laws of divorce and the shares of inheritances. In other words, the Imam mentioned the particular cases after the general. This is an obvious indication to the fact that big distortion and deformation had occurred to these two sections of the Muslim jurisprudence.

As has been previously cited, `Umar ibn al-Khattab ignored the majority of the religious laws in general and the laws of the share of grandmothers and the *Kalalah* (those who leave no descendants or

ascendants as heirs) in particular.

He also used to rest upon the judgments of the others, such as Imam `Ali ibn Abi-Talib. The Holy Imams thus cared for showing the Book of Imam `Ali especially in the field of the religious laws appertained to the shares of inheritance and divorce because distortion and confusion had occurred to these two fields.

Imam Ja`far al-Sadiq took pride in his having in possession the *Sahifah* of Imam `Ali and the *al-Jafr* that comprised the hidden knowledge of the Holy Prophet. It has been narrated on the authority of `Abdullah ibn Sinan that Imam Ja`far al-Sadiq said when we mentioned before him the activities of the descendants of Imam al-Hasan and also the *al-Jafr*:

"By Allah I swear; we keep two papers made of skins of goat and sheep. These two papers comprise the dictation of the Messenger of Allah with the handwriting of (Imam) `Ali. We also keep a paper that is seventy cubit length comprising the dictations of the Messenger of Allah with the handwriting of (Imam) `Ali. It includes all that which may be needed even matters that are as minute as the retaliation of scratching."151

By virtue of the abovementioned, Imam Ja`far al-Sadiq was the pyramid head in the recordational construction of the Holy Imams of the Ahl al-Bayt. Likewise, he mainly depended upon the Book of Imam `Ali and the books of his forefathers that they had received from the Holy Prophet as well as the books of the Prophets and Messengers that they had obtained in inheritance.

Surprisingly, the followers of the other school of the prohibition of recording the Hadith criticized the school of the Ahl al-Bayt until recent ages regarding the dependence upon the previous generations as the true knowledge while the dependence upon the sacred texts as dishonor. In this regard, Abu-Hanifah used to criticize Imam Ja`far al-Sadiq for his having rested upon the recorded knowledge, while the latter used to say,

"What do they want from you and what for are they criticizing you? By Allah I swear; we have in possession the thing that makes us dispense with all the people while they are in need for us. Verily, we have the book that comprises the dictations of the Messenger of Allah written with the handwriting of (Imam) `Ali; a paper that is seventy cubit length in which all the lawful and the unlawful are written."152

Both the Sunnite and Shi`ite Muslims knew about the books that Imam Ja`far al-Sadiq had had in inheritance from his father and forefathers and then dictated to his disciples. Ibn `Adiy says,

"Ja`far kept many Hadiths and copies of books. He is one of the trustworthy people in the words of Yahya ibn Mu`in."

`Amr ibn Abi'l-Miqdam also says,

"If you look at him, you will realize that Ja`far ibn Muhammad belongs to the lineage of the Prophets."153

Quoting the words of Ibn Hajar in *Tahdhib al-Tahdhib*, Muhammad `Ajjaj al-Khatib says,

"Ja`far al-Sadiq, the son of Muhammad al-Baqir, (AH 80-148) kept many epistles, Hadiths, and copies of books. He was one of the most trustworthy reporters of Hadith."154

As a matter of fact, Imam Ja`far al-Sadiq represents the most excellent mentality among the Muslims during that time. Out of his unparalleled dexterity, he realized the menacing danger that threatened the Muslims as regards the significance of the recordation of the religious knowledge. In this respect, he said to al-Mufaddal ibn `Umar al-Ju`afiy,

"Write down and spread your knowledge among your brethren-in-faith. Before you die, give your books in inheritance to your sons, for I see coming that an age will come upon people during which nothing will entertain them save their books."155

This is the very interconnection and continuity that are found with the Holy Imams of the Ahl al-Bayt; in the same way as Imam al-Hasan al-Mujtaba ordered his followers to write down the religious knowledge when they would be prevented from reporting the Hadith as a result of the Umayyad intellectual terrorism, Imam Ja`far al-Sadiq carried the same idea urging on paying very much attention to the recordations since he lived in an age that was similar to that of the Umayyad dynasty and the same tragedy would be about to take place again though in another form.

The prohibition of the Hadith was about to reach its climax during the reigns of the `Abbasid rulers, but those rulers had to build good relations with the neighboring nations, such as the Persians, the Turks, and others, and they lived in noticeable opulence, especially during the reigns of al-Mansur and al-Rashid.

These reasons diverted the people from paying considerable attention to the religious knowledge; rather they devoted themselves to the fields of amusement and impudence as well as other secondary items of knowledge. Moreover, the psychological and doctrinal connections became difficult and the attainment of the genuine knowledge with the existence of such choppy waves was hardly possible.

In view of that, Imam Ja`far al-Sadiq gave attention to the necessity of keeping the recordations of the religious knowledge so that people would seek the light of these books during the murks of policy and controversies.

Moreover, Imam Ja`far al-Sadiq and his disciples are reported to have never wasted any moment that would be used for recording the religious knowledge. It has been narrated that he once asked one of his disciples, "I know that you cannot memorize; where is your friend who writes down for you?" The man answered that his friend might have been engaged in a matter that prevented him from presence there. The Imam thus asked another man to write down for him.156

All the words of Imam Ja`far al-Sadiq were written down by his disciples who kept them in books. He

also wrote down many epistles refuting the false claims of the atheists,[157] and answering the questions of `Abdullah al-Najashiy (the governor of al-Ahwaz, southern Iran).[158] He also wrote down an elucidation of the religious laws entitled *al-Ja`fariyyat* or *al-Ash`athiyyat* because the reporter was ibn al-Ash`ath. It has been also narrated that Yahya ibn Sa`id said that Imam Ja`far al-Sadiq dictated to him a lengthy Hadith concerning the rulings of the ritual Hajj.[159]

Imam Musa Al-Kadhim

Following the course of his forefathers, Imam Musa al-Kadhim paid great attention to the question of recording the religious knowledge and safeguarding such recordations in general and the Book of Imam `Ali in particular. However, the recording of the Hadith during the age of the Imam took another form. The Imam, from behind the bars of al-Rashid's jail, had to use the form of the secret correspondence that he sent to his disciples answering their questions concerning religious affairs.

According to narrations, Imam Musa al-Kadhim, remained in prison for seven years on the order of `Abbasid ruler, Harun al-Rashid. Other narrations defined fifteen years as the period spent by Imam Musa al-Kadhim in the prison.

At any rate, such a long period of imprisonment naturally necessitated the style of correspondence; therefore, the Imam used to exchange letters with his disciples some of whom used to visit him secretly and ask him about religious affairs although the style of correspondence was dangerous because the ruling authorities could have found such letters and investigated about the matter.

On the other hand, the intellectual and material luxury during the reign of al-Rashid caused the majority of the righteous and pious people to confine themselves to their houses and betake the methods of Sufism and seclusion. In no time did these practical methods change into intellectual aspects producing dangerous notions in Islam.

Consequently, Imam Musa al-Kadhim had to concentrate on this field and show the actual meaning of asceticism as well as the genuine trend of Islam. One of the Imam's efforts caused Bishr al-Hafi (the barefooted) to convert from the state of ultimate luxury and corruption into a superior state of asceticism and piety by virtue of the Imam's sound presentation.

The prison, the attempts of amending the deviations, and the sound treatments of the innovative schools—all these matters caused the religious course of Imam Musa al-Kadhim to slightly stand behind the lights that concentrated on the abovementioned aspects.

In spite of the presence of all these trends, the features of the recordation of the religious knowledge can be obviously seen in the conduct of Imam Musa al-Kadhim. Nevertheless, these features are less than they are with Imam Muhammad al-Baqir and Imam Ja`far al-Sadiq.

In this respect, Musa ibn Ibrahim Abu-`Imran al-Maruziy al-Baghdadiy narrated that he heard from

Imam Musa al-Kadhim, during his having been in the prison of the `Abbasid ruler, some questions that the Imam narrated on the authority of his father on the authority of his forefathers on the authority of the Holy Prophet. These questions have been recorded by Shaykh al-Tusiy160 and al-Najashiy.161

It has been also recorded by al-Halabiy, in his book of *Kashf al-Dhunun*, who says, "It has been also narrated by Abu-Na`im al-Isfahaniy." Depending upon al-Halabiy, Musa ibn Ibrahim also narrated these questions.162 This book has been reprinted many times.

Imam Musa al-Kadhim had the Book of Imam `Ali with him. Imam Ja`far al-Sadiq introduced him to al-Mufaddal ibn `Umar as "the holder of the Book of `Ali." Al-Nu`maniy, in his book of *Kitab al-Ghaybah*, has narrated on the authority of `Abd al-Wahid, on the authority of Ahmad ibn Muhammad ibn Rabah, on the authority of Ahmad ibn `Ali al-Himyariy, on the authority of al-Hasan ibn Ayyub, on the authority of `Abd al-Karim ibn `Amr al-Khath`amiy that al-Sa'igh said that he heard al-Mufaddal ibn `Umar asking Imam Ja`far al-Sadiq, "Is it possible that Almighty Allah imposes upon us to obey one of His servants but He does not acquaint him with the news of the Heavens (i.e. the hidden knowledge)?"

The Imam answered, "Be it known to you that Almighty Allah is too elevated, too generous, to merciful to his servants, and too compassionate to order of obeying a servant but He then conceals the hidden knowledge from that servant; rather Almighty Allah acquaints him with the hidden every day and night."

Meanwhile, Abu'l-Hasan (Imam Musa al-Kadhim) attended that conversation. Imam Ja`far al-Sadiq, hence, asked al-Mufaddal, "Would like to see the holder of the Book of `Ali?"

Al-Mufaddal said, "Nothing will ever delight me more than seeing that one."

Imam al-Sadiq, pointing to Imam al-Kadhim, said, "This is the holder of the Book of `Ali."163

Ahmad ibn `□sa al-Ash`ariy, in his book of *al-Nawadir*, has narrated that he heard Ibn Abi-`Umayr saying that `Ali ibn Yaqtin asked Imam Musa al-Kadhim about the temporary marriage.

The Imam answered, "Why do you ask about such a matter while Almighty Allah has saved you from it?"

`Ali ibn Yaqtin answered, "I just want to learn its ruling."

The Imam answered that in the Book of Imam `Ali, it is written... etc.164

It is worth mentioning that `Ali ibn Ja`far learned at the hands of his brother Imam Musa al-Kadhim and then recorded that knowledge in a book entitled *Masa'il `Ali ibn Ja`far*. This book was reprinted several times and finally it has been published by The *Mu'assasat □l al-Bayt li-Ihya' al-Turath* (The □l al-Bayt Foundation for Heritage Revivification) in Qumm – Iran.

In addition, his disciples have narrated many other books and epistles from Imam Musa al-Kadhim who, also, objected to the innovative principles (*Usul*), such as analogy and Opinionism. These objections can

be clearly found in his addresses to Suma`ah ibn Mahran[165] and Muhammad ibn Hakim.

It has been narrated that Muhammad ibn Hakim said to Imam Musa al-Kadhim, "May Allah accept me as ransom for you! We have learned the questions of our religion and by means of you, Almighty Allah has made us in no need for the people to the degree that we know the answer of each question that is ever put in any session that we attend.

This is of course out Almighty Allah's grace to us as a result of your presence among us. However, it happens that we face some questions the answers of which have not been known by us because we have not received anything from you or your forefathers in this respect. We therefore have to choose the best answer that jumps to our minds and select the answer that best suited the narrations that we have received from you."

Answering him, Imam Musa al-Kadhim said, "Far away is this! Son of Hakim! Because of such (baseless verdicts), perdition has afflicted people."[166]

It has been reported that Abu-Yusuf, once, asked Imam Musa al-Kadhim whether it is legal for a *Muhrim* to shade himself (or herself) under matters that should be avoided by the *Muhrims*.

The Imam answered no.

Abu-Yusuf then asked whether it is lawful for a *Muhrim* to sit under the shade of a wall, a howdah, or enter a house or a tent.

The Imam answered yes.

Abu-Yusuf thus laughed mockingly, but the Imam said to him,

"Abu-Yusuf! The religion cannot be exposed to analogy like yours and your teachers! Certainly, Almighty Allah, as is in His Holy Book, has enacted the law of divorcement and confirmed such with two witnesses stipulating that these two being decent. As is in His Book too, He has enacted the marriage but without witnesses.

Nevertheless, you have stipulated the existence of two witnesses in the matter about which Almighty Allah has not stipulated witnesses and canceled the stipulation of two witnesses in matters about which Almighty Allah has stipulated the existence of witnesses.

Moreover, you have made lawful for the insane and the drunk to divorce. Similarly, when the Messenger of Allah went on the Hajj, he did not use the shade of anything nor did he enter a house or a tent; rather he shaded himself with a howdah and a wall. We are thus doing the same as the Messenger of Allah did."

This answer muted Abu-Yusuf.[167]

It is now obvious that the Book of Imam `Ali was kept by Imam Musa al-Kadhim who acted upon it and showed before his disciples and others, especially in the controversial questions. In this respect, it has been narrated that Hammad ibn `Uthman asked Imam Musa al-Kadhim about the ruling appertained to the shares of inheritance of a man whose heirs are only his mother and brother.

The Imam asked, "Do you want me to judge according to the Book of `Ali?"

"Yes," answered the man.

The Imam then said, "(Imam) `Ali used to give the inheritance according to the degrees of kinship."

The man said, "This means that the brother's share is nothing."

The Imam commented, "I have told you that `Ali used to give the inheritance according to the degrees of kinship."168

The Imam's answer in the abovementioned narration was the elucidation of the general rule without plunging into the details. The addressee understood the Imam's intention although the latter could not state the ruling openly for fear of the leverage of the ruling authorities and their fans who used to lurk each and every word that would be said by the Imam as reported from his forefathers and the Holy Prophet.

It is also noticeable that Imam al-Kadhim, in the previous narration, documented his answer by showing that it would be quoted from the Book of Imam `Ali so that the asker would be certain of the accuracy of the answer and that the Imam would never answer out of his own conjecture as the others used to do.

A deep look into the presence of the Book of `Ali with the Holy Imams demonstrates that the book slowly graduated until it manifested itself clearly during the ages of Imam Muhammad al-Baqir and Imam Ja`far al-Sadiq. But it then began to abate during the age of Imam Musa al-Kadhim then began to graduate again, yet slowly, after the age of him.

This is because the genuine Muslim jurisprudence and the narrations from the Holy Prophet that were conveyed by his Household (i.e. the Ahl al-Bayt) who informed all the Muslims of the existence of the Book of `Ali with them and that all their reports are from this book as well as other not less important books—all these matters were perfected to form an independent school of clear features during the ages of these three holy Imams.

Accordingly, the intensive manifestation of the Book of `Ali was purposed for consolidating and spreading the true knowledge of Islam. As a result, the majority of such intensive manifestation of the genuine Muslim jurisprudence happened during the ages of these three Imams.

Remark

It is evidently noticeable that the holy Imams used to refer to the Book of `Ali particularly in matters appertained to the religious laws of inheritance, judicature, and testimonies; what is the secret beyond such particularization?

To trace the march of the history of the Muslim jurisprudence leads us to a serious reality that confirms the fact that has been documentatorily demonstrated in this book. This reality is that because the caliphs were in need for the religious authority while they failed to accomplished it, they had to prohibit the reporting and recordation of the Hadith.

What is more is that because the elasticity in Opinionism and Ijtihad would greatly contribute in achieving their aims especially in hard times, they adopted and enacted it. To prove this fact, it is easily noticeable that the majority of the reports from the Book of Imam `Ali were in the fields of the laws of inheritance, judicature, and testimonies.

As a matter of fact, the first jurisprudential controversy that occurred after the demise of the Holy Prophet was that which occurred between Lady Fatimah al-Zahra', the Holy Prophet's daughter, and Abu-Bakr, the caliph. This controversy aroused an enormous noise the sound of which has been heard all over ages up to the current day.

The issue in brief is that when Abu-Bakr, having become the ruler of the Muslim community, confiscated the garden of Fadak from the attorney of Lady Fatimah al-Zahra', she came to him demanding with her property. In the presence of the Muslims, she asserted that her father, the Holy Prophet, had donated that area to her exclusively.

Yet, Abu-Bakr asked her to present witnesses supporting her claim. She therefore presented Imam `Ali, al-Hasan, al-Husayn, Ummu-Ayman, and Ummu-Salamah.

In that session, Abu-Bakr had to reject the testimonies of these people presenting excuses that were unacceptable for Lady Fatimah al-Zahra' for they were contradictory to the texts of the Holy Qur'an and Sunnah. Correspondingly, this was the first controversial issue in the Muslim history.

When Abu-Bakr rejected these testimonies, Lady Fatimah al-Zahra', condescendingly, argued with him that if Fadak was not her father's gift to her, it should be within her inheritance from him. She then provided a number of verses from the Holy Qur'an as her evidence. In her fabulous, excellent address, she said,

"You are now claiming that I should not have any of my father's inheritance;

'Is it then the judgment of the times of ignorance that they desire? And who is better than Allah to judge for a people who are sure?' (***Holy Qur'an: 5/50***)

Son of Abu-Quhafah; is it mentioned in the Book of Allah that you inherit your father while I am prevented from inheriting my father?

'Surely you have done a strange thing!' (***Holy Qur'an: 19/27***)

Has it been deliberately that you have neglected the Book of Allah and thrown it away behind you back, while it reads,

'And Solomon was David's heir,' (***Holy Qur'an: 27/16***)

and also reads, within the story of Prophet Jonah son of Prophet Zachariah,

'Therefore, grant me from Thyself an heir who should inherit me and inherit from the children of Jacob,' (***Holy Qur'an: 19/5-6***),

and also reads,

'And the possessors of relationships are nearer to each other in the ordinance of Allah,' (***Holy Qur'an: 8/75***) and also reads, ***'Allah enjoins you concerning your children: The male shall have the equal of the portion of two females,'*** (***Holy Qur'an: 4/11***)

and also reads,

'If he leaves behind wealth for parents and near relatives, according to usage, a duty incumbent upon those who guard against evil.' (***Holy Qur'an: 2/180***)

As you have neglected all these and claimed that I should not have of my father's inheritance?"[169]

Abu-Bakr thus had to claim, alone, that he had heard the Holy Prophet saying, 'We, the Prophets, do not leave as inheritance a single dirham or dinar.' This in fact was the second controversial issue, because Lady Fatimah al-Zahra' refuted this claim using the general Qur'anic texts concerning the question of inheritance and that Prophet Solomon did inherit his father, Prophet David.

However, the best evidence on the falsehood of Abu-Bakr's claim is that he himself gave al-Zubayr ibn al-`Awwam, the husband of his daughter Asma', and Muhammad ibn Muslimah and others their shares from the inheritance of the Holy Prophet![170]

In view of that, it is easy to conclude that these two fields of the Muslim jurisprudence experienced distortion and ignorance more than the other fields did.

The extension of changes in these two fields is another proof on this fact; the issue of Khalid ibn al-Walid's having murdered Malik ibn Nuwayrah and committed fornication with his fresh widow was an extension of the policy of ignorance and opening wide the door of Opinionism in the field of Muslim judicature.

In order to find himself an exit from this judicial confusing issue, Abu-Bakr had to invent the question of "As Khalid tried to infer the ruling (i.e. practice *Ta'wil*: interpretation), he missed the right,"171 although Khalid himself could not deny the perpetration of fornication because all the army had been the witnesses. Naturally, decent, trusty people must have existed among the individuals of that army.

A similar issue took place during the reign of `Umar ibn al-Khattab; Imam `Ali ibn Abi-Talib and al-`Abbas ibn `Abd al-Muttalib litigated before `Umar, although some narrations confirm that this issue was filed before Abu-Bakr, as regards the issue of the inheritance of the Holy Prophet.

As `Umar ibn al-Khattab judged that the riding animal, the weapon, and the ring of the Holy Prophet should be kept by `Ali, objections were aroused against him before he had previously supported the claim of Abu-Bakr that the Prophets do not leave inheritances; therefore, it was improper for him to judge that `Ali and al-`Abbas would inherit the Holy Prophet!

As a result, `Umar had to chide them and declared nonintervention in the solving of that issue. This was of course an escape from plunging in the fields of the shares of inheritance, judicature, and testimonies that caused the doctrinal provisions to be violated.

During that period too, another similar issue took place. Al-Mughirah ibn Shu`bah committed fornication, and three witnesses testified so; rather the ruling authority colluded with the last witness in order to save al-Mughirah from the doctrinal punishment of committing such a crime.

Yet, according to the Muslim jurisprudence the testimonies of three witnesses, although they are not sufficient to materialize the crime of fornication, achieve the provision that the committer should be sentenced to the censure punishment for his having secluded himself with a married lady. Nevertheless, none of these punishments or procedures was carried out by the caliph. On the contrary, `Umar ibn al-Khattab threw aside all the religious laws appertained to this issue justifying that he had practiced Ijtihad in the fields of judicature, testimonies, and the violation of the doctrinal provisions.

During the reign of `Uthman ibn `Affan, a similar issue took place. Al-Walid led a congregational prayer while he was drunk, and a complete number of witnesses testified such. Rather, `Uthman desired to save al-Walid from the punishment of that act but Imam `Ali, as well as the other Muslims, insisted on implementing that religious provision.

A look at the proofs of `Uthman ibn `Affan that he presented for justifying the act of the accused as well as his efforts of threatening the witnesses confirms the topic of this discussion. In fact, `Uthman exceeded all limits in this respect until `[illegible]ishah declared that he had violated the doctrinal provisions and threatened the witnesses.172

Distortion in the issues of the laws of inheritance continued and attained its climax when `Uthman ibn `Affan gave Fadak and al-`Awaliy in possession to Marwan ibn al-Hakam violating the allegation of Lady Fatimah al-Zahra' that these areas had been donated to her by her father or that they had been within

her share of her father's inheritance. `Uthman's deed is also a violation to the claims of Abu-Bakr that these areas were for all the Muslims.

Having not stopped at this edge, this state reached a crisis when Yazid violated all the religious laws, committed all forbidden crimes, and drank intoxicants publicly while his father, Mu`awiyah, neither sentenced him to the doctrinal punishments of committing such crimes nor warned him against corruption and libertinism, publicly at least, although the Umayyads in general and Mu`awiyah in particular fought against Imam `Ali under the pretense of inheritance and that his having been the heir of `Uthman ibn `Affan for nothing more than that both of them meet in the upper lineage while `Uthman's son was alive and he, not Mu`awiyah, was legally authorized in judging about the issue of his killed father.

Nevertheless, Mu`awiyah distorted the facts appertained to the laws of inheritance and could deceive the Muslims of Syria convincing them to fight and be killed depending upon this distorted presentation of the inheritance.

However, this distortion was preceded by a similar one, which was declared on that day during the meeting of the *Saqifah* when the people of Quraysh took the leadership (caliphate) from the Ansar under the pretense of kinship to the Holy Prophet, while they neglected Imam `Ali on the pretext that they were the clan of the Holy Prophet and were more powerful than Imam `Ali in the administration of the new state since they were old men while `Ali was still young!

The greatest calamity accompanied the coming of the `Abbasid rulers to power; because the rivals of the `Abbasid rulers, namely the descendants of Imam `Ali ibn Abi-Talib, were closer to the Holy Prophet than the `Abbasids and they are thus worthier of holding the position of the leadership of the Islamic state, the `Abbasids distorted and misused the religious laws of inheritance, judicature, and testimonies.

As they realized that this fact would invalidate all their claims, the `Abbasids spared no single effort in distorting the religious laws of inheritance, misrepresenting all the concepts and texts of the Holy Qur'an and Sunnah. In this respect, they urged a poet, named Marwan ibn Abi-Hafsah, to poetize the following:

How can it be? And it can never be

Descendants of daughters inherit instead of uncles!

Though some reference books confirm that it was Imam `Ali ibn Musa al-Rida who refuted such distortion, a Shi`ite poet replied,

Why can it not be? Verily, it can be

Descendants of daughters inherit instead of uncles

A daughter has a whole half of the heritage

And the uncle's share is nothing

What the Released one's relationship with the heritage[173]

While he only prostrated for fear of sword![174]

It has been also narrated that Harun al-Rashid, the `Abbasid ruler, once visited the holy city of al-Madinah. When he passed by the tomb of the Holy Prophet, he greeted him saying, "Peace be upon you, cousin!" Imam Musa al-Kadhim who also attended that situation greeted the Holy Prophet saying, "Peace be upon you, father!" This answer enraged the `Abbasid ruler very much.

According to another narration, it has been narrated that Harun al-Rashid, once, asked Imam Musa al-Kadhim, "How do you claim that you, rather than us, are the sons and heirs of the Messenger of Allah while we are all cousins?"

Answering the ruler, Imam Musa al-Kadhim asked, "Let us suppose that the Holy Prophet will ask for your daughter's hand, will you agree?"

Harun al-Rashid answered, "Definitely I will; and I will certainly take pride in this over all the Arabs and non-Arabs."

Imam Musa al-Kadhim commented, "But if the Holy Prophet asks for my daughter's hand, it will be unlawful for me to agree, because he is my father."

This answer confuted the `Abbasid ruler who could not find any answer.[175]

A similar situation occurred between the same `Abbasid ruler and Yahya ibn `Abdullah ibn al-Hasan.[176] These situations and their likes were among the reasons that made the `Abbasid ruler persecute Imam Musa al-Kadhim, Yahya, and many other members from the Holy Prophet's offspring.

On the other hand, the `Abbasid rulers' attempts to distort the religious laws of inheritance, judicature, and testimonies continued ceaselessly. The best example on this fact is the following incident:

One day, Harun, the `Abbasid ruler, summoned Abu-Yusuf, the famous judge, to find a solution for the issue that Harun was entrapped in an ethical trouble when the Muslims as well as Harun himself saw his son, al-Amin, drinking wine in the royal palace.

Harun did not know what to do; if he neglected the matter, it would be circulated among the Muslims who would no longer believe him as the commander of the believers, and on the other hand he did not want his crown prince and son to be sentenced to the legal punishment of consuming intoxicants.

He therefore sought the help of Abu-Yusuf, the judge, who did not disappoint the ruler when he presented so ridiculous pretexts in order to save the ruler's son. Thus, Harun prostrated himself as an expression of gratitude to Almighty Allah for such (baseless) solution and conferred upon the judge a

good wealth.177

From the abovementioned presentation we can realize why the Holy Imams focused exclusively on the religious laws of inheritance, judicature, and testimonies among the other sections of the Muslim jurisprudence.

Besides, the most common acts of the rulers obliged them to distort and misrepresent the laws of inheritance as well as the financial laws since such laws, if preserved as exactly as they are, would prevent them from usurping the public funds and misusing the fortunes of the Muslim community.

Similarly, in order that the rulers' parties of entertainment, singing, and impudence would continue, there should be found excuses for saving them from the doctrinal provisions of committing such acts. They therefore distorted the laws of testimonies and judicature.

In the same way as the true divine law of Islam refutes the false claim that the ruler of the Muslim community is above the law and that all of his crimes and misdeeds are forgiven, it refutes all the distortions of these rulers.

Imam `Ali Ibn Musa Al-Rida

As has been previously cited, reference books of the Ahl al-Bayt—the most important of which was the Book of Imam `Ali, *al-Jafr*, and *al-Jami`ah*—was transferred from one Imam to another. It thus reached Imam `Ali ibn Musa al-Rida from his father.

As regards, the *al-Jafr*, al-Kishiy in his famous book of biography (i.e. *al-Rijal*) has recorded that Nasr ibn Qabus was in the house of Imam Musa al-Kadhim when he saw his son `Ali (i.e. Imam al-Rida) reading in a book. Imam al-Kadhim commented, "This is my son `Ali, and the book he is reading is *al-Jafr*."178

It has been also narrated on the authority of `Ali ibn Ibrahim, on the authority of Muhammad ibn `[illegible]sa, on the authority of Yunus, on the authority of Abu'l-Hasan (i.e. Imam `Ali ibn Musa al-Rida), and on the authority of his father that Ibn Faddal said, "As I showed him the Book of `Ali, Imam `Ali ibn Musa al-Rida confirmed it, saying: Amir al-Mu'minin issued a verdict about the blood money for the wounds of the organs."179

It has been also narrated on the authority of `Ali ibn Ibrahim on the authority of Muhammad ibn `[illegible]sa on the authority of Yunus on the authority of Imam `Ali ibn Musa al-Rida, and on the authority of his father on the authority of Ibn Faddal that he said, "I showed the Book (i.e. *Kitab al-Fara'id*) before Abu'l-Hasan (Imam al-Rida) as investigation of its authenticity."180

It has been also narrated on the authority of `Ali ibn Ibrahim on the authority of his father that Ibn Faddal, Muhammad ibn `[illegible]sa both narrated that Yunus said, "As we presented before him the *Kitab al-Fara'id*

that is reported from Amir al-Mu'minin, Imam al-Rida confirmed its authenticity."[181]

It is true that in the age of Imam al-Rida, a new era commenced. It was the era of compilation, foundation, and documentation of the records that are claimed or supposed to have quoted the materials of the Book of Imam `Ali as well as the religious laws reported by the Ahl al-Bayt. During this era, their disciples used to compile and present these books before the holy Imams in order to document them.

This course began noticeably during the age of Imam `Ali ibn Musa al-Rida. In this respect, it has been narrated that Ibn Faddal and Yunus ibn `Abd al-Rahman said, "As we showed him *Kitab al-Fara'id* (The Book of Laws of Inheritance) that is reported from Amir al-Mu'minin, Imam al-Rida confirmed it."[182]

It has been also narrated that `Abdullah al-Ju`afiy said: I, once, visited Imam `Ali ibn Musa al-Rida carrying with me a sheet of paper on which it was written, "It is reported that (Imam) Ja`far (al-Sadiq) said that this world has been represented for the Owner of this Matter (i.e. Imam al-Mahdi) like a half of a walnut that is split." Imam al-Rida commented, "This is unquestionably true. Copy it to a sheet made of leather."[183]

In this narration, a Hadith that was reported from Imam Ja`far al-Sadiq is presented before Imam `Ali ibn Musa al-Rida in order to investigate whether it is authentic or nor. Imam al-Rida, of course, would either check for the Hadith from the Book of Imam `Ali or, more generally, from the Hadiths that he had received from his father and forefathers.

At any rate, the aim of presenting the Hadiths before Imam al-Rida was to document these narrations that were reported from the three holy Imams—Muhammad al-Baqir, Ja`far al-Sadiq, and Musa al-Kadhim. Naturally, these narrations were mainly reported from Imam `Ali who had reported from the Holy Prophet.

It has been also narrated on the authority of Hamzah ibn `Abdullah al-Ja`fairy that Abu'l-Hasan said, "I, once, wrote down on a sheet of paper (the Hadith) that this world has been represented for the Imam (i.e. al-Mahdi) like a half of a walnut that is split, and I presented it before Imam al-Rida saying, 'May Allah accept me as ransom for you!

Our companions have reported a Hadith that I could not deny; rather I would like to hear it from you.' As the Imam looked in the paper, he folded it until I thought that he could not stand the matter. He then said, 'This is true. Write it down on a sheet of leather.'"[184]

Out of his extensive interest in the recordation of the religious heritage, Imam al-Rida used to offer an inkpot to everyone who would write down for the sake of knowledge and the religion. In this respect, it has been narrated that `Ali ibn Asbat said that Imam al-Rida, once, said, "The treasure about which Almighty Allah, in the Holy Qur'an, says,

'And there was beneath it a treasure belonging to them...' (***Holy Qur'an: 18/82***)..."

On hearing this, I said to the Imam that I would like to write down his saying. He immediately extended his hand to take the inkpot and put before me. But I hurried to his hand, kissed it, took the inkpot, and wrote down the saying.185

In addition, Imam al-Rida used to confirm that all that which he would say was the pure truth that was inherited from the Holy Prophet and that the genuine heritage of Prophethood was held by none except him.

In this respect, it has been narrated that Ya`qub ibn Ja`far said that he was accompanying Imam `Ali ibn Musa al-Rida in Makkah when a man said to him, "You are interpreting the texts of Allah's Book (i.e. the Holy Qur'an) in an unprecedented way." Answering the man, Imam al-Rida said,

"Before it was revealed to the people, the Qur'an had been revealed to us; and before it was explained to the people, it had been explained to us. We thus know best what is lawful and what is unlawful therein... This is the knowledge of what I have conveyed to you so long as I am bound by this duty. If you accept from me, you should then thank; and if you neglect, then it is Almighty Allah Who witnesses all things."186

It has been also narrated that `Abd al-Salam ibn Salih al-Harawiy said that on hearing Imam al-Rida saying, "May Allah have mercy upon him who enlivens our Matter," I asked, "How is your Matter enlivened?" The Imam answered,

"It is enlivened by learning our knowledge and conveying it to the people. Had the people been acquainted with our excellent wording, they would certainly have followed us."187

It has been also narrated that Abu-Nasr said to Imam al-Rida, "May Allah accept me as ransom for you! Some of our companions claim that they hear the traditions that are reported from your fathers and you and then analogize and act upon them!" The Imam answered,

"How strange this is! Nay, by Allah! This does not belong to the religion of Ja`far (al-Sadiq)! These people have nothing to do with us. They have neglected the obedience to us and occupied our positions. Where is the submission that they have shown to Ja`far and the father of Ja`far? Ja`far has said: Act not upon analogy. Nothing matches analogy except analogy that breaks it."188

About those who were entrapped by spurious arguments and were confused as regards the religious affairs, Imam al-Rida says,

"They have been deceived by spurious matters; therefore, the fact of their religion was confused for them. As they wanted to be guided to the right path of their own accord, they asked why, when, and how. As a result, perdition came upon them from the very place of their expectation. That was because of what their own hands have committed; verily, '*And thy Lord is not at all a tyrant to His slaves.*'

They have not been ordered to do such; rather in such situations what is obligatory upon them is only to

stop at situations of perplexity and refer what they have ignored to the learned ones who can infer it (from the Holy Qur'an), for Almighty Allah says in His Book,

'Whereas if they had referred it to the messenger and to such of them as are in authority, those among them who are able to infer the matter would have known it' (***Holy Qur'an: 4/83***)

These are certainly the Family of Muhammad. It is they who can infer it from the Qur'an, and it is they who know best what is lawful and what is unlawful, and it is they who are Almighty Allah's arguments against His creatures."[189]

Imam al-Rida is also reported to have written a book entitled *Sahifat al-Rida* that he reported from his forefather. This *Sahifah* has been frequently published.

He also wrote down the *al-Risalah al-Dhahabiyyah* (the Golden Epistle) for al-Ma'mun, the `Abbasid ruler, who ordered this epistle to be written with liquid gold and thus it took the title of the Golden Epistle. Yet, other historians have mentioned other reasons for this title. This epistle has been published many times.

It is also narrated that the book of *al-Ahlilijiyyah* (The Ellipse) was written by Imam al-Rida. About this book, Sayyid al-Amin says, "It comprises effective arguments and excellent topics concerning theology."

Furthermore, Imam al-Rida dictated to his disciples as well as the Muslim jurisprudents and students of jurisprudence numerous items of knowledge, since his sessions were dedicated to teaching and dictations of knowledge.

It has been narrated on the authority of `Ali ibn `Ali al-Khuza`iy (brother of Di`bil, the famous poet) that Imam `Ali ibn Musa al-Rida, in the city of Tus in the year AH 198, dictated to us a narration that he reported from his father, Musa ibn Ja`far.[190]

This narration clearly demonstrates that Imam al-Rida, having been interested in the recordation and the records of the religious knowledge, used to dictate Islamic knowledge to the scholars and students of religious knowledge who used to attend his sessions.

Imam Muhammad Ibn `Ali Al-Jawad

Imam Muhammad al-Jawad continued to take an interest in the recordation of the religious knowledge and to preserve the books and records in this field through exerting all possible efforts in amending and keeping them in safety.

For his having been too young, the rulers held many sessions of debate in order to confute or belittle Imam al-Jawad, but all their attempts failed. Moreover, the scholars and jurisprudents, as well as the publics, who attended these sessions were astonished by the unmatched scientific capacities of him.

In addition to his interest in the Muslim jurisprudence and the recordation of the religious knowledge, Imam al-Jawad was known of his having paid much attention to the doctrinal questions owing to the circumstances by which he passed.

Not only were the Imam's efforts dedicated to the sessions of debate and arguments but also he continued the march of recordation and documentation of the Islamic heritage. He therefore had full acquaintance with the Book of Imam `Ali and the reports from Imam Muhammad al-Baqir and Imam Ja`far al-Sadiq.

In this respect, it has been narrated that Muhammad ibn al-Hasan ibn Abi-Khalid asked Imam al-Jawad, "May Allah accept me as ransom for you! Our master scholars have reported from Abu-Ja`far (Imam al-Baqir) and Abu-`Abdullah (Imam al-Sadiq) when it was very recommended to practice *Taqiyyah*; therefore, they concealed their books and no longer were they narrated. When these scholars passed away, their books have become in our hands. Are the contents of these books authentic that we permitted to spread them?"

The Imam answered, "You all should spread the knowledge of these books, for they are the truth."[191]

This narration demonstrates the intellectual persecution, especially in the field of the recordation of the religious knowledge, that was practiced by the Umayyad and `Abbasid rulers to the degree that one of the intimate disciples of Imam al-Jawad doubted, or wanted to be sure, whether the contents of these narrations had been authentic or not.

Of course, such doubt was the natural result of the intellectual and doctrinal persecution that were practiced against the Muslims. In such situations did the actual role of the Imam manifest itself. The Imam is in fact the most accurate criterion of discriminating the authentic from the dubious as regards the recorded and reported heritage of Islam.

Most probably, the Imam had already seen such narrations in the Book of `Ali as well as the books of his forefathers; he therefore said to the asker, "You all should spread the knowledge of these books, for they are the truth."

Although the asker was single, the Imam answered using the form of plural. This indicates that this misfortune was encountered by all the disciples of the Imam and that the majority of the recorded and reported narrations were not yet documented as a result of political suppression, persecution, and terrorism.

As he had known for sure the recordations of his father in form and content, the Imam wept when he put the handwriting on his eyes and swore its having been his father's in order to refute any probability that the book might have been distorted or falsely ascribed to Imam al-Rida.

It has been narrated that Ibrahim ibn Abu-Mahmud said that he once visited Abu-Ja`far (Imam al-

Jawad) carrying some of his father's books. The Imam took them, read them, and then moved the book closer to his eyes, saying, "This is my father's handwriting. I swear it by Allah." He then wept heavily that his tears flew on his cheeks.192

Al-Arbaliy, in *Kashf al-Ghummah*, has also narrated on the authority of Imam Muhammad al-Jawad that it is written in the Book of `Ali that son of Adam is similar to a scales; he is either preponderant due to knowledge (or reason) or low-grade due to ignorance.193

The Imam also confirmed the significance of recording the religious knowledge since it is more influential than reporting and even more authentic in the view of the receiver of the narration, especially when some of the readers of these records had known the handwriting of the Imam.

In this connection, it has been narrated that `Abd al-`Aziz ibn al-Muhtadiy asked Imam al-Jawad about the manner of Yunus ibn `Abd al-Rahman. In a written form, Imam al-Jawad answered, "I love him and ask Almighty Allah to have mercy upon him although he disagreed with the people of your town."194

The Imam wrote a number of epistles and missives to his disciples. It has been narrated that Ahmad ibn Muhammad ibn `Isa said that Abu-Ja`far (Imam al-Jawad) sent him a missive with his slave in which he asked him to pay him a visit... Give him this missive of mine and order him to send me the money... etc.195

It has been also narrated that al-Hasan ibn Sham`un said that he read the following missive written by Imam al-Jawad personally to `Ali ibn Mahziyar: "In the Name of Allah, the All-beneficent, the All-merciful; O `Ali! May Allah reward you excellently... **etc.**"196

The Imam sent another missive to `Ali ibn Mahziyar who was in Baghdad197 and a third one while the latter was in al-Madinah.198 He is also reported to have said that he sent a missive to Imam al-Jawad asking him what to do with a thing that belonged to him, and the Imam answered... etc.199 It has been also narrated that Muhammad ibn Ahmad ibn Hammad al-Maruziy said that Imam Muhammad al-Jawad wrote a missive to his father... etc.200

In a long narration, it has been narrated that `Abd al-Jabbar al-Nahawandiy saw a missive sent from Muhammad ibn `Ali al-Hashimiy (i.e. Imam al-Jawad) to `Abdullah ibn al-Mubarak... etc.201

Shaykh `Azizullah al-`Itaridiy has compiled the narrations of Imam Muhammad al-Jawad in a book entitled *Musnad al-Imam al-Jawad*.

Imam `Ali Ibn Muhammad Al-Hadi

Like his holy forefathers, Imam `Ali al-Hadi kept the Book of Imam `Ali from which he reported the traditions and blessed Sunnah of the Holy Prophet. Out of his incomparable interest in the Book of `Ali, Imam `Ali al-Hadi reported from that book while he was bed-ridden due to the poison that was put to

him.

It has been narrated that Abu-Du`amah said: I visited `Ali ibn Muhammad ibn `Ali ibn Musa in his final ailment because of which he departed life. When I was about to leave, he said to me, "Abu-Du`amah! It is now incumbent upon us to honor you. May I inform you of a narration that will please you?"

"I am terribly needful for such a narration, son of Allah's Messenger!" I said. He said,

"My father Muhammad ibn `Ali (Imam al-Jawad) reported to me from his father `Ali ibn Musa (Imam al-Rida) that his father Musa ibn Ja`far (Imam al-Kadhim) reported to him from his father Ja`far ibn Muhammad (Imam al-Sadiq) that he reported from his father Muhammad ibn `Ali (Imam al-Baqir) that his father `Ali ibn al-Husayn (Imam Zayn al-`bidin) reported to him from his father (Imam) al-Husayn ibn `Ali that his father (Imam) `Ali ibn Abi-Talib reported to him that the Messenger of Allah asked him to write down. 'What should I write down,' asked `Ali. The Holy Prophet answered, 'Write down: In the Name of Allah, the All-beneficent, the All-merciful; Real faith is that which is confirmed by hearts and substantiated by deeds. Islam is that which is said by tongues and by which marriage is deemed lawful."

(Abu-Du`amah added) I then said, "Son of Allah's Messenger! I cannot tell whether the contents of the Hadith or its series of narrators are the best!"

Imam al-Hadi answered,

"This is taken from a *Sahifah* that is handwritten by `Ali ibn Abi-Talib and dictated by the Messenger of Allah. We are inheriting this *Sahifah* from one another."202

This narration reveals that all or the majority of the narrations said by the Holy Imams of the Ahl al-Bayt are quoted from the Book of Imam `Ali even if they would not declare so in each and every saying; rather they declared it in general.

Unfortunately, some ignorant people had not realized this fact; they therefore accused Imam Ja`far al-Sadiq of having been 'bookish' since they could not understand that he depended upon the books that comprised the dictations of the Holy Prophet and were handwritten by Imam `Ali ibn Abi-Talib.

In order that the Hadiths would reach the next generations as purely and authentically as possible, Imam `Ali al-Hadi continued the process of the documentation of the narrations and records that are reported from his father and forefathers.

It has been narrated that Muhammad ibn `sa said: Dawud ibn Farqad al-Farisiy read to me his missive to Abu'l-Hasan III (i.e. Imam `Ali al-Hadi) who answered that missive with his own handwriting. In this missive, Dawud had asked him, "We would like to ask you about the knowledge that is reported to us from your father and forefathers; controversy occurred to such narrations and we do not know what to do about it. Should we refer such contradictory items to you?"

Answering him, Imam `Ali al-Hadi wrote down,

"As regards the items that you are sure of their being authentically ascribed to us, you must adhere to them. But as for the items about which you are not sure, you must refer them to us."203

In the abovementioned narration, the Imam made incumbent on his disciples to refer the dubious and ambiguous narrations, as well as those whose ascription to the Holy Imams is suspected, to the Holy Imams in order to document the authentic and reject the forged and the erroneous.

Some of his disciples have narrated that Imam `Ali al-Hadi wrote down a book on the exegesis (*Tafsir*) of the Holy Qur'an entitled *al-Amaliy fi Tafsir al-Qur'an*. This book has been frequently reprinted although some scholars have doubted its having been written by Imam `Ali al-Hadi.

Sayyid al-Amin has also mentioned that Imam `Ali al-Hadi wrote another book about the laws of the religion (*Ahkam al-Din*) refuting the spurious arguments of the Fatalists (*Ahl al-Jabr*) and the Indeterminists (*Ahl al-Tafwid*).204

Copies of this book were kept by Abu-Tahir,205 `[illegible]sa ibn Ahmad ibn `[illegible]sa,206 `Ali ibn al-Rayyan,207 and `Ali ibn Ja`far al-Hamaniy.208

Shaykh `Azizullah al-`[illegible]taridiy has compiled the Hadiths reported from Imam `Ali al-Hadi in a book entitled *Musnad al-Imam al-Hadi*.

Imam Al-Hasan Ibn `Ali Al-`Askariy

Imam al-Hasan al-`Askariy dedicated his efforts to two chief tasks; he first exerted all efforts in informing his intimate disciples everything related to his son, Muhammad al-Mahdi, as being the next Imam.

Secondly, he concerned himself with the matter of the recordation and the documentation of the records comprising the religious knowledge through comparing them to the contents of the Book of Imam `Ali as well as the heritage that he had received from his father and forefathers. In this discussion, we will deal exclusively with the second task for it is related to the main topic of this book.

It has been narrated on the authority of Sa`d ibn `Abdullah al-Ash`ariy that Ahmad ibn `Abdullah ibn Khanibah showed a book to our master Abu-Muhammad al-Hasan ibn `Ali ibn Muhammad (al-`Askariy) who, having read that book, declared its authenticity and ordered to act upon it.209

After it had been confirmed by Imam al-`Askariy, the book became a reference for the seekers of the genuine knowledge and the authenticated narration. They therefore investigated the narrations that they had taken from other sources to this book.

It has been narrated that al-Hasan ibn Muhammad ibn al-Wajna' Abu-Muhammad al-Nusaybiy said that when they wrote a missive to Imam al-`Askariy asking him to write down or supply them with a book

upon which they would act, the Imam gave them such a book.

Al-Safwaniy said that he copied it and compared it to the book of Ahmad ibn `Abdullah ibn Khanibah and found out that they were almost the same with a little difference in a few number of letters.210

Apparently, Imam al-Hasan al-`Askariy gave them a book that comprised the major and most important religious questions. This fact demonstrates the Imam's great attention to the recordation of the religious knowledge. Although he was among them, the Imam realized the significance, comprehensiveness, and common benefit of the recorded knowledge; he therefore wrote a book for his disciples.

Like their master, the disciples of Imam al-Hasan al-`Askariy took a great interest in the recordation and the documentation of the recorded knowledge; therefore, al-Safwaniy, according to the aforesaid narration, copied the book of Imam al-`Askariy and then compared it to the book of Ahmad ibn `Abdullah ibn Khanibah, which had been already documented by the Imam.

As a conclusion, the process of documenting the reported and recorded narrations was very important in the view of the Ahl al-Bayt who also conveyed it to their disciples and taught them to preserve such records.

When they asked him what they should do about the books of the sons of Faddal that were filling their houses, Imam al-Hasan al-`Askariy answered, "You should accept their narrations and neglect their opinions."211

Sons of Faddal had been Shi`ites and had recorded the Hadiths of the Holy Imams of the Ahl al-Bayt before they deviated doctrinally and adopted erroneous concepts about Imamate. Accordingly, the people doubted the narrations that they had recorded although their houses were full of such records.

This is an indication to the fact that the followers of the Ahl al-Bayt took a great interest in and benefited from the records that comprised the religious knowledge in the same way as they used to investigate the authenticity of the contents of such records.

The Imam thus answered that the reports of the sons of Faddal had been authentic and they therefore should be adopted, but their opinions and concepts that violated the genuine beliefs of the true course of the Ahl al-Bayt should be neglected.

It has been narrated that Dawud ibn al-Qasim al-Ja`fary showed the book of *Yawm*(*un*) *wa-Laylah* to Imam al-Hasan al-`Askariy who asked, "Who compiled this book?"

"Yunus, the slave of the Yaqtin did," I answered.

The Imam commented, "May Allah confer upon him, on the Resurrection Day, with illumination for each letter that he had written."212

Imam al-Hasan al-`Askariy is reported to have written down a book on the exegesis of the Holy Qur'an. This book has been many times reprinted under the title of *Tafsir al-Imam al-`Askariy*.

It has been reported that some books reported to have been written by Imam al-Hasan al-`Askariy were kept by Ibn Mu`adh al-Huwaymiy,213 Abu-Tahir al-Raziy—grandfather of Abu-Ghalib—, Muhammad ibn al-Rayyan ibn al-Salt, and Muhammad ibn `[illegible]sa al-Qummiy. These books comprised many questions which were reported by these disciples.214

It has been also reported that when his disciples sent messages asking about questions in the religious laws and doctrines, Imam al-Hasan al-`Askariy used to answer all these questions. Historians have mentioned the names of some of those who exchanged letters with the Imam, such as Muhammad ibn al-Hasan al-Saffar,215 `Abdullah ibn Ja`far,216 Ibrahim ibn Mahziyar,217 `Ali ibn Muhammad al-Husayniy,218 Muhammad ibn al-Rayyan,219 al-Rayyan ibn al-Salt,220 `Ali ibn Bilal,221 Hamzah ibn Muhammad,222 and Muhammad ibn `Abd al-Jabbar.223

Imam Muhammad Ibn Al-Hasan Al-Mahdi

Imam al-Mahdi inherited the knowledge of his forefathers including the Book of Imam `Ali and the others that they had kept. Before that, the Holy Imams had stated that the Book of Imam `Ali, the *Mushaf* of Fatimah, and the others books that were written during the age of the Holy Prophet would be found with Muhammad al-Mahdi, the last Imam, and that he would not issue any judgment unless it would be corresponding to the contents of these books.

In this connection, it has been narrated on the authority of Hamran ibn A`yun that Imam Muhammad al-Baqir (Abu-Ja`far) pointed at a big house and said,

"O Hamran! In this house there is a *Sahifah* of seventy cubit length. It was handwritten by (Imam) `Ali with the dictations of the Messenger of Allah. If we rule over the people, we would judge between them according to what Almighty Allah has revealed and thus we would never exceed the contents of this *Sahifah*."224

The Holy Imams had also stated that the Book and the *Sahifah* of Imam `Ali would be kept by them forever and they would never be exposed to obliteration; rather they (i.e. the Holy Imams) would inherit them from one another.

As has been previously cited, Abu-Basir is reported to have said that Imam Muhammad al-Baqir showed him a *Sahifah* comprising all that which is deemed lawful and unlawful as well as the laws of inheritance.

"What is this?" asked Abu-Basir.

The Imam answered, "This *Sahifah* comprises the dictations of the Messenger of Allah with the

handwriting of (Imam) `Ali."

"Will this *Sahifah* be exposed to extinction?" asked Abu-Basir.

Imam al-Baqir answered, "What is the thing that will cause it to be extinct?"

"Will it be exposed to obliteration?" asked Abu-Basir.

Imam al-Baqir answered, "What is the thing that will cause it to be obliterated?"225

In the famous narration about his meeting with Imam al-Mahdi in Samarra' (a city northern Baghdad, Iraq), al-Hasan ibn Wajna' an-Nusaybiy said that the Imam gave him a book comprising the *Du`a' al-Faraj* (Supplication of asking Almighty Allah for hastening His relief to Imam al-Mahdi by permitting him to reappear in this world) and a statement about the way of sending blessings to him (i.e. Imam al-Mahdi).

The Imam then taught him to say these supplications whenever he wanted to pray to Almighty Allah to send His blessings to the Imam. He also asked him not to give this book except to the intimate disciples... etc.226

It has been also narrated that Imam al-Mahdi once asked one the disciples of his father and him to show him a ring that had been given to him by Imam al-Hasan al-`Askariy (Imam al-Mahdi's father). When the man showed him the ring, the Imam wept and kissed it. He then began to read the inscription on that ring, which reads, '*Ya-Allah, Ya-Muhammad, Ya-`Ali.*' He then said to the ring, "Sacrificed be the hand in which you were placed for long time."227

Because he disappeared from visions for about seventy years, Imam al-Mahdi could not spread the religious laws and encourage the recordation of the religious knowledge openly; rather he was exchanging letters with his intimate disciples who used to ask him about the major religious questions and he thus answered by sending them messages containing his signature so that they would not be distorted or counterfeited.

Accordingly, these messages have been called *al-Tawqi`at* (The Signatures). In the past as well as in the current time, many scholars have compiled these *al-Tawqi`at* in books. Abu'l-`Abbas al-Himyariy, one of Imam al-Mahdi's disciples who died in AH 299, was the first to compile these *al-Tawqi`at* in a book.

Recently, a book comprising the majority of Imam al-Mahdi's messages and written instructions has been compiled by Shaykh Muhammad al-Gharawiy under the title of *al-Mukhtar min Kalimat al-Imam al-Mahdi* (Selected Words of Imam al-Mahdi). This book has been recently published.

From the aforecited discussion, we can conclude that the Holy Imams' continuity in the field of the recordation of the religious heritage began with Imam `Ali ibn Abi-Talib's writings and then continued

throughout the generations up to the age of Imam Muhammad al-Mahdi. After that, the disciples of the Holy Imams and the scholars have compiled these records.

Distinctive concentration and confirmation was given to the question of the documentation of the records of the religious knowledge after the Imamate of Imam Musa al-Kadhim. However, the process of the documentation was originally very old since the Holy Imams confirmed and practiced it and documented all the texts that their disciples used to show to them. At any rate, during the age of Imam `Ali ibn Musa al-Rida and afterward, the process of documenting the religious records noticeably increased.

As we are coming to the conclusion of this part of our thesis, it is important to attract attentions to a significant factor that stood behind the slow down of the recordations and records for the followers of the School of Ijtihad and Opinionism. Some of those who surrounded the Holy Prophet used to treat with him as if he had been an ordinary person, without making any difference between any other person and him.

They therefore called out to him from behind the private chambers;228 and annoyed him by sitting with him for very long times;229 and believed his having been an ordinary person that was exposed to errancy in the very same way as he might be correct; and believed that when he was enraged, he might say things that he would not say if he was pleased.230

It has been narrated that `Abdullah ibn `Amr ibn al-`□s said: I used to write down each and every item that would be said by the Messenger of Allah so that I would memorize it, but the people of Quraysh warned me against such, saying, "Do you really write down each and every item that is said by the Messenger of Allah while his sayings are influenced by his manners; that is when he is enraged, he may say things that he does not say when he is pleased?" I therefore stopped writing down his sayings. When I mentioned this matter before him, the Messenger of Allah said to me,

"Write down (everything I say); for, I swear by Him Who grasps my soul, nothing comes out of my mouth except the truth."231

According to the abovementioned narration, it was the people of Quraysh who ordered `Abdullah ibn `Amr ibn al-`□s to stop writing down the Holy Prophet's words, claiming that he might say untrue things when he would be angry!

The Holy Prophet is too great to pronounce any untrue word.

It has been also narrated on the authority of `Amr ibn Shu`ayb on the authority of his father that his grandfather, once, asked the Holy Prophet whether he might write down everything that he would hear from him.

"Yes, you may," the Holy Prophet answered.

"In both manners of anger and pleasure?" asked the man.

“Yes, in both manners. Verily, I say nothing but the truth whatever my manner be,” answered the Holy Prophet.232

This very idea was also common and prevalent, and even effective, during the ages of the Holy Imams. Accordingly, some people imagined that the Imam, being enraged, might report a matter or say something that he would not say it when he would be pleased.

Unfortunately, such people believed that the Holy Imams were just like the other fuqaha, scholars, and Ijtihadists whose opinions are exposed to change according to the circumstances by which they pass or according to the proofs on which their eyes might fall in a certain period of their lifetimes.

The Holy Imams of the Ahl al-Bayt always answered and said the same words of the Holy Prophet; as a result, none of the Muslim master scholars dared to say so save them, since they enjoyed the highest degree of self-confidence and they believed indisputably in the authenticity of their reports as regards the religious affairs and laws. They therefore ordered their disciples to write down these reports because they were conclusively true.

It has been narrated on the authority of Hamzah ibn `Abd al-Muttalib that `Abdullah al-Ju`afiy said: I, once, visited Imam `Ali ibn Musa al-Rida carrying with me a sheet of paper on which it was written, “It is reported that (Imam) Ja`far (al-Sadiq) said that this world has been represented for the Owner of this Matter (i.e. Imam al-Mahdi) like a half of a walnut that is split.” Imam al-Rida commented, “O Hamzah! This is unquestionably true. Copy it to a sheet made of leather.”233

Many uninterrupted narrations have been reported concerning the fact that the Holy Imams of the Ahl al-Bayt say nothing but the truth and that they have never issued verdicts out of personal Ijtihad or given their own notions or opinions as regards a religious question. In this respect, it has been narrated on the authority of al-Fudayl ibn Yasar that Imam Muhammad al-Baqir said,

“If we speak out of our own opinions, we will certainly miss the right way in the same way as those, who were before us, had missed the right way when they spoke out of their own opinions. Rather we speak depending upon a proof of our Lord that He has explained to His Prophet and His Prophet has explained it to us.”234

Similarly, it has been narrated on the authority of Dawud ibn Abu-Yazid al-Ahwal that Imam Ja`far al-Sadiq said,

“If we give religious verdicts out of our desires and personal opinions, we will certainly be of those who shall perish; rather we give people verdicts derived from the traditions of the Messenger of Allah and from principles that we have inherited from our great fathers. We have hoarded up these principles in the same way as those people have hoarded up their fortunes of gold and silver.”235

It has been also narrated on the authority of Qutaybah that after Imam Ja`far al-Sadiq answered the

questions of a man, the latter said, “What if the answer is such-and-such, what will you say about it?”

Imam al-Sadiq, reproachfully, answered, “Shut up! Any answer that I give to you must be taken from the Messenger of Allah. We are not of those who say ‘what if’ at all.”236

Without doubt, such continuity in the recordation of the religious affairs and such ultimate confidence that all these records are the same as what have been said by the Messenger of Allah—such continuity and confidence cannot be found with any other Muslim School except the School of the Ahl al-Bayt that is the basis of the recordation of the religious knowledge and the foundation of the structure of the School of Thorough Compliance with the Sacred Texts. The matter is now too clear to be misunderstood; therefore, one may choose any narration that he/she likes.

Finally, it seems appropriate to quote the wording of Dr. Mustafa al-A`dhamiy about the Shi`ite Muslims:

“As for the Shi`ite Muslims the majority of whom belong to the Ithna`ashariyyah (Twelvers) School in the recent times, they believe in the Holy Sunnah as a source of the religion. Rather, the difference between them and us lies in the method of proving the authenticity of the Sunnah itself.”237

1. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 107; Ibn Sa`d: al-Tabaqat al-Kubra 2:389; Ibn Kathir: al-Bidayah wa’l-Nihayah 9:341.
2. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:77.
3. Abu-Na`im: Hilyat al-Awliya’ 3:363; Ibn Kathir: al-Bidayah wa’l-Nihayah 9:345 as is mentioned in al-Riwayah al-Tarikhiyyah 107.
4. Mahmud Abu-Rayyah: Adwa’un `Ala’l-Sunnah al-Muhammadiyyah 260.
5. Ibn Abi’l-Hadid: Sharh Nahj al-Balaghah 16:136.
6. Al-Zubayr ibn Bakkar: al-Muwaffaqiyyat 576-577; al-Mas`udiy: Muruj al-Dhahab 3:454; Muhammad ibn `Aqil: al-Nasa'ih al-Kafiyah 116; Ibn Abi’l-Hadid: Sharh Nahj al-Balaghah 9:338; Al-Nawawiy: Commentary on Muslim’s al-Sahih 1:81; al-Tabariy: al-Mustarshid 174.
7. Ibn al-Maghaziliy: Manaqib `Ali 142 No. 186.
8. Al-Nawawiy: Commentary on Muslim’s al-Sahih 1:81.
9. Ibn al-Maghaziliy: Manaqib `Ali 124 H. 186.
10. Ibn Shu`bah al-Harraniy: Tuhaf al-`Uqul 198.
11. Ibn Abi’l-Hadid: Sharh Nahj al-Balaghah 4:73.
12. Ibn Abi’l-Hadid: Sharh Nahj al-Balaghah 4:59.
13. Al-Dahlawiy: Risalat al-Insaf.
14. This statement has been quoted by Asad Haydar in his famous book of ‘al-Imam al-Sadiq wa’l-Madhahib al-Arba`ah’ 1:396.
15. Jamal al-Din al-Muzziy: Tahdhib al-Kamal, 6:124.
16. Ibn Qutaybah: `Uyun al-Akhbar 2: 112 as mentioned in al-Imam al-Sadiq wa’l-Madhahib al-Arba`ah by Asad Haydar 1:397.
17. Ibn Abi’l-Hadid: Sharh Nahj al-Balaghah 4:63; al-Basyawiy: al-Ma`rifah wa’l-Tarikh (Chapter: Biography of Abu-Hurayrah).
18. Muhammad ibn `Aqil: al-Nasa'ih al-Kafiyah 89; Ibn Abi’l-Hadid: Sharh Nahj al-Balaghah 11:46.
19. Al-Sahifah al-Sajjadiyyah, Du`a' No. 8.
20. Al-Arbaliy: Kashf al-Ghummah 2:98-99.
21. Al-Halawaniy: Nuzhat al-Nadhir 45.

22. Shaykh al-Saduq: Ikmal al-Din 9:31 H. 324
23. Ibn al-Athir: Usd al-Ghabah fi Ma`rifat al-Sahabah 2:472 (Biography of Sahl ibn Sa`d).
24. Sayyid Muhsin al-Amin: A`yan al-Shi`ah 1:330.
25. This book (Sahifat `Ali ibn Abi-Talib `An Rasulillah; Dirasatun Tawthiqiyyatun Fiqhiyyah) was published in AH 1406 in Aleppo, Dar al-Salam Publications.
26. Al-Tabrisiy: al-Ihtijaj 155; al-Majlisiy: Bihar al-Anwar 44:100.
27. Ahmad ibn Hanbal: al-`Ilal 1: 104 (Ankara University Press).
28. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 165/12.
29. Al-Tabaraniy: al-Mu`jam al-Kabir 413 H. 22; al-Tusiy: al-Ghaybah 118.
30. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 167.
31. Shaykh al-Kulayniy: Rawdat al-Kafi 8:136 H. 172.
32. Shaykh al-Mufid: al-Irshad 2:142; Ibn Shahrashub: Manaqib li Abi-Talib 4:149; Shaykh al-Tabrisiy: I`lam al-Wara bi-A`lam al-Huda 245; al-Majlisiy: Bihar al-Anwar 46:74 H. 65.
33. Imam `Ali ibn al-Husayn is also called 'Dhu'l-Thafanat', because his knees were callous due to his very frequent and long prostrations for Almighty Allah. He is also called 'al-Sajjad', which means the one who very frequently prostrates himself for Almighty Allah.
34. Al-Najashiy: al-Rijal 360 No. 966.
35. Al-Kulayniy: al-Kafi 7:329 H. 1.
36. Al-Kulayniy: al-Kafi 7:77 H. 1.
37. Al-Kulayniy: al-Kafi 7:94 H. 3.
38. Al-Kulayniy: al-Kafi 7:77 H. 1.
39. Al-Kulayniy: al-Kafi 7:414 H. 3 and 4.
40. Shaykh al-Tusiy: Tahdhib al-Ahkam 1:227 H. 665/38, 9:86 H. 364/9; Shaykh al-Kulayniy: al-Kafi 3:9 H. 4.
41. Shaykh al-Tusiy: Tahdhib al-Ahkam 1:339 H. 398.
42. Shaykh al-Tusiy: Tahdhib al-Ahkam 2:23 H. 64/15; Shaykh al-Tusiy: al-Istibsar 1:261 H. 27; `Allamah al-Hilliy: Muntaha al-Matlab 1:207; al-Hurr al-`miliy: Wasa'il al-Shi`ah 4:144 H. 4754/14, 147 H. 4766/26.
43. About this topic, there are four narrations; the first is reported on the authority of `Abdullah ibn Sinan (see Shaykh al-Tusiy: Tahdhib al-Ahkam 5: 383 H. 13337/250), the second is reported on the authority of Ibn Maryam (see Shaykh al-Kulayniy: Furu` (Secondary Subjects) al-Kafi 4:368 H. 3), the third and the fourth are reported on the authority of `Abd al-Rahman ibn Abu-`Abdullah (Shaykh al-Tusiy: Tahdhib al-Ahkam 1:329 H. 963/136; Shaykh al-Kulayniy: Furu` al-Kafi 3:175 H. 6; and Shaykh al-Tusjiy: al-Istibsar 1:472 H. 1826/7).
44. Shaykh al-Kulayniy: Furu` al-Kafi 3:397 H. 1; Shaykh al-Tusiy: Tahdhib al-Ahkam 2:209 H. 818/26; al-Istibsar 1:383 H. 1; Ibn Abi-Jumhur al-Ihsa'iy, in `Awali al-La'ali 3:74 H. 34.
45. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 165 H. 14.
46. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 185 H. 11; al-Hurr al-'miliy: Wasai'l al-Shi'ah 4:103 H. 4630/4, 10:407 H. 13714/42.
47. Shaykh al-Tusiy: Tahdhib al-Ahkam 3:28 H. 96/8.
48. Shaykh al-Kulayniy: Usul al-Kafi 2:484 H. 2, 485 H. 7; al-Hurr al-`miliy: Wasa'il al-Shi`ah 7:80 H. 8784/3.
49. Shaykh al-Kulayniy: Furu` al-Kafi 3:505 H. 17; al-Hurr al-`miliy: Wasa'il al-Shi`ah 7:80 H. 11431/12.
50. Shaykh al-Saduq: `Ilal al-Shara'i` 2:584 H. 26; Shaykh al-Tusiy: al-Amaliy 1:131.
51. Shaykh al-Tusiy: Tahdhib al-Ahkam 4:158 H. 441/13; al-Istibsar 2:64 H. 208/10; al-Hurr al-`miliy: Wasa'il al-Shi`ah 10:255 H. 13349/11.
52. Shaykh al-Kulayniy: Furu` al-Kafi 4:340 H. 7; Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 2:217 H. 21; Shaykh al-Saduq: `Ilal al-Shara'i` 2:408 H. 1.
53. Shaykh al-Tusiy: Tahdhib al-Ahkam 5:344 H. 1190/103, 1191/104, 355 H. 1233/146; al-Istibsar 2:203 H. 3; Shaykh al-Kulayniy: Furu` al-Kafi 4:389 H. 5, 4:390 H. 9; Ibn Abi-Jumhur al-Ihsa'iy, in `Awali al-La'ali 3:173 H. 86, 88.
54. Shaykh al-Kulayniy: Tahdhib al-Ahkam 5:152 H. 502/27; al-Istibsar 2:240 H. 835/5; al-Hurr al-`miliy: Wasa'il al-Shi`ah 13:366 H. 17966/10, 367 H. 17972/16.

55. Shaykh al-Kulayniy: Furu` al-Kafi 5:31 H.5.
56. Shaykh al-Tusiy: Tahdhib al-Ahkam 6:343 H. 961/82.
57. Shaykh al-Kulayniy: al-Kafi 7:40 H. 1; Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 4:151 H. 1; Shaykh al-Tusiy: Tahdhib al-Ahkam 9:211 H. 836/3; Shaykh al-Saduq: Ma`ani al-Akhbar 217 H. 1.
58. Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 3:263 H. 37, 286 H.6; Shaykh al-Kulayniy: al-Kafi 5:135 H. 5, 452 H. 1; Shaykh al-Tusiy: Tahdhib al-Ahkam 7:432 H. 1723/34, 481 H. 1932/140; al-Istibsar 3:48 H. 158/1.
59. Shaykh al-Kulayniy: Usul al-Kafi 2:347 H. 4; Furu` al-Kafi 7:436 H. 9; Shaykh al-Saduq: al-Khisal 1:124 H. 119; Thawab al-A`mal 270 H. 8.
60. Shaykh al-Kulayniy: al-Kafi 6:202 H. 1, 207 H. 1; Shaykh al-Tusiy: Tahdhib al-Ahkam 9:22 H. 88/88; al-`Ayyashiy: Tafsir 1:294 H. 28, 295 H. 30.
61. Shaykh al-Kulayniy: al-Kafi 6:232 H. 1, 3; Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 3:210 H. 61; Shaykh al-Tusiy: Tahdhib al-Ahkam 9:57 H. 237/237; al-Hurr al-`miliy: Wasa'il al-Shi`ah 24:23 H. 29891/6, H. 29892/7, 65 H. 30010/44, 136 H. 30175/21.
62. Shaykh al-Kulayniy: al-Kafi 6:254 H. 1; Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 3:209 H. 57.
63. Shaykh al-Tusiy: Tahdhib al-Ahkam 9:5 H. 12/12; al-Istibsar 4:590 H. 5; Ibn Abi-Jumhur al-Ihsa'iy: `Awali al-La'ali 3:464 H. 9.
64. Shaykh al-Kulayniy: al-Kafi 6:219 H. 1; Shaykh al-Tusiy: Tahdhib al-Ahkam 9:2 H. 1/1.
65. Shaykh al-Tusiy: Tahdhib al-Ahkam 9: 9 H. 18/18; al-Hurr al-`miliy: Wasa'il al-Shi`ah 24: 134 H. 30170/16.
66. Shaykh al-Tusiy: Tahdhib al-Ahkam 9:4 H. 9/9, 10/10; al-Istibsar 4:58 H. 201/2, 59 H. 3.
67. Shaykh al-Tusiy: Tahdhib al-Ahkam 9:40 H. 169/169.
68. Shaykh al-Kulayniy: Usul al-Kafi 1:407 H. 1; Furu` al-Kafi 5:279 H. 5; Shaykh al-Tusiy: Tahdhib al-Ahkam 7:152 H. 674/23; al-Istibsar 3:108 H. 383/5; al-`Ayyashiy: Tafsir 2:25 H. 66; al-Hurr al-`miliy: Wasa'il al-Shi`ah 25:414 H. 32246/2; al-Mirza al-Nuriy: Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il 17:112 H. 1.
69. See, for instance, the narration of Abu-Ayyub al-Khazzaz recorded by Shaykh al-Kulayniy in al-Kafi 7:77 H. 1, Shaykh al-Tusiy in Tahdhib al-Ahkam 9:269 H. 976/3; the narration of Abu'l-Rabi` recorded in Shaykh al-Saduq's Man-la-Yahduruhu'l-Faqih 4:306 H. 13; the narration of al-Qasim ibn Sulayman recorded in Shaykh al-Tusiy's Tahdhib al-Ahkam 9:308 H. 1103/24; the narration of `Abd al-Rahman ibn al-Hajjaj recorded in Shaykh al-Kulayniy's Furu` al-Kafi 7:136 H. 1 and Shaykh al-Saduq's Man-la-Yahduruhu'l-Faqih 4:225 H. All these narrations were reported from Imam Ja`far al-Sadiq. Ibn Abi-Jumhur al-Ihsa'iy, in `Awali al-La'ali 2:152 H. 424; and al-Qadi al-Nu`man al-Maghribiy, in Da`a'im al-Islam 2:381 H. 1361; and Muhammad ibn Hasan al-Saffar, in Basa'ir al-Darajat 185—all these have reported that Imam Muhammad al-Baqir ordered the Book of `Ali to be brought to him, and thus Ja`far (i.e. Imam al-Sadiq) brought it.
70. Shaykh al-Kulayniy: al-Kafi 7:414 H. 3, 415 H. 7; Shaykh al-Tusiy: Tahdhib al-Ahkam 6:228 H. 550/1, 551/2 on the authority of Abu-Basir and Muhammad ibn Muslim and Zurarah. See also Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 163 H. 7.
71. Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 4:53 H. 14; Al-Barqiy: al-Mahasin 1:273 H. 377; Shaykh al-Tusiy: Tahdhib al-Ahkam 10:146 H. 579/10; Ibn Abi-Jumhur al-Ihsa'iy: `Awali al-La'ali 3:549; Shaykh al-Kulayniy: al-Kafi 7:200 H. 12, 214 H. 4, 216 H. 11; Shaykh al-Tusiy: Tahdhib al-Ahkam 10:55 H. 203, 90 H. 348/5, 345/2, 108 H. 421/38.
72. Shaykh al-Kulayniy: al-Kafi 7:316 H. 1, 329 H. 1; Usul al-Kafi 1:238 H. 1; Shaykh al-Tusiy: Tahdhib al-Ahkam 10:251 H. 996/29, 70 H. 21063/8, 277 H.9, 254 H. 1005/38; al-Istibsar 4:266 H. 1004/8, H. 72, 630 H. 55; Shaykh al-Saduq: al-Khisal 2:539 H. 9; Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 171 H. 3.
73. Al-Barqiy: al-Mahasin 1: 107 H. 93; Shaykh al-Kulayniy: al-Kafi 5:541 H. 4.
74. Shaykh al-Kulayniy: Usul al-Kafi 2:278 H. 8; al-Hurr al-`miliy: Wasa'il al-Shi`ah 15:321 H. 20631/4.
75. Shaykh al-Saduq: Thawab al-A`mal 277 H. 1; al-`Ayyashiy: Tafsir 1:223 H. 39; al-Mirza al-Nuriy: Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il 13:190 H. 3; al-Hurr al-`miliy: Wasa'il al-Shi`ah 1: 91 H. 215/18.
76. Shaykh al-Saduq: Thawab al-A`mal 298 H. 2; al-Amaliy 253 H. 2.
77. Shaykh al-Kulayniy: al-Rawdah Min al-Kafi 8:129 H. 100, 163 H. 172; Ibn Shahrashub, in Manaqib li Abi-Talib 2:125; al-Hurr al-`miliy: Wasa'il al-Shi`ah 1:91 H. 215/18.
78. Muhammad ibn Hammam al-Iskafiy: Kitab al-Tamhis 44 H. 55; Shaykh al-Kulayniy: Usul al-Kafi 2:259 H. 29; Shaykh

al-Saduq: `Ilal al-Shara'i` 1:44 H. 1.

79. Shaykh al-Kulayniy: Usul al-Kafi 2:136 H. 22; Warram ibn Abi-Firas: Tanbih al-Khawatir wa-Nuzhat al-Nawadhir 2:194.

80. Shaykh al-Mufid: al-Ikhtisas 227; Shaykh al-Kulayniy: Usul al-Kafi 2:71 H. 2.

81. Shaykh al-Kulayniy: Usul al-Kafi 2:666 H. 2.

82. Al-Qummiy: Tafsir 1:36; al-`Ayyashiy: Tafsir 1:26 H. 2; al-Majlisiy: Bihar al-Anwar 11:103 H. 10.

83. Al-Qummiy: Tafsir 1:244; al-`Ayyashiy: Tafsir 2:33 H. 93; al-Majlisiy: Bihar al-Anwar 14:52 H. 5.

84. Shaykh al-Kulyniy: Usul al-Kafi 1:41 H. 1; Al-Himyariy al-Qummiy: Qurb al-Isnad 44; al-Majlisiy: Bihar al-Anwar 1:106 H. 2, 2:76 H. 14, 227 H. 5; al-Arbaliy: Kashf al-Ghummah 2:346.

85. The Holy Imam has explained this question to al-Hakam ibn `Uyaynah. See Shaykh al-Kulayniy: al-Kafi 7:329 H. 1; Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 4:104 H. 12; Shaykh al-Tusiy: Tahdhib al-Ahkam 10:254 H. 1005/38; al-Istibsar 4:288 H. 1089/1; Shaykh al-Mufid: al-Ikhtisas 254.

86. Sharif al-Murtada: al-Dhari`ah 2:154-155.

87. Al-Najashiy: al-Rijal 177 No. 467; Sharif al-Murtada: al-Dhari`ah 4:276, 8:24; al-Majlisiy: Bihar al-Anwar 1:15, 32, 84: 382, 92: 40, 66.

88. Sayyid Muhsin al-Amin: A`yan al-Shi`ah 1:321; al-Majlisiy: Bihar al-Anwar 3:93.

89. Al-Najashiy: al-Rijal 7 No. 2; Shaykh al-Tusiy: al-Fihrist 62 No. 119.

90. Al-Najashiy: al-Rijal 6 No. 1; Sayyid Hasan al-Sadr: Ta'sis al-Shi'ah li-'Ulum al-Islam 280; al-Khatib al-Baghdadiy: Tarikh Baghdad 8:449.

91. Al-Najashiy: al-Rijal 7&8 No. 3; al-Kulayniy: al-Kafi (Kitab al-Zakat).

92. Al-Najashiy: al-Rijal 333 No. 881; Sayyid Hasan al-Sadr: Ta'sis al-Shi'ah li-'Ulum al-Islam 284.

93. Sayyid Hasan al-Sadr: Ta'sis al-Shi'ah li-'Ulum al-Islam 283.

94. Al-Suyutiy: al-Ashbah wa'l-Nadha'ir 1:12-14; al-Qaftiy: Anba' al-Ruwat 1:39; al-Dhahbiy: Siyar A'lam al-Nubala' 4:84.

95. This epistle has been published by Ansariyan Publications under the title of 'The Epistle; Imam `Ali's Famous Epistle to Malik al-Ashtar'.

96. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 88; Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:71; Ibn Sa`d: al-Tabaqat al-Kubra 6:168; Sahih al-Bukhariy 1:40.

97. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 89.

98. `Abd al-Halim al-Jundiy: al-Imam Ja`far al-Sadiq 199.

99. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 90, Tarikh Baghdad 8:357.

100. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 89-90.

101. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 10:312 H. 29562.

102. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 10:312 H. 29563. A similar narration is recorded in Ibn Abi'l-Hadid's Sharh Nahj al-Balaghah.

103. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 10:313 H. 29564. Of course, this narration demonstrates the best way of handwriting the Arabic letters mentioned therein.

104. This narration is also recorded in Sharh Nahj al-Balaghah and Bihar al-Anwar with a little difference in expressions.

105. Muhammad ibn Ibrahim al-Thaqafiy: al-Gharat 1:251-254.

106. Al-Khara'itiy: Makarim al-Akhlaq 43 No. 317.

107. Musnad Ahmad ibn Hanbal 6:283; al-Tabaraniy: al-Mu`jam al-Kabir 5:127; al-Khara'itiy: Makarim al-Akhlaq 37.

108. Ibn Babawayh al-Qummiy: al-Imamah wa'l-Tabsirah min'al-Hayrah 180 H. 34.

109. Shaykh al-Kulayniy: al-Kafi 3:507 H. 2.

110. In the present time, the word 'Mushaf' is mainly used to refer to the Holy Qur'an.

111. Shaykh Tahir al-Jaza'iriy: Ma`rifat al-Naskh 31, 145; Tawjih al-Nadhar 6.

112. Mustafa al-A`dhamiy: Dirasatun fi'l-Hadith al-Nubawiy 107 as reported from Abu-Hatam: al-Ilal 1:104.

113. Ibn Sa`d: al-Tabaqat al-Kubra 64 :98 (Biography of Imam al-Hasan); Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:82; al-Ya`qubiy: al-Tarikh 2:227; al-Khatib al-Baghdadiy: al-Kifayah fi `Ilm al-Dirayah; al-Muttaqiy al-Hindiy: Kanz al-`Ummal 5:229; Ibn 'Asakir: Tarikh Madinat Dimashq (Biography of Imam al-Hasan).

114. Abu-Bakr al-Khatib: Sharaf Ashab al-Hadith 69 No. 146.
115. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 148/9, 163/3, 164/6.
116. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 162/1, 167/21.
117. Ibn Shahrashub: Manaqib ?li Abi-Talib 2:37; Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 163/4, 168/23.
118. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 160/29.
119. Kitab Sulaym ibn Qays 165.
120. Shaykh al-Tusiy: Tahdhib al-Ahkam 5:383 (Kitab al-Hajj)
121. Asad Haydar: al-Imam al-Sadiq wa'l-Madhahib al-Arba`ah 1:550 as quoted from Mustafa `Abd al-Razzaq: Tamhid(un) Li-Tarikh al-Falsafah al-Islamiyyah.
122. These two famous epistles have been frequently published, and many explanations have been written for them. They have been also translated into many languages.
123. Shaykh al-Kulayniy: al-Kafi 8:14, 17; Shaykh al-Tusiy: al-Fihrist 68 No. 138.
124. Shaykh al-Kulayniy: al-Kafi 7:40 H. 1, 2; Shaykh al-Saduq: Man-la-Yahduruhu'l-Faqih 4:204 H. 5473; Ma`ani al-Akhbar 217 H. 1.
125. Shaykh al-Kulayniy: al-Kafi 8:163 H. 172.
126. This epistle has been published (in its origin language) by al-Furat Press—Baghdad with an introduction by Sayyid Hibat al-Din al-Shahristaniy, yet it has been ascribed to Zayd ibn `Ali rather than his father.
127. Mafath Kunuz al-Sunnah, edited by Shaykh Ahmad Muhammad Shakir 4.
128. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 371.
129. Asad Haydar: al-Imam al-Sadiq wa'l-Madhahib al-Arba`ah 1:550 as quoted from Mustafa `Abd al-Razzaq: Tamhid(un) Li-Tarikh al-Falsafah al-Islamiyyah 200.
130. Details of this fact have been previously cited in this book. Shaykh al-Kulayniy, in al-Kafi 2: 600, has recorded a narration on the authority of Imam Ja`far al-Sadiq explaining this issue.
131. Sayyid Majd al-Din al-Mu'ayyidiy al-Hasaniy: al-Tuhaf Sharh al-Zulaf 30; Naji Hasan: Thawrat Zayd ibn `Ali 35.
132. Naji Hasan: al-Safwah 9.
133. Sayyid Majd al-Din al-Mu'ayyidiy al-Hasaniy: al-Tuhaf Sharh al-Zulaf 30.
134. `Abd al-Halim al-Jundiy: al-Imam Ja`far al-Sadiq 202.
135. Shaykh al-Mufid: al-Amaliy 12:51 as mentioned in al-Hurr al-`?miliy: Wasa'il al-Shi`ah 27:59, H. 43.
136. Al-Najashiy: al-Rijal 360 No. 966.
137. Shaykh al-Kulayniy: al-Kafi 7:112.
138. Shaykh al-Saduq: Ma`ani al-Akhbar 219-220.
139. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 165.
140. Shaykh al-Kulayniy: al-Kafi 1:400; Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 9.
141. Shaykh al-Mufid: al-Amaliy 64.
142. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 354-355.
143. Al-Khatib al-Baghdadiy: Taqyid al-`Ilm 104.
144. Ibn al-Nadim: al-Fihrist 36; Sayyid Hasan al-Sadr: Ta'sis al-Shi'ah li-'Ulum al-Islam 327; Asad Haydar: al-Imam al-Sadiq wa'l-Madhahib al-Arba`ah 1:552.
145. Al-Najashiy: al-Rijal 151 No. 396, 397—pp. 178 No. 468; Sayyid Hasan al-Sadr: Ta'sis al-Shi'ah li-'Ulum al-Islam 285.
146. For example, refer to Ibn Shu`bah al-Harraniy: Tuhaf al-`Uqul.
147. Shaykh al-Kulayniy: al-Kafi 7:119; Shaykh al-Tusiy: Tahdhib al-Ahkam 9:324.
148. Shaykh al-Saduq: `Ilal al-Shara'i` 5:89. It is well known that the Holy Imams of the Ahl al-Bayt had acquaintance with the knowledge of the Prophets as they kept their books. (See Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat)
149. Al-Borujerdiy: Jami` Ahadith al-Shi`ah; 1:298; Kitab `?sim ibn Hamid al-Hannat 33.
150. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 164.
151. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 165.
152. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 149.

153. Ibn Hajar al-`Asqalaniy: Tahdhib al-Tahdhib 2:104.
154. Muhammad `Ajjaj al-Khatib: al-Sunnah qabl al-Tadwin 358.
155. Shaykh al-Kulayniy: al-Kafi 1:42 H. 11.
156. Al-Tabariy: Dala'il al-Imamah 308.
157. Agha Buzurg al-Tahraniy: al-Dhari`ah 2:484. These epistles have been recorded by Shaykh al-Majlisiy in Bihar al-Anwar 3:152-196.
158. This epistle has been recorded by Ibn Zahrah al-Halabiy in al-Arba`in 46 H. 6.
159. Ibn Hajar al-`Asqalaniy: Tahdhib al-Tahdhib 2:103.
160. Shaykh al-Tusiy: al-Fihrist 191 No. 721.
161. Al-Najashiy: al-Rijal 407 No. 1082.
162. Al-Halabiy: Kashf al-Dhunun 1682.
163. Al-Nu`maniy: Kitab al-Ghaybah 327 H. 4. A similar narration is recorded in Khatimat al-Mustadrak 4:113.
164. Ahmad ibn `Isa al-Ash`ariy: al-Nawadir 78 H. 199. Shaykh al-Kulayniy has also recorded this narration in his book of al-Kafi 5:452, under the title that one must not practice the temporary marriage so long as he can avoid it.
165. Shaykh al-Mufid: al-Ikhtisas 281; Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 302; al-Mirza al-Nuriy: Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il 17:258.
166. Shaykh al-Kulayniy: al-Kafi 1:56.
167. Al-Mirza al-Nuriy: Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il 1:386.
168. Shaykh al-Kulayniy: al-Kafi 7:91; Shaykh al-Tusiy: Tahdhib al-Ahkam 9:270.
169. Al-Tabrisiy: al-Ihtijaj 1:138. See also Ibn Abi'l-Hadid: Sharh Nahj al-Balaghah 16:209-253.
170. For more details, see al-Risalah al-Misriyyah Magazine; Issue No. 517, Eleventh Year, pp. 457. Also, refer to Sayyid `Abd al-Husayn Sharaf al-Din: al-Nass wa'l-Ijtihad (Text and Interpretation) 124.
171. Ibn Hajar al-`Asqalaniy: al-Isabah fi Tamyiz al-Sahabah 3:357.
172. Al-Buladhiriy: Ansab al-Ashraf 5:34; as quoted from Sayyid `Ali al-Shahristaniy: Wudu' al-Nabiy 1:134.
173. To explain, the descendants of Imam `Ali ibn Abi-Talib are the sons of the Holy Prophet's daughter, namely Lady Fatimah al-Zahra', while the `Abbasids are the cousins of the Holy Prophet since their forefather is al-`Abbas, son of `Abd al-Muttalib. They therefore claim that uncles should inherit a man who has no male children. This is of course a distortion in the religious laws of inheritance that decide that uncles' shares of an inheritance is nothing when the inherited leaves a child, be it male or female. Accordingly, the descendants of Imam `Ali inherit the Holy Prophet while his uncles, including al-`Abbas, inherit nothing. The second point presented in the poetic verses involved is that al-`Abbas ibn `Abd al-Muttalib, to whom the `Abbasids belong, converted to Islam only for fear of being killed after the conquest of Makkah. He is thus one of the Tulaqa' (the released ones). The story of the Tulaqa' (the released ones) is as follows:
The people of Quraysh—the tribe to whom the Holy Prophet belongs—allied each other against him and showed him various sorts of bitterness that obliged him to flee his hometown. When Almighty Allah gave him victory against them and enabled him to conquer their capital, they were quite sure that he would revenge himself upon them. He thus gathered them and said, 'What do you think that I am going to do with you?' 'Only the good, for you are a noble brother and the son of a noble brother,' answered they. He said, 'I will repeat the same wording of my brother Joseph the prophet: (Today, you are not condemned.) Go, you are released.'
174. Shaykh al-Saduq: 'Uyun Akhbar al-Rida 2:147.
175. Shaykh al-Saduq: 'Uyun Akhbar al-Rida 1:66 H. 9.
176. Abu'l-Faraj al-Isfahaniy: Maqatil al-Talibiyyin 473-474.
177. The details of this story can be found in al-Tanukhiy: Nashwar al-Muhadarah 1:252, and Ibn Khallakan: Wafiyyat al-A`yan.
178. Shaykh al-Tusiy: Rijal al-Kishiy 382.
179. Shaykh al-Tusiy: Tahdhib al-Ahkam 10: 292 H. 1135.
180. Shaykh al-Kulayniy: al-Kafi 7:327 H. 7.
181. Shaykh al-Kulayniy: al-Kafi 7:330 H. 1.
182. Shaykh al-Kulayniy: al-Kafi 7:33 H. 1.

183. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 408 H. 2.
184. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 408 H. 4.
185. Shaykh al-Kulayniy: al-Kafi 2:59 H. 9.
186. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 198 H. 4.
187. Shaykh al-Saduq: Ma`ani al-Akhbar 180; `Uyun Akhbar al-Rida 1:307.
188. Al-Himyariy al-Qummiy: Qurb al-Isnad 356 H. 1275.
189. Al-Hurr al-`[illegible]miliy: Wasa'il al-Shi`ah 27:171 H. 56 as written in al-`Ayyashiy's book of Tafsir 1:260 H. 206. See also Al-Borujerdiy: Jami` Ahadith al-Shi`ah; 1:232.
190. Shaykh al-Tusiy: al-Amaliy 1:370-382; al-Najashiy: al-Rijal 277 No. 727.
191. Shaykh al-Kulayniy: al-Kafi 1:53 H. 15.
192. Shaykh al-Tusiy: Rijal al-Kishiy 475.
193. Al-Arbaliy: Kashf al-Ghummah 2:346.
194. Shaykh al-Tusiy: Rijal al-Kishiy 413.
195. Shaykh al-Mufid: al-Ikhtisas 87; Shaykh al-Tusiy: Rijal al-Kishiy 497.
196. Shaykh al-Tusiy: al-Ghaybah 211.
197. Shaykh al-Tusiy: Rijal al-Kishiy 460-461.
198. Shaykh al-Tusiy: Rijal al-Kishiy 460-461.
199. Shaykh al-Tusiy: Rijal al-Kishiy 427.
200. Shaykh al-Tusiy: Rijal al-Kishiy 468.
201. Shaykh al-Tusiy: Rijal al-Kishiy 476.
202. Al-Mas`udiy: Muruj al-Dhahab 4:85-86.
203. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 545.
204. Sayyid Muhsin al-Amin: A`yan al-Shi`ah 1:380.
205. Al-Najashiy: al-Rijal 460 No. 1256.
206. Al-Najashiy: al-Rijal 297 No. 806.
207. Al-Najashiy: al-Rijal 278 No. 371.
208. Al-Najashiy: al-Rijal 280 No. 740.
209. Sayyid Ibn Tawus al-Hasaniy: Falah al-Sa'il 183.
210. Al-Najashiy: al-Rijal 244.
211. Shaykh al-Tusiy: Kitab al-Ghaybah 239-240.
212. Al-Najashiy: al-Rijal 447 No. 1208; Shaykh al-Majlisiy: Bihar al-Anwar 2:150 H. 25.
213. [illegible]gha Buzurg al-Tahraniy: al-Dhari`ah 24:152 No. 777.
214. Al-Najashiy: al-Rijal 347 No. 937, pp. 370 No. 1009, and pp. 371 No. 1010.
215. Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 3:499 and 508; Shaykh al-Tusiy: Tahdhib al-Ahkam 7:150.
216. Shaykh al-Kulayniy: al-Kafi 6:35, Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 3:488, 3:476; Al-Khara'itiy: Makarim al-Akhlaq 263; Shaykh al-Kulayniy: al-Kafi 5:447.
217. Shaykh al-Kulayniy: al-Kafi 4:310; Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 2:444.
218. Shaykh al-Kulayniy: al-Kafi 4:310; Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 2:445.
219. Shaykh al-Kulayniy: al-Kafi 1:409.
220. Shaykh al-Tusiy: Tahdhib al-Ahkam 4:139.
221. Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 4:179.
222. Shaykh al-Kulayniy: al-Kafi 4:181.
223. Shaykh al-Kulayniy: al-Kafi 3:399; Shaykh al-Tusiy: al-Istibsar 1:385, Tahdhib al-Ahkam 2:207.
224. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 163. In addition, there are many narrations carrying the same meaning.
225. Muhammad ibn Hasan al-Saffar: Basa'ir al-Darajat 164.
226. Shaykh al-Saduq: Kamal al-Din wa-Tamam al-Ni`mah 444.
227. Shaykh al-Saduq: Kamal al-Din wa-Tamam al-Ni`mah 445.

228. This is an indication to the following verses of the Holy Qur'an: "(As for) those who call out to you from behind the private chambers, surely most of them do not understand. And if they wait patiently until you come out to them, it would certainly be better for them, and Allah is Forgiving, Merciful. 49/4–5"
229. This is an indication to the following verses of the Holy Qur'an: "O you who believe! Do not enter the houses of the Prophet unless permission is given to you for a meal, not waiting for its cooking being finished–– but when you are invited, enter, and when you have taken the food, then disperse–– not seeking to listen to talk; surely this gives the Prophet trouble, but he forbears from you, and Allah does not forbear from the truth. 33/53"
230. Al–Haythamiy, in Majma` al–Zawa'id 1:178, writes down that the Holy Prophet said in an incident, "...I am no more than a human being just like you. When I convey to you things from Allah, you should believe me; but when I say to you things out of my own self, then I am a human being that may err or hit the target." For the Shiite Muslims, the Holy Prophet, as well as the Holy Imams, are divinely guided all the time and are not exposed to errancy at all. (Translator)
231. Al–Hakim al–Nisapuriy: al–Mustadrak `Ala'l–Sahihayn 1:105–106; Musnad Ahmad ibn Hanbal 2:162. A similar narration is recorded by Ibn Abi–Jumhur al–Ihsa'iy, in `Awali al–La'ali 1:68 H. 120.
232. Ibn Abi–Jumhur al–Ihsa'iy: `Awali al–La'ali 1:68 H. 120.
233. Al–Borujerdiy: Jami` Ahadith al–Shi`ah; 1:290 as quoted from Muhammad ibn Hasan al–Saffar, in Basa'ir al–Darajat. A similar narration is reported from Hamzah ibn `Abdullah al–Ja`fairy who narrated it from Imam `Ali ibn Musa al–Rida.
234. Muhammad ibn Hasan al–Saffar, in Basa'ir al–Darajat 299 H. 2.
235. Muhammad ibn Hasan al–Saffar, in Basa'ir al–Darajat 299 H. 3.
236. Shaykh al–Kulayniy: al–Kafi 1:58 H. 21.
237. Dr. Mustafa al–A`dhamiy: Dirasatun fi'l–Hadith al–Nubawiy 25.

The adherents of the Ahl al–Bayt School used to write down the sayings of the Holy Imams in books; they therefore have been considered the foremost writers in the field of the Muslim jurisprudence. In this regard, Mr. Mustafa `Abd al–Razzaq, referring to the recordation of the Muslim jurisprudence says,

"In any event, this fact indicates that the recordation of the Muslim jurisprudence was first carried by the Shi`ite Muslims. Since they believed in the inerrancy (`*Ismah*), or a similar thing, of their Imams, this belief made or encouraged them to record the judgments and verdicts of their Imams."1

This is true, especially when applied to the ages of Imam Muhammad al–Baqir and Imam Ja`far al–Sadiq or, in other words, after the collapse of the Umayyad dynasty and the initiation of the `Abbasid dynasty when the `Abbasid rulers, in the early period of their reign, claimed following the policy of openness.

Thus, the two Imams seized this opportunity especially when the tribes of Banu–Asad, Mukhariq, Tayy, Sulaym, Ghatafan, Ghifar, al–Azd, Khuza`ah, Khath`am, Makhzum, Banu–Dubbah, Banu'l–Harith, and Banu–`Abd al–Muttalib began to urge their sons to attend the lectures of the Imams.2

Referring to the biography of Imam Ja`far al–Sadiq, al–Muzziy, in *Tahdhib al–Kamal*, has mentioned that Sufyan ibn `Uyaynah, Malik ibn Anas, Sufyan al–Thawriy, al–Nu`man ibn Thabit (i.e. Abu–Hanifah), Sulayman ibn Bilal, Shu`bah ibn al–Hajjaj, `Abdullah ibn Maymun, and `Abd al–Malik ibn `Abd al–`Aziz ibn Jurayh as well as many other master scholars studied under Imam Ja`far al–Sadiq.3

It has been narrated on the authority of Abu'l–`Abbas ibn `Uqdah on the authority of al–Hasan ibn Ziyad that Abu–Hanifah, having been asked to name the most knowledgeable in the field of the Muslim

jurisprudence that he had ever seen, answered,

“I have never seen anyone more knowledgeable (in the Muslim jurisprudence) than Ja`far ibn Muhammad (i.e. Imam al-Sadiq). When al-Mansur, the `Abbasid ruler, ordered him to be brought to al-Hirah, he summoned me and asked, ‘O Abu-Hanifah! The people have been charmed by Ja`far; therefore, you must prepare questions that you will put before him.’

I then visited him on another occasion while Ja`far was sitting to his right. When I saw the two, I felt reverence to Ja`far rather than al-Mansur. I thus greeted them and he permitted me... etc.”4

In the introduction of his book entitled *al-Imam al-Sadiq* that he wrote after seven books had been written about seven of the Muslim master scholars—namely Abu-Hanifah, Malik ibn Anas, Muhammad ibn Idris al-Shafi`iy, Ahmad ibn Hanbal, Ibn Taymiyah, Ibn Hazm, and Zayd ibn `Ali—Shaykh Muhammad Abu-Zuhrah writes down the following:

“Seeking Almighty Allah’s help and guidance, I have decided to write down a book about Imam al-Sadiq after I have written about seven of the noble Muslim master scholars. I have postponed writing about Imam al-Sadiq not because he is less than anyone of these seven personalities; rather because he has the merit of preference over the majority of them and has a particular preference over the major scholars among these seven ones. Abu-Hanifah used to report from Imam al-Sadiq declaring his having been the most knowledgeable of the people’s doctrinal differences5 and the most experienced among all the jurisprudents.

As for Malik ibn Anas, he learnt from Imam al-Sadiq the religious studies and also reported from him. It is indeed a sufficient virtue to be the mentor of Abu-Hanifah and Malik ibn Anas. It is unfeasible to ascribe any imperfection to him or to prefer any other person to him in fields of virtue and merit. Besides, he is the grandson of Zayn al-`bidin (Imam `Ali ibn al-Husayn) who was the master of the holy city of al-Madinah in his age in fields of merit, honor, religiousness, and knowledge.

Ibn Shihab al-Zuhriy as well as many other Tabi`un studied under him. He is also the son of Muhammad al-Baqir who split the knowledge and got to its core. Correspondingly, Imam Ja`far al-Sadiq is one of those for whom Almighty Allah has joined self-honor and additional honor due to the high lineage, the Hashimite kinship, and the Muhammadan dignity... etc.”6

The following is quoted from the book of *Hilyat al-Awliya'*:

“From the knowledge of al-Sadiq, a group of the Tabi`un received their knowledge. Among them were Yahya ibn Sa`id al-Ansariy, Ayyub al-Sakhtiyaniy, Abu-`Amr ibn al-`Ala, Yazid ibn `Abdullah al-Ma`adiy, Shu`bah ibn al-Qasim, Malik ibn Anas, Sufyan ibn `Uyaynah, and many others.”

As a matter of fact, the Hadiths that the Sahabah received from the Holy Imams of the Ahl al-Bayt were written down on papers. The shares of Imam Muhammad al-Baqir and Ja`far al-Sadiq were the largest

in this field. These compilations have been entitled *Nuskhah* (Copy) or *Kitab* (book) or *Asl* (Principle), or *Risalah* (Epistle)... etc.

Sayyid Radiy al-Din `Ali ibn Tawus, in his book of *Muhaj al-Da`awat*, has mentioned on the authority of Abu'l-Waddah Muhammad ibn `Abdullah ibn Zayd al-Nahshaliy on the authority of his father that a group of his disciples and adherents used to attend the sessions of Imam Musa al-Kadhim and used to carry with them ebony boards and pencils so that they would write down any word and any verdict about any situation said by the Imam as soon as they would hear.7

Likewise, Shaykh al-Baha'iy, in his book of *Mashriq al-Shamsayn*, has said the following:

"We have been informed by our master scholars—may Allah sanctify them—that whenever they heard anybody reporting a Hadith from the Holy Imams, the writers of the Principles (*Ashab al-Usul*) would hurriedly write it down in their books of *Usul* so that they would not forget a part of it or that it would be totally forgotten by passage of days."8

Al-Muhaqqiq al-Damad, in the twenty-ninth chapter of his famous book of *al-Rawashih al-Samawiyyah*, says the following:

"It has been said that the Writers of the Principles used to write down, without delay, in their books any Hadith that they heard from a reporter."9

Furthermore, Mr. `Abd al-Halim al-Jundiy has written down the following:

"The first of those who benefited by the early recordation of the religious knowledge was those who took shelter with the Imams of the Ahl al-Bayt so as to learn from them orally and in written form. The Hadith that has been reported by the Shi`ite Muslims and written down in their books is the Prophetic heritage in its very point. From this heritage, the Shi`ite Muslims have thus learnt prosperity.

On the other hand, the Sunnite Muslims began to compile the Prophetic heritage only one century and a half after the Shi`ite scholars had applied themselves eagerly to it and written it down in their foremost books. For other centuries, the Sunnite Muslims wandered about deserts and plains looking for that heritage.

To take into consideration the fact that some of the narrators reported ten thousand Hadiths from the Imam clearly manifests that the authenticated heritage that is kept by the Shi`ite Muslims is adequately sufficient for the Muslim community.

Again, by taking into consideration the fact that al-Shafi`iy, Malik, Abu-Hanifah, Yahya ibn Mu`in, Abu-Hatam, and al-Dhahbiy—these master scholars who founded the conditions of the narrators of Hadith and the rules of the admission of a narration and the authenticity of the series of narrators, these master scholars accepted and authenticated the narrations of Imam al-Sadiq, it becomes sufficient for us to dedicate our efforts to searching for the reporters of the Holy Sunnah from Imam al-Sadiq.

As for the Shi`ite Muslims, it is sufficient that a Hadith is related to the Imam. They therefore do not demand with a series of narrators before Imam Ja`far al-Sadiq. Moreover, they even do not demand with a series of narrators before any of the Imams in general.

This is because the Imam either reported the Hadith from the Imam who preceded him or had already read that Hadith in the books of his forefathers. As a result, the saying of the Imam is decided as Sunnah for the Shi`ite Muslims.

In other words, a Hadith that is reported by the Imam must be absolutely purified from any doubt or spurion. Thus, not only is the Imam's reporting of a Hadith considered testimony for that Hadith but also it is a declaration of its authenticity.

So long as the report of al-Sadiq was received from al-Baqir; and the report of al-Baqir was received from al-Sajjad; and the report of al-Sajjad was received from al-Husayn or al-Hasan whose report was received from `Ali or from the Holy Prophet, this series decides the authenticity of a Hadith at all levels.

The last three ones were unquestionably among the foremost Sahabah who reported from the Holy Messenger, since al-Hasan and al-Husayn reported from `Ali who reported from the Holy Prophet.

Undoubtedly, the method of recordation of the religious knowledge adopted by `Ali and his adherents achieved a great benefit for the Muslims. This method intercepted the disadvantages that are ascribed to some narrations, and locked the door in the face of the forgeries of the miscreants as well as those who forged fabrications against the Holy Prophet in the form of Hadith.

As a consequence, the precedence in the recordation of the religious knowledge is considered virtue for the Shi`ite Muslims. As well, when the scholars, after long ages, agreed to resort to the recordation of the religious knowledge, they had unanimously confessed of this virtue for `Ali and his descendants.

Since the Holy Sunnah is the interpreter of the Holy Qur'an, which was written by the dictations of the Holy Messenger, it thus, just like the Holy Qur'an, should be fact as long as it is written down.

The Sunnite Hadithists, in the early ages of Islam, had to listen to the words of the Hadith from the master scholars or show such Hadiths before them, because the Prophetic traditions (i.e. the Holy Sunnah) was not yet kept in written form. For that reason, the most confirmatory means to attain the authentic form of a Hadith was to journey to the remote parts of the earth in order to listen to such Hadiths from the scholars."[10]

In *Kitab al-Irshad*, Shaykh al-Mufid says,

"The knowledges that people received from Imam al-Sadiq have extended to the remotest regions and spread in all countries. None of the scholars of the Ahl al-Bayt has ever revealed as much knowledge as that revealed by Imam al-Sadiq.

Similarly, none of them has ever attained the degree that Imam al-Sadiq attained regarding the amount of the traditions that have been reported from him. As Hadithists listed the names of the trustworthy narrators who reported from Imam al-Sadiq in various fields of knowledge, they were four thousand individuals of different sects and opinions."11

Shaykh al-Tabrisiy says,

"The amount of knowledge, on various fields, that has been reported from Imam al-Sadiq has never been reported from any other person. As Hadithists listed the names of the trustworthy narrators who reported from him, they were four thousand men."12

He further says in Part III of his book,

"Four hundred men reported various fields of knowledge from Imam al-Sadiq, and from his replies to the questions that were addressed to him, four hundred books, lately called *al-Usul*, were written by his companions in addition to the companions of his son, Imam Musa al-Kadhim."13

Shaykh Muhammad ibn `Ali al-Fattal says,

"As Hadithists listed the names of the trustworthy narrators who reported from Imam al-Sadiq in various fields of knowledge, they were four thousand individuals of different sects and opinions."14

In *Manaqib `Ali ibn Abi-Talib*, Ibn Shahrashub records the following:

"Narrators have never reported knowledges as many as those which were reported from Imam al-Sadiq. As Hadithists listed the names of the trustworthy narrators who reported from Imam al-Sadiq in various fields of knowledge, they were four thousand individuals of different sects and opinions."15

Al-Muhaqqiq al-Hilliy, in his book of '*al-Mu`tabar*', says,

"Imam al-Sadiq is reported to have dealt with such innumerable fields of knowledge that perplexed the intellects. The material of four hundred books, lately called the *Usul*, was taken from Imam al-Sadiq's replies on the questions that were addressed to him."16

Muhammad ibn Makkiy (*al-Shahid al-Awwal*; the First Martyr) says,

"As for Abu-`Abdullah Ja`far ibn Muhammad al-Sadiq, four hundred authors have compiled four hundred books all comprising his answers on the questions that were addressed to him. Among the famous disciples of him, the names of four thousand men from Iraq, Syria, Hijaz, and Khurasan were listed."17

Shaykh Husayn, the father of Shaykh al-Baha'iy, says,

"Four thousand names of Imam al-Sadiq's disciples whose knowledgeability was distinctively well-

known were listed by Sunnite and Shi`ite scholars."

He is also reported to have said,

"Four hundred books written by four hundred authors have totally comprised the answers of Imam al-Sadiq on the questions which were addressed to him. These books are called *Usul* (The Principles) on various fields of knowledge."[18]

Al-Muhaqqiq al-Damad, in the twenty-ninth chapter of his famous book of *al-Rawashih al-Samawiyyah*, says,

"It is well-known that the *al-Usul al-Arba`mi'ah* is four hundred books written by four hundred authors among the disciples of Imam al-Sadiq. Moreover, these books might have comprised materials that were heard or reported from him.

In fact, the disciples of Imam al-Sadiq were four thousand. Although their books and compilations are innumerable, it has been unanimously agreed that only these four hundred ones would be considered, depended on, and called *al-Usul al-Arba`mi'ah* (The Four Hundred Principles).[19]

Zayn al-Din al-Jub`iy al-`[illegible]miliy (*al-Shahid al-Thani*; the Second Martyr), in his commentary on *al-Dirayah* says,

"The past scholars decided to choose four hundred books written by four hundred authors that they have called *al-Usul al-Arba`mi'ah*. They therefore depended upon these books. After that, most of these fundamental books vanished, due to vicissitudes of time, or they were added to private books. The best compilations in this connection are *al-Kafi*, *Tahdhib al-Ahkam*, *al-Istibsar*, and *Man-la-Yahduruhu'l-Faqih*."[20]

The names of some of the writers of these four hundred *Usul* have been mentioned in *Kitab al-Rijal* (Book of Biography) by `Abdullah ibn Jibillah al-Kinaniy (died in AH 219), *al-Mashyakhah* by al-Hasan ibn Mahbub (died in AH 224), *al-Rijal* by al-Hasan ibn Faddal (died in AH 224), *al-Rijal* by `Ali ibn al-Hasan ibn Mahbub, *al-Rijal* by Muhammad ibn Khalid al-Barqiy, *al-Rijal* by Ahmad ibn Muhammad ibn Khalid al-Barqiy (died in AH 274), *al-Rijal* by Ahmad al-`Aqiqiy (died in AH 280), and many other books of biography.

In the introduction of his book of *al-Fihrist*, Shaykh al-Tusiy writes down,

"I cannot tell that I have mentioned the names of all of these people; the books and *Usul* of our scholars were too many to be counted because they lived in various countries."[21]

Sayyid al-Amin has recorded that Ahmad ibn `Uqdah al-Zaydiy al-Kufiy compiled a book in which he listed the names of those from whom he had reported the Hadith. In this book, he listed the names of four thousand men and mentioned all their books. Nevertheless, he could not mention all the narrators

from whom he had reported.22

These characteristics urged the Shi`ite Muslims to take a great interest in their fundamental reference books which they have read, reported, retained, and corrected. The entire jurisprudential and traditional knowledge of Shi`ism has been derived from these fundamental reference books.

The Shi`ah Derive From The Usul

In the introduction of his book of *Man-la-Yahduruhu'l-Faqih*, Muhammad ibn `Ali ibn Babawayh says,

"…Unlike the other compilers who adduce in their books all that which they have reported, I only would like to mention in this book verdicts that I issue and subjects in whose authenticity I believe being a pretext between my Lord—the Great and Almighty—and me.

All the contents of this book are deduced from noteworthy, dependable, and referential books, such as the book of Hurayz ibn `Abdullah al-Sajistaniy, the book of `Ubaydullah ibn `Ali al-Halabiy, the books of `Ali ibn Mahziyar al-Ahwaziy, the books of al-Husayn ibn Sa`id, the anecdotes of Ahmad ibn Muhammad ibn `[illegible]sa, the book of *al-Rahmah* written by Sa`d ibn `Abdullah, the comprehensive (*Jami`*) book of our master scholar Ahmad ibn Abu-`Abdullah al-Barqiy, the epistle of my father to me, and many other fundamental and reference books.

My ways to these books are well-known in the index of the books, which I reported from my master scholars and forefathers. In this respect, I have exerted all possible efforts, seeking the help of and relying upon Almighty Allah and asking Him to forgive my shortcomings."23

Al-Muhaqqiq al-Hilliy, in his book of *al-Mu`tabar*, says,

"About four thousand narrators reported from Imam al-Sadiq. In virtue of his teaching, a big number of righteous jurisprudents became well-known, such as Zurarah ibn A`yun and his brothers Bukayr and Hamran, Jamil ibn Salih, Jamil ibn Darraj, Muhammad ibn Muslim, Burayd ibn Mu`awiyah, Husham ibn al-Hakam, Husham ibn Salim, Abu-Basir, `Abdullah, Muhammad al-Halabiy, `Imran al-Halabiy, `Abdullah ibn Sinan, Abu'l-Sabah al-Kinaniy, and many other virtuous scholars. Imam al-Sadiq's answers for religious questions have filled the papers of four hundred books written by four hundred writers, which were subsequently called *al-Usul al-Arba`mi'ah*.

Within the disciples of Imam al-Muhammad Jawad, there were virtuous names, such as al-Husayn ibn Sa`id and his brother, Ahmad ibn Muhammad ibn Abu-Nasr al-Bizantiy, Ahmad ibn Muhammad ibn Khalid al-Barqiy, Shadhan Abu'l-Fadl al-Qummiy, Ayyub ibn Nuh ibn Darraj, Ahmad ibn Muhammad ibn `[illegible]sa, and many others the mention of whose names requires a long list and whose books that indicate their vast knowledgeability are now transferred among the disciples.

I have satisfied myself with mentioning only the words of the scholars whose knowledgeability and virtue

are well-known as well as those who are famous of their precedence in criticism of narrations, accuracy in investigation, and authenticity in consideration. I have further confined myself to referring to the books of the scholars whom are famous of diligence, carefulness, and reliability among those virtuous scholars.

I have thus chosen to report from al-Hasan ibn Mahbub, Ahmad ibn Muhammad ibn Abu-Nasr, al-Husayn ibn Sa`id, al-Fadl ibn Shadhan, Yunus ibn `Abd al-Rahman and, among the late scholars, Abu-Ja`far Muhammad ibn `Ali ibn Babawayh and Muhammad ibn Ya`qub al-Kulayniy...etc."24

Ibn Idris al-Hilliy, in his book of *Mustatrafat al-Sara'ir* Section: *al-Ziyadat* (Attachments), lists the materials that he has excerpted and culled from the books of the master authors and skilled narrations, saying,

"...Among these are as follows:

(1) The materials that I have culled from the book of *al-Nawadir* (The Anecdotes) written by Ahmad ibn Muhammad ibn Abu-Nasr al-Bizantiy, the disciple of Imam al-Rida;

(2) The materials that I have culled from the reports of Aban ibn Taghlib, the disciple of Imam al-Baqir and Imam al-Sadiq, that he has recorded in his book;

(3) The materials that I have culled from the book of Jamil ibn Darraj; the materials that I have culled from the book of al-Sayyariy whose name is `Abdullah, the disciple of Imam `Ali ibn Musa al-Rida;

(4) The materials that I have culled from the books comprising the questions put before and messages sent to our Master Imam `Ali ibn Muhammad al-Hadi, and his answers for these questions and messages;

(5) The materials that I have culled from the book of *al-Mashyakhah* written by al-Hasan ibn Mahbub al-Sarrad (the relater), the disciples of Imam al-Rida. In the view of our master scholars, this man has been trustworthy, lofty, reporter of numerous narrations, and one of the four pillars in his age. The book of *al-Mashyakhah* is reliably trustworthy;

(6) The materials that I have culled from the book of *Nawadir al-Musannif* written by Muhammad ibn `Ali ibn Mahbub. This book has been written with the handwriting of our master scholar, Shaykh Abu-Ja`far al-Tusiy. I have therefore quoted these Hadiths from his own handwriting;

(7) The materials that I have culled from the book of *Man-la-Yahduruhu'l-Faqih* by Ibn Babawayh (Shaykh al-Saduq);

(8) The materials that I have culled from the book of *Qurb al-Isnad* by Muhammad ibn `Abdullah ibn Ja`far al-Himyariy;

(9) The materials that I have culled from the book of Ja`far ibn Muhammad ibn Sinan al-Dahqan;

(10) The materials that I have culled from the book of *Tahdhib al-Ahkam*;

(11) The materials that I have culled from the book of `Abdullah ibn Bukayr ibn A`yun;

(12) The materials that I have culled from the book of Abu'l-Qasim ibn Qawlawayh;

(13) The materials that I have culled from the book of '*Uns al-`□lim*' by al-Safwaniy;

(14) The materials that I have culled from the book of *al-Mahasin* by Ahmad ibn Abu-`Abdullah al-Barqiy;

(15) The materials that I have culled from the book of *al-`Uyun wa'l-Mahasin* by (Shaykh) al-Mufid."[25]

Shaykh al-Baha'iy, in his book of *al-Wajizah*, says,

"All of the Hadiths, except a rare number, that are mentioned in this book have been reported from our Twelve Imams who, in turn, have reported from the Holy Prophet. Indeed, the knowledge of these Imams are excerpted from the heart of the Niche.

An investigative look into the books of Hadith of both the Sunnah and the Shi`ah proves that the Hadiths that are comprised in the books written by Shi`ite authors, as they have reported them from their Imams, are very much larger in number than these mentioned in the famous *al-Sihah al-Sittah* (the six most reliable Sunnite reference books of Hadith).

In this respect, one reporter only (namely, Aban ibn Taghlib) has reported from one Imam only (namely, Imam Ja`far al-Sadiq) about thirty thousand Hadiths.

Our former master scholars compiled the words of our Imams in four hundred books, which were lately called *al-Usul* (The Principles).

A group of the recent scholars—may Allah reward them for their efforts—have arranged and ordered these books in order to save them from loss and to make it easier for the seekers of these narrations to get them.

They have thus compiled verified and accurate books comprising the series of narrators connected to the Immaculate Imams. Examples on these books are *al-Kafi*, *Man-la-Yahduruhu'l-Faqih*, *Tahdhib al-Ahkam*, *al-Istibsar*, *Madinat al-`Ilm*, *al-Khisal*, *al-Amaliy*, *`Uyun al-Akhbar*, and many others."[26]

Shaykh Hasan, in his books entitled *Muntaqa al-Juman* and *al-Ma`alim*, has stated that the Hadiths mentioned in the four most reliable Shi`ite reference books of Hadith (*al-Kutub al-Arba`ah*) and their likes are substantiated by proofs as they were, without any distortion, quoted from the *al-Usul* as well as the fundamental books the authenticity of which have been unanimously confirmed by the scholars.[27]

Al-Kaf`amiy, in *al-Jannah al-Waqiyah* says,

“This book contains amulets, supplications, statements of glorification to Almighty Allah, and Ziyarahs (prayers said at the pilgrimage to the tombs of the Holy Infallibles). The material of this book has been quoted from books whose authenticity is reliably undoubted. To adhere to these books is safe.”28

`Ali ibn Ibrahim al-Qummiy, the compiler of the famous book of *Tafsir* that carries his name, has confirmed the authenticity of the Hadiths that he recorded in his book by bearing out that these Hadiths have been reported by trustworthy narrators from the Holy Imams.29

The books of Sayyid Radiy al-Din Ibn Tawus have comprised proofs on the fact that the majority of the *al-Usul* books that had been written by the disciples of the Holy Imams were kept by him and thus the majority of the materials of his books were reported from these fundamental books.30

Likewise, al-Shahid al-Awwal, in his book of *al-Dhikra*, and al-Kaf`amiy, in his book of *al-Misbah*, have stated that many of the fundamental books of the past scholars were kept by them.31

Moreover, Shaykh al-Hurr al-`[illegible]miliy, in the four section of the epilogue of his famous book of *Wasa'il al-Shi`ah*, listing the bibliography, says, “... and many others. As regards the books from which the authors have reported without referring to their titles, they are very numerous. The titles of these books can be found in the books of biography. According to my personal inspection, these books are more than six thousand and six hundred.”32

At any rate, a group of the disciples of the Holy Imams distinguished themselves in the various fields of knowledge, especially during the ages of Imam Muhammad al-Baqir and Imam Ja`far al-Sadiq. These scholars wrote down the items of knowledge that they had received from the Imams in books to which the master scholars of biography, such as Ibn al-Nadim, al-Kishiy, al-Najashiy, have referred.

In this connection, Husham ibn al-Hakam wrote books on the terms of the religious laws (*al-Alfadh*); on the refutation of the beliefs of the miscreants; on Monotheism (*al-Tawhid*; the belief in the existence of One and Only God—namely, Almighty Allah); on Imamate (*al-Imamah*; the loyalty to the twelve Imams whom have been divinely commissioned by Almighty Allah as the leaders of the Muslim community), Determinism (*al-Jabr*; the doctrine that human action is necessarily determined by motives regarded as external forces acting on the will), and Fatalism (*al-Qadariyyah*: the doctrine that all events are predetermined by fate); on the refutation of the beliefs of the Dualists (*al-Thanawiyyah*; those who believe in the existence of two gods—light and darkness); and on the refutation of the concepts of Aristotle—the famous Greek philosopher and scientist—as well as other Greek philosophers. He also wrote various epistles on Muslim jurisprudence and *Usul al-Fiqh* (principles of jurisprudence).

Zurarah ibn A`yun wrote books on Capability (*al-Istita`ah*), Determinism, and other topics.

Muhammad ibn `Umar wrote books on Monotheism, Imamate, Muslim jurisprudence, and other topics.

Ya`qub ibn Ishaq al-Sikkit wrote books on Reformation of Logic (*Islah al-Mantiq*), Terms and Opposites

(*al-Alfadh wa'l-Addad*), and Common Words.

Muhammad ibn Nu`man al-Bujaliy (well-known as Mu'min al-Taq) wrote books on Imamate, Knowledge (*Ma`rifah*), Substantiation of the (the Holy Prophet's) Will (*Ithbat al-Wasiyyah*), Dos and Don'ts (*al-Awamir wa'l-Nawahi*), Debates (*al-Munadharat*), and other topics.

Hundreds, if not thousands, are the compilations of the Holy Imam's disciples. The Three Muhammads (i.e. Shaykh al-Kulayniy, Shaykh al-Saduq, and Shaykh al-Tusiy) have depended upon these books in the compilation of their famous books (*al-Kutub al-Arba`ah*; the four most reliable Shi`ite reference books of Hadith). It is worth mentioning that Shaykh al-Saduq and Shaykh al-Tusiy wrote other books on *Tafsir*, history, Hadith... etc.

The majority of the reporters from the Holy Imams were at the utmost degree of decency and trustworthiness. They were also objects of admiration and respect for Muslims of various sects and groups. The compilers of the *al-Sihah al-Sittah* (the six most reliable Sunnite reference books of Hadith) wrote down Hadiths narrated from these reporters in their books.

Biographers, or the majority of them, decided them as trustworthy and occupying significant scientific statuses although they added statements like, "He terribly supported Shi`ism," "Trustworthy though belongs to Shi`ism," "His sect is Shi`ism" and the like, after the biography of these reporters.[33] Shaykh Muhammad ibn Ya`qub al-Kulayniy, the author of *al-Kafi*, has referred to most of those biographers.

The compilers and writers of these narrations were also greatly respectable scholars; such as Ibn Makula,[34] Ibn al-Athir,[35] al-Safadiy,[36] Ibn Hajar al-`Asqalaniy,[37] and many other Hadithists and linguists, such as al-Fayruz'abadiy,[38] al-Zubaydiy[39]... etc.

Biography Of The Compilers Of The Al-Kutub Al-Arba`ah

Mr. Thamir al-`Amidiy has attested that none of the master biographers has ever criticized Shaykh Muhammad ibn Ya`qub al-Kulayniy. He says,

"I have never noticed any Sunnite biographer addressing any word of criticism—be it clear or suggestive—at al-Kulayniy although, unfortunately, these Sunnite biographers have been well-known of their malignity against the Shi`ite scholars for nothing more than their being Shi`ites. No researcher can ever deny this fact. However, this indicates the scholars' unanimous agreement on the fact that Shaykh al-Kulayniy enjoyed an exalted status among the Muslim scholars; and anyone who mistreats this status will be considered as liar and exposed among the scholars."[40]

Moreover, Ibn al-Athir believes Shaykh al-Kulayniy as one of the Imamiyyah reformers in the third century.[41]

Muhammad ibn `Ali ibn al-Husayn ibn Musa ibn Babawayh al-Qummiy, the author of *Man-la-*

Yahduruhu'l-Faqih, has written numerous books. He was exemplary in retention.[42] He belonged to a dignified family that was deep-rooted in virtue and knowledgeability. Ibn Abi-Tayy has described Shaykh al-Saduq's family as the household of knowledge and dignity.[43]

His father was one of the grand Shi`ite scholars and writers.[44] He was highly dignified, distinguished in retention of Hadiths, well-versed in biographies of men, and expert in criticism of narrations. Among the people of Qumm, he was the most excellent in retention and abundance of knowledge. He wrote about three hundred books.[45]

It was he who extinguished the sedition of al-Husayn ibn Mansur al-Hallaj in Qumm.[46] In his early youth, master scholars attended his lectures.[47] Including Shaykh al-Mufid, a good group of master scholars reported from Shaykh al-Saduq.[48]

As regards Shaykh al-Mufid, he was the student of Shaykh al-Saduq and the master of Shaykh al-Tusiy. "He was nicknamed *Ibn al-Mu`allim* (Son of the Mentor). He compiled brilliant books, which counted two hundred."[49] "He was the chief of the Shi`ite master scholars and theologians. He also was the master debater in the field of the schools of the Sahabah. He was also skillfully perspicacious and mindfully intelligent."[50]

"In his house in *Darb-Rabah*, Ibn al-Mu`allim had a session attended by all the scholars."[51] "Despite the grandeur and greatness of the Buyid State, Shaykh al-Mufid used to debate the masters of all the other doctrines."[52] "He was skillful in arts, scientific investigation, and theology. He was also well-known of seclusion and politeness.

As he referred to Shaykh al-Mufid in his book of *Tarikh al-Imamiyyah*, Ibn Abi-Tayy mentioned him very lengthily and elaborately. He said that the Shaykh was unique in all of the fields of knowledge—knowledge of the Holy Qur'an and Sunnah, jurisprudence, narration, biography, exegesis (of the Holy Qur'an), grammar, and poetry.

Besides, he was strong-hearted, quite self-righteous, and greatly pious. He used to offer prayers and observe fasting characteristically. He also used to wear tough clothes... etc."[53]

As regards Shaykh Muhammad ibn al-Hasan al-Tusiy, he was the chief of Shi`ism in his age. He wrote many noticeable books. Two of the *al-Kutub al-Arba`ah* are his. They are *Tahdhib al-Ahkam* and *Al-Istibsar fima'khtulifa min'al-Akhbar*. "He learnt theology and the principles of the Sunnite jurisprudence from Shaykh al-Mufid to whom he adhered and thus attained skillfulness in religious knowledge.

He also compiled a book of *Tafsir* and dictated many Hadiths and anecdotes that filled two volumes. The majority of these Hadiths and anecdotes were reported from Shaykh al-Mufid, his mentor."[54]

Al-Sabkiy,[55] al-Suyutiy,[56] and al-Katib al-Chalabiy[57] have listed Shaykh al-Tusiy with the Shafi`iyyah scholars. It is probable that the reason behind such confusion was that Shaykh al-Tusiy, in his books of

Muslim jurisprudence and *Tafsir*, used to refer to the opinions of the Sunnite scholars.

Mentioning Shaykh al-Tusiy, Muhammad Abu-Zuhrah, in his book of *al-Imam al-Sadiq* says that he was competently knowledgeable in both the Sunnite and Imamiyyah schools.

Similarly, Mr. `Abd al-Halim al-Jundiy says that Shaykh al-Tusiy was competent in the Imamiyyah as well as the Sunnite Schools.58

Previously, a brief presentation of the biographies of the compilers of the *al-Kutub al-Arba`ah* has been demonstrated. Those authors depended upon the Four Hundred Principles (*al-Usul al-Arba`mi'ah*) in the compilation of their books and these four hundred fundamental books comprised the words of the Holy Imams of the Ahl al-Bayt who had reported from the Book of `Ali that comprised the direct dictations of the Holy Prophet written with the calligraphy of Imam `Ali ibn Abi-Talib.

To come to the point, the recordation of the religious knowledge and the reporting of the Hadith are two trends of the same method that is tenaciously and incontrovertibly interconnected for the Shi`ah School; and this fact confirms the genuineness of this School.

It is noteworthy that the *al-Usul al-Arba`mi'ah* had not comprised all the words of the Holy Imams in the various fields of knowledge in general and Muslim jurisprudence in particular; rather a part of these words were kept in the hearts of the reports of Hadith.

Correspondingly, the *al-Kutub al-Arba`ah* have not comprised all the Hadiths reported by the disciples of the Holy Imams; rather their compilers have recorded only the Hadiths that were proven as authentic according to their criteria. Besides, there is no proof that these compilers could attain all the Four Hundred Principles.

In his book of *A`yan al-Shi`ah*, Sayyid al-Aminiy says,

"Some of the *al-Usul al-Arba`mi'ah* were kept in the book stores of the Shi`ite master scholars—such as al-Hurr al-`[illegible]miliy, Shaykh al-Majlisiy, Mirza Husayn al-Nuriy, and many others—until recent ages. Although the majority of these fundamental books were damaged, their contents have been preserved in the collections of Hadith.

This is because our scholars, since the beginning of the fourth century up to the first half of the fifth, depended in their writings on these books as well as other books that comprised their contents."

In the course of the recordation of the religious knowledge, Mr. `Abd al-Halim al-Jundiy, in his book of *al-Imam Ja`far al-Sadiq*, says,

"... However, `Ali wrote down and left for his adherents (Shi`ah) his method of recordation. Most certainly, he had full trust in his method. About him, the Messenger of Allah has said, ''`Ali is with the Qur'an and the Qur'an is with `Ali; and they shall not depart one another until they meet me on the Divine

Pool (on the Resurrection Day).' ...

By means of the jurisprudential recordation, the (Shi`ite) School found a spacious place in the hearts of the memorizers and reporters. It was then moved, by inheritance, to the sons and then to their sons, especially Zayn al-`bidin, al-Baqir, and al-Sadiq. After that, the session of Imam al-Sadiq worked on spreading it in the same way as the recordation had worked on establishing it.

The master scholars who studied under him, as well as their disciples, realized that the sessions of Imam al-Sadiq had enjoyed a number of matters that made these sessions surpass the others whether led by the Ahl al-Sunnah or the Ahl al-Bayt. They listed these distinguishable matters."59

Preceding this statement, Mr. al-Jundiy had said,

"Their studying under Imam al-Sadiq had dressed with glory the jurisprudential aspects of the Four (major) Schools of Sunnite jurisprudence. As for Imam al-Sadiq himself, his glory is not subjected to increase or decrease; he conveyed to all humanity the knowledge of his grandfather (i.e. the Holy Prophet)—peace and blessings be upon him.

Further, Imamate is a special rank; and the imams (i.e. founders) of the Four Schools of Sunnite jurisprudence learnt from him out of their eagerness to draw near to the owner of that rank."60

On another page, Mr. al-Jundiy says,

"Certainly, Malik ibn Anas was scenting the presence of the Messenger of Allah in the session of his daughter's son (i.e. Imam al-Sadiq). He was also feeling or was on the verge of touching a material thing descending from the grandfather to the grandson, or touching non-material things grasping the heart and the mind. Vision is thus joy and hearing is grace.

Even neighborhood, mere neighborhood, was discipline and order. And in all of these, there are ways taking to Paradise. The master of the session was thoroughly pure. He speaks about his grandfather only when he is (ceremonially) pure... etc."61

On another page, Mr. al-Jundiy further says,

"In this very session, four thousand reporters studied and reported from Imam Ja`far al-Sadiq, according to historians and biographers, and four hundred writers each of whom used to say, 'Ja`far ibn Muhammad said...' wrote books from him. What sort of session was that?

Things from the Messenger of Allah were seen in that session; some of these things were material flowing in the spines of men—one after another; and some were mental things the connotations of which, and the meaning of their essays, were seen by all these. The session was completely free from any dispute or aimless argument.

The head of the session used to say to the students, 'Whoever has full acquaintance with a matter will speak very little about it. An actual eloquent is he who hits the target with the least effort.'"62

This is the end of our presentation of the statuses of and views about the Shi`ite comprehensive reference books of Hadith. As for the Shi`ite Muslims, they have never regarded the *al-Kutub al-Arba`ah* as revealed from Almighty Allah and have never considered those from who Shaykh al-Kulayniy, al-Tusiy, or al-Saduq having passed the divine exam.

Besides, they have never judged that all the contents of these Four Books are utterly authentic. As a matter of fact, like any other book, the narrations of the Four Books are subjected to the principles of criticism, assessment, and investigation. In brief, the Four Books, unlike *al-Sihah al-Sittah*, have not been encompassed by haloes of sanctity.

Unless it meets all the considered qualifications of authenticity, a Hadith is worthless even if it has been mentioned by master Hadithists, such as Shaykh al-Kulayniy and Shaykh al-Tusiy. Moreover, it is binding that a Hadith cannot be decided as authentic unless it has present or written obligatorily reliable evidences that act as presumptions confirming that the Holy Imam has actually said that Hadith, such as:

1) The existence of it in the majority of the Four Hundred Principles or, at least, in one or two of them with various considerable series of narrators,

2) The existence of it in one of the books that were presented before the Holy Imams, for authentication, such as the book of `Ubaydullah al-Halabiy that he had shown to Imam Ja`far al-Sadiq about which he is reported to have said, "These do not have the like of this book," or the books of Yunus ibn `Abd al-Rahman and al-Fadl ibn Shadhan, which were presented before Imam al-Hasan al-`Askariy.

3) The existence of it in the fundamental reference books of Hadith that were trusted by the master scholars who lived in the ages of the Holy Imams; such as the book of *Kitab al-Salat* by Hurayz ibn `Abdullah and the books of Ibn Sa`id, `Ali ibn Mahziyar, and the like, even if these books were compiled by authors other than the Imamiyyah Shi`ites, such as the book of Ja`far ibn Ghiyath al-Qadi, the books of al-Husayn ibn `Abdullah al-Sa`diy, and the book of *Kitab al-Qiblah* by `Ali ibn al-Hasan al-Tatiriy.63

1. Asad Haydar: al-Imam al-Sadiq wa'l-Madhahib al-Arba`ah 3:497, as quoted from Mustafa `Abd al-Razzaq: Tamhid li-Tarikh al-Falsafah al-Islamiyyah (Prelude to the History of the Islamic Philosophy) 252.
2. Ja`far ibn Muhammad Sayyid al-Ahl.
3. Al-Muzziy: Tahdhib al-Kamal 5:75-76.
4. Al-Muzziy: Tahdhib al-Kamal 5:79. For the details of this narration, refer to `Ali al-Shahristaniy: Wudu' al-Nabiy 349-352.
5. In his book of 'Tarikh al-Madhahib al-Islamiyyah (History of the Muslim Jurisprudential Schools' pp. 693, Shaykh Muhammad Abu-Zuhrah has written down a commentary on the arguments between Imam Ja`far al-Sadiq and Abu-Hanifah.
6. Shaykh Muhammad Abu-Zuhrah: al-Imam al-Sadiq 2-3.
7. Sayyid Radiy al-Din `Ali ibn Tawus: Muhaj al-Da`awat 219-220.
8. Shaykh al-Baha'iy al-`[illegible]miliy: al-Habl al-Matin 274.

9. Al-Muhaqqiq al-Damad: al-Rawashih al-Samawiyyah 98.
10. `Abd al-Halim al-Jundiy: al-Imam Ja`far al-Sadiq 203-204.
11. Shaykh al-Mufid: Kitab al-Irshad 288.
12. Shaykh al-Tabrisiy: I`lam al-Wara bi-A`lam al-Huda 284.
13. Shaykh al-Tabrisiy: I`lam al-Wara bi-A`lam al-Huda 166.
14. Muhammad ibn `Ali al-Fattal: Rawdat al-Wa`idhin 177.
15. Ibn Shahrashub: Manaqib `Ali ibn Abi-Talib 4:247.
16. Najm al-Din al-Hilliy: al-Mu`tabar 1:26.
17. Al-Shahid al-Awwal: al-Dhikra 6.
18. Sharif al-Murtada: al-Dhari`ah 2:129.
19. Al-Muhaqqiq al-Damad: al-Rawashih al-Samawiyyah 98.
20. Al-Shahid al-Thani: al-Dirayah 17.
21. Shaykh al-Tusiy: al-Fihrist 3.
22. Sayyid Muhsin al-Amin: A`yan al-Shi`ah 1:100. See also `Abd al-Halim al-Jundiy: al-Imam Ja`far al-Sadiq 217.
23. Muhammad ibn `Ali ibn Babawayh (Shaykh al-Saduq): Man-la-Yahduruhul-Faqih 1:2-5.
24. Najm al-Din al-Hilliy: al-Mu`tabar 1:7.
25. Ibn Idris al-Hilliy: al-Sara'ir 471-493. This book has been published under the title of 'Mustatrafat al-Sara'ir'.
26. Shaykh al-Baha'iy: al-Wajizah 6-7; Shaykh al-Hurr al-`□miliy, in Wasa'ilal-Shi`ah (the epilogue) 30:200, quotes the same wording. Similar statement has been mentioned in Shaykh al-Baha'iy's Mashriq al-Shamsayn 269-270.
27. Shaykh al-Hasan: Muntaqa al-Juman 1:27.
28. Al-Kaf`amiy: al-Jannah al-Waqiyah 3-4.
29. `Ali ibn Ibrahim al-Qummiy: Tafsir 1:4 as is recorded in Shaykh al-Hurr al-`□miliy: Wasa'il al-Shi`ah (the epilogue) 30:202.
30. Shaykh al-Hurr al-`□miliy: Wasa'il al-Shi`ah (the epilogue) 30:213.
31. Shaykh al-Hurr al-`□miliy: Wasa'il al-Shi`ah (the epilogue) 30:213.
32. Shaykh al-Hurr al-`□miliy: Wasa'il al-Shi`ah (the epilogue) 30:165.
33. In his famous book of 'al-Muraja`at', Sayyid `Abd al-Husayn Sharaf al-Din lists the names of more than one hundred individuals of these trustworthy reporters.
34. Ibn Makula: al-Ikmal 4:575.
35. Ibn al-Athir: al-Kamil fi'l-Tarikh 8:364.
36. Ibn al-Safadiy: al-Wafi bi'l-Wafiyyat 5:226.
37. Ibn Hajar al-`Asqalaniy: Lisan al-Mizan 5:433.
38. Al-Fayruz'abadiy: al-Qamus al-Muhit 4:363.
39. Al-Zubaydiy: Taj al-`Arus 9:322.
40. Thamir al-`Amidiy: Difa` `An al-Kafi 1:38.
41. Ibn al-Athir: Jami` al-Usul 12:220.
42. Al-Dhahbiy: Siyar A'lam al-Nubala' 16:303 H. 112.
43. Ibn Hajar al-`Asqalaniy: Lisan al-Mizan 202, 279.
44. Al-Dhahbiy: Siyar A'lam al-Nubala' 16:304 H. 212.
45. Shaykh al-Tusiy: al-Fihrist 156.
46. Shaykh al-Saduq: al-Muqni`, The Introduction 22.
47. Al-Najashiy: al-Rijal 276.
48. Al-Muhaddith al-Qummiy: Safinat al-Bihar 2:22.
49. Ibn Hajar al-`Asqalaniy: Lisan al-Mizan 5:368.
50. Ibn al-Nadim: al-Fihrist 226, 247.
51. Al-Muntadham 8:11.
52. Al-Yafi`iy: Mir'at al-Jinan 3:28; Ibn al-`Imad: Shadharat al-Dhahab 3:199.
53. Al-Dhahbiy: Siyar A'lam al-Nubala' 17:344.

54. Al-Dhahbiy: Siyar A'lam al-Nubala' 18:344.
55. Al-Sabkiy: Tabaqat al-Shafi`iyyah 3:51.
56. Al-Suyutiy: Tabaqat al-Mufassirin 29.
57. Al-Katib al-Chalabiy: Kashf al-Dhunun.
58. `Abd al-Halim al-Jundiy: al-Imam Ja`far al-Sadiq 258.
59. `Abd al-Halim al-Jundiy: al-Imam Ja`far al-Sadiq 186.
60. `Abd al-Halim al-Jundiy: al-Imam Ja`far al-Sadiq 163.
61. `Abd al-Halim al-Jundiy: al-Imam Ja`far al-Sadiq 160.
62. `Abd al-Halim al-Jundiy: al-Imam Ja`far al-Sadiq 160.
63. Al-Mirza al-Nuriy: Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il (The Epilogue, Fourth Point) 3:482.

Earlier in this book, the recordation of the Hadith has been thoroughly demonstrated from the viewpoint of the school of through compliance with the sacred texts as well as from the viewpoint of the school of Ijtihad and Opinionism the founder of which had practically prohibited the reporting and recordation of the Hadith.

Let us now present active examples on the jurisprudential methods of both the schools aiming at proving that although the disagreement among the Muslims had been about the political leadership of the Muslim community, it unfortunately moved to the jurisprudence in general.

This fact sheds light on our previous supposition about the reason of the prohibition of reporting and recording the Hadith—a decision that was issued by Abu-Bakr and `Umar, and that the consequences of this decision have been reflected on the present actuality of the Muslims.

This is because disagreement in the jurisprudence was stemmed from the disagreement about the principles and narrations adopted by both the parties of the disagreement. To realize the actual history and the confusables of the Holy Sunnah is to know everything about this topic.

Hereinafter, four controversial questions from various fields of Muslim jurisprudence (namely, the laws of inheritance, food and drinks, doctrinal provisions, and blood money) will be presented for the purpose of demonstrating the discussion of this book in its best and most obvious picture and, also, in order to confirm that the decision of prohibiting the reporting and recording of the Hadith that was issued by Abu-Bakr and `Umar left sweeping influences on the majority, if not all, of the Muslim jurisprudential fields.

One of the consequences of that decision was the legality of multiplicity of the Sahabah's opinions appertained to the religious affairs. In other words, the prohibition of recording the Hadith opened wide the door of Ijtihad and personal views, because people needed their general issues to be solved, especially in the new-found questions; and since Ijtihad would meet this need, it was then practiced by the Sahabah whether in accordance with the sacred texts or not.

However, it is well-known that one of the natural features of Ijtihad is that it does not bind the individuals to stop at a certain opinion. As a result, discrepancies occurred to the Sahabah's personal opinions and

practices of Ijtihad and even to the opinions of a certain Sahabiy. Because they had not agreed to depend upon the view of a certain individual among them, the Tabi`un who came after the Sahabah were badly influenced by such discrepancies.

Moreover, as the rulers recorded the sayings of the Sahabah alongside the Hadith of the Holy Prophet, they contributed largely in deepening such discrepancies. Although repeated, it seems appropriate to cite the following narration Salih ibn Kaysan:

"I, once, met with al-Zuhriy for seeking religious knowledge and then we both decided to write down the traditions. We therefore wrote down whatever was reported from the Prophet. When he suggested that he would write down the traditions of the Sahabah considering them with the Sunnah, I objected and declared the Sahabah's traditions having not been within the Sunnah. Hence, al-Zuhriy wrote down the traditions of the Sahabah while I did not and thus I lost."1

Shaykh Muhammad Abu-Zuhrah says,

"We found Malik ibn Anas depending upon the verdicts of the Sahabah as if they were part of the Sunnah."2

Thus, discrepancy crept into the fundaments of the Muslim jurisprudence and became untouchable law. It is also noticed that discrepancy occurred even to the opinions of the same Sahabiy;3 therefore, one adopts the first opinion of that Sahabiy and another adopts the second.

The aforesaid introduction has revealed the fact that the Holy Sunnah for the Sunnite Muslims passed through two stages;

(1) the prohibition of reporting and recording the Hadith, and

(2) the recordation of the Holy Sunnah. During the first stage of the prohibition, personal views were deemed legal and the Holy Sunnah was intentionally confused with the decisions of the Sahabah. During the second stage of the recordation, these different opinions and views were written down; therefore, they have become within the Islamic laws that must be obeyed.

On the other hand, the school of the through compliance with the sacred texts has passed through one stage only, which is the taking from the Holy Prophet and the adoption of his dictations that were handwritten by Imam `Ali ibn Abi-Talib. For this reason, no substantial disagreement can be noticed in the questions discussed by the jurisprudential method of this school. To prove it, let us present the following examples:

(1) Laws Of Inheritance

It has been narrated that Muhammad ibn Muslim reported,

Abu-`Abdullah (i.e. Imam Ja`far al-Sadiq) opened before me a book (*Sahifah*), and the first sentence that caught my eyes was that "When a legator's heirs are his nephew and his grandfather, the inheritance is divided between them equally." I said to him, "May Allah accept me as ransom for you! Judges are not deciding anything of an inheritance to the nephew (of a legator) when the grandfather is existent." The answered, "Verily, this book is written with the handwriting of `Ali according to the dictation of the Messenger of Allah."4

According to another narration, Muhammad ibn Muslim is reported to have said,

I looked in the book that was read by Abu-Ja`far (i.e. Imam Muhammad al-Baqir) and found that it was written therein, "When a legator's heirs are his nephew and his grandfather, the inheritance is divided between them equally." I said to him, "May Allah accept me as ransom for you! Judges are not deciding anything of an inheritance to the nephew (of a legator) when the grandfather is existent."

Imam Muhammad al-Baqir answered, "Verily, this book is written with the handwriting of `Ali according to the dictation of the Messenger of Allah; from the mouth of the Messenger of Allah to the hand of `Ali."5

These two narrations deal with one of the fields of the Muslim jurisprudence about which discrepancies and disputes have occurred; it is the question of the laws of inheritance. Muhammad ibn Muslim told that the judges in his country had not issued verdicts corresponding to the Book of `Ali; and Imam Muhammad al-Baqir agreed with that information and declared that these judges had issued judgments opposing to the judgment of the Holy Imams of the Ahl al-Bayt.

To prove the accuracy of his judgment and the inaccuracy of these judges' judgments, Imam Muhammad al-Baqir confirmed that his judgments were taken from the mouth of the Messenger of Allah to the hand of `Ali ibn Abi-Talib and that the book on which he depended in the issuance of these judgments were written by Imam `Ali according to the dictations of the the Holy Prophet.

Imam Muhammad al-Baqir thus confirmed on the most trustworthiness of his reference and on the significance of the recordation of the Hadith in general and that record in particular. These confirmations opposed the principles of the trend of Ijtihad and Opinionism.

A look into the Shi`ite reference books of Hadith shows that the Imamiyyah Shi`ite Muslims have unanimously agreed on the question that a nephew, replacing the brother, takes a half of the inheritance while the grandfather's share is the other half.6

As for the Sunnite jurisprudents, none of them has ever issued such a judgment although they knew for certain that Imam `Ali and `Abdullah ibn `Abbas used to judge that the nephew and the grandfather share an inheritance equally.

In this regard, al-Tahawiy has recorded on the authority of Isma`il ibn Abi-Khalid on the authority of al-

Shi`biy that it was narrated to him that `Ali ibn Abi-Talib used to judge that nephews replace their fathers in an inheritance with the existence of the grandfather. Save `Ali, none of the Sahabah used to decide such.7 A similar narration has been reported by `Abd al-Razzaq on the authority of al-Shi`biy.8

On the face of it, the jurisprudents who belong to the School of Ijtihad and Opinionism have not adopted the judgments of Imam `Ali and `Abdullah ibn `Abbas because the question of the grandfather's share of an inheritance is too dangerous from the viewpoint of the caliphs who had divergent opinions about this question.

Therefore, the Sunnite jurisprudents blacked out and stopped any narration reporting the opposite of the caliphs' personal opinions about the question to the degree that Imam `Ali, having feared lest his judgment about this question would be wasted, ordered `Abdullah ibn `Abbas to erase what he had written to him in this respect.

Ibn Abi-Shaybah has recorded, through an authentic series of narrators, on the authority of al-Shi`biy that `Abdullah ibn `Abbas narrated that Imam `Ali wrote a letter to him asking him to erase his previous epistle about the matter.9 According to another narration, Imam `Ali wrote to Ibn `Abbas, "Erase my epistle and keep it not."10

These narrations clearly reveal that Imam `Ali was cautious of elucidating his judgment about that jurisprudential question.

A similar matter was reported by `Abdullah ibn Mas`ud. Ibn Hazm has recorded through his series of narrators to Shu`bah ibn al-Taw'am al-Dabbiy that when the disagreement about the share of the grandfather from an inheritance was mentioned before `Abdullah ibn Mas`ud, he said, "We will only judge as exactly as the judgments of our imams (i.e. the caliphs)."11

In this narration, `Abdullah ibn Mas`ud indicated that he would not be able to express that which he had heard from the Holy Prophet or that which he believes as regards the questions after he had realized that `Umar ibn al-Khattab issued many different judgments. He only showed that he would accept the judgments of the caliphs.

To a great extent, this reply is similar to his saying, "Discrepancy is evil," when his opinion was sought about the question that he had followed the Holy Prophet when he offered the prayer in Mina in the shortened form (*qasr*) while `Uthman ibn `Affan violated such and offered the same prayer in the same place in the complete form (*Tamam*).

`Umar ibn al-Khattab had had different sayings about the grandfather's share from the inheritance, and some of the Sahabah disagreed with each other on the same question—these two facts caused some of the Sunnite jurisprudents to misapprehend the question; therefore, a group of them issued that there is no fixed share for the grandfather from an inheritance when the other heirs are the legator's brothers; rather his share is determined according to the caliph's judgment!"12

Verily, the ruling trend has aimed at nothing other than corroborating the personal opinions of the past rulers, as regards the religious laws, and persistently violating the trend of Imam `Ali and `Abdullah ibn `Abbas.

It has been narrated that al-Hajjaj ibn Yusuf al-Thaqafiy, once, summoned al-Shi`biy to ask him for a judgment in a question one of whose affairs is the grandfather's share of inheritance. Al-Shi`iy said, "This question is subjected to controversy. About it `Abdullah ibn Mas`ud, `Ali, `Uthman, Ibn `Abbas,... etc."

Al-Hajjaj said, "Of course, the opinion of `Abdullah ibn `Abbas in this question is accurate... rather you should order the judge to issue the same judgment that was decided by `Uthman ibn `Affan."13

These narrations and their likes prove that the question was quite understandable for Imam `Ali and the Ahl al-Bayt since they took it from the same source, which is the Book of Imam `Ali, while it was very ambiguous for those who prohibited the recordation of the Hadith.

(2) A Question About Game

It has been narrated on the authority of al-Halabiy that Imam Ja`far al-Said said,

"My father used to issue verdicts about hunting with trained falcons and hawks out of fear and as practice of Taqiyyah (pious dissimulation). Now, we do not fear. It is illegal to hunt with falcons and hawks unless the games are legally slaughtered. According to the Book of `Ali, Almighty Allah's saying (in the Holy Qur'an),

'...and what you have taught the beasts and birds of prey, training them to hunt-- you teach them of what Allah has taught you' (***Holy Qur'an: 5:4***)

is exclusively dedicated to the dogs."14

This narration means that Imam Muhammad al-Baqir, because he lived under the pressures of the Umayyad rulers' intellectual terrorism, used to issue the legality of hunting with -trained- falcons and hawks for fear of their persecution since they were fond of hunting with trained falcons and hawks, as is well-known from Yazid and other Umayyad rulers.

But when fear vanished in the beginning of the `Abbasid dynasty, Imam Ja`far al-Sadiq explained the actual judgment of this question, saying, "Now, we do not fear. It is illegal to hunt with falcons and hawks unless the games are legally slaughtered."

To deeply investigate this jurisprudential issue displays that the proofs appertained to it are dedicated to the legality of eating the games that are hunted by the trained dogs, nothing else, according to the text of the holy verse. It has been narrated that Abu-Tha`labah al-Khushaniy and `Adiy ibn Hatam al-Ta'iy

decided the legality of the game, especially that hunted by trained dogs.[15]

Similarly, `Abdullah ibn `Umar and Mujahid are reported to have issued the judgment that hunting by means of anything other than trained dogs are illegal, because Almighty Allah says,

'...and what you have taught the beasts and birds of prey, training them to hunt-- you teach them of what Allah has taught you' (***Holy Qur'an: 5:4***)

is exclusively dedicated to the dogs.[16] Further, Ibn Hazm has recorded that the Holy Sunnah mentioned exclusively the trained dogs and nothing else at all.[17]

Scholars have also doubted the authenticity of the narration ascribed to `Abdullah ibn `Abbas as having said that the trained dogs, falcons, and each and every bird that is trained for hunting are intended in the holy verse involved,[18] because the narration was reported on the authority of `Ali ibn Abi-Talhah who did not see `Abdullah ibn `Abbas and who was decided as doubted by the majority of biographers.[19]

In addition, the Holy Imams of the Ahl al-Bayt are reported to have decided that only the games that are hunted by trained dogs are legal while all games that are hunted by other trained animals are illegal.

From the previous, we conclude that the ruling was very clear, but the rulers and their desires instigated some Muslim jurisprudents to decide what those rulers wanted out of fear causing the next generations to lose the genuine ruling.

Thus, the majority of the Sunnite jurisprudents have violated this clear-cut ruling and decided the legality of the games hunted by trained falcons and hawks,[20] although I could not find even a single indication from the Holy Sunnah justifying such violation. Rather the Holy Sunnah has declared the opposite of their judgments.

However, they had decided such after they expanded the topic of the holy verse without any proof or point of evidence from the Holy Qur'an or Sunnah that, as a matter of fact, have comprised texts confirming that the meat of games is decided legal only when these games are hunted by trained dogs, not any other animal. Evidently, Ibn Hazm declared this fact[21] and, apparently, `Abdullah ibn Qudamah did, too.[22]

As a consequence, we conclude that liberal welfare would have covered the Muslims had they only adhered to the method of the recordation of the Hadith that was inaugurated by Imam `Ali ibn Abi-Talib.

Yet, political circumstances and confused affairs forced a certain jurisprudential issue to succumb to individual desires, not to what has been openly mentioned in the Holy Qur'an and what was declared by the Holy Prophet.

(3) The Penalty Of Drinking Intoxicants And Wines

It has been narrated on the authority of Burayd ibn Mu`awiyah that Imam Ja`far al-Sadiq said,

"In the Book of `Ali, it is recorded that he who drinks intoxicants and he who drinks wines should be sentenced to eighty lashes each."[23]

This narration carries two subject; first, the provision of the drinkers of intoxicants is eighty lashes and, second, the matter of intoxicants include all intoxicated beverages, such as wines and the like.

With regard to the first, it has been authentically narrated that all the founders of the Four Schools of Sunnite jurisprudence have decided that a drunk must be whipped eighty lashes. An exception in this issue is that Muhammad ibn Idris al-Shafi`iy, the founder of the al-Shafi`iyyah School, in one of his two famous opinions is reported to have declared that a drunk is whipped forty lashes.[24] The evidence on the forty lashes is that it has been also narrated that the Holy Prophet beat a drunk with two slippers, or other thing that has two edges, forty times.[25]

The evidence on the eighty lashes has been extracted from the incident that `Umar ibn al-Khattab sought the counsel of the Sahabah concerning the penalty of the drunk. It has been authentically narrated that Imam `Ali, during that session of counsel, said, "One who is intoxicated will definitely rave; and when he raves, he will fabricate lies; therefore, you may apply the penalty of slanderers to the drunk." In the same session, `Abd al-Rahman ibn `Awf said, "You may make it the lightest of the doctrinal provisions, which is eighty lashes."[26] Accordingly, the Sahabah agreed to make it eighty lashes!

Strangely, some scholars have conjectured the untruth; they have thought the Islamic code of law having been empty of the ruling of lashing and the Holy Prophet having not decided certain penalties for certain crimes. Ibn Hazm has referred to some of these erroneous concepts.[27]

Although it is not the proper place to mention and refute these concepts, I only intend to state that such claims necessarily mean that the Islamic code of law (*Shari`ah*) has been imperfect and that the verse of the Holy Qur'an that reads,

"We have revealed the Book to you explaining clearly all things." (***Holy Qur'an: 16/89***)

is meaningless. Of course, no single Muslim accepts these two claims.

Those who issue forty lashes as the penalty of the drunk have provided as evidence the narration that the Holy Prophet beat with a thing that had two edges or with a pair of slippers forty times.

Supposing this narration is authentic, its significance is very close to the judgment of the eighty-lash punishment, because customarily to beat with a pair of slippers is not considered one lash, but two.

Accordingly, this can stand as evidence for those who issue eighty-lash, not forty-lash, punishment.

`Umar ibn al-Khattab is notably reported to have sentenced drunks to forty and sixty-lash punishment before he sought the Sahabah's counsel according to which he decided the eighty-lash punishment. He is also reported to have exiled the drunks and then decided not to do it ever again.[28]

As for the followers of the School of Thorough Compliance, they undoubtedly believe that the judgment of eighty-lash punishment was not a personal view of Imam `Ali; rather it was decided by the Holy Prophet.

The proof on this fact is that he had beaten with a pair of slippers those who drank intoxicants forty times. The other proof is that this judgment is mentioned in the Book of `Ali that comprises the dictations of the Holy Prophet handwritten by Imam `Ali ibn Abi-Talib.

As a matter of fact, it is strange that al-Sarakhsiy, in his book of *al-Mabsut*, has claimed that the eighty-lash judgment was a personal opinion that was deduced by Imam `Ali![29] He has not realized the fact that Imam `Ali had originally received this judgment from the Holy Prophet, and all that he did was introducing an example-like justification in order to make the attendants understand the question and to fix the judgment of the Holy Prophet.

The second subject in this topic is the expansion of the matter of intoxicants so as to include any amount of liquor that causes intoxication. The School of Thorough Compliance with the Sacred Texts has unanimously agreed upon the ruling that reads, "It is illegal to drink any amount of liquor the much of which intoxicates."

The followers of the School of Ijtihad and Opinionism have largely disputed about this matter. Some of them, agreeing with the School of Compliance, decided the illegality of drinking any intoxicant, which contains any liquor that causes stupefaction including those the little amount of which does not stupefy.

The Shafi`iyyah, Malikiyyah, and other schools of Sunnite jurisprudence can be listed under those who agreed with the School of the Ahl al-Bayt in this question. Al-Nawawiy, in his book of *al-Majmu`*, says,

"The Shafi`iyyah, the Malikiyyah, and other schools of Sunnite jurisprudence have judged the illegality of drinking any intoxicating liquor, be it juice or wine, even if the amount of such liquor does not intoxicate so long as the nature of it causes intoxication."[30]

Other Sunnite jurisprudential schools have decided the legality of drinking the wine the little amount of which does not cause stupefaction. Consequently, they have decided that it is not forbidden to drink much amount of such liquor.

According to the apparent wording of al-Qurtubiy, among those who adopted this opinion were Ibrahim al-Nakha`iy, Sufyan al-Thawriy, Ibn Abi-Layla, Shurayk, Abu-Hanifah, the other jurisprudents of al-Kufah, and the majority of the jurisprudents of al-Basrah.[31] Al-Qurtubiy then adds,

“What is deemed unlawful among the other wines is the intoxication itself, not the intoxicating liquor.”32

Ibn Qudamah says,

“Abu-Wa'il al-Nakha`iy, the majority of the jurisprudents of al-Kufah, and the Opinionists are among those who claimed that only those who become intoxicated should be sentenced to the religious punishment of consuming intoxicants.”33

By saying such, these jurisprudents have specified the actuality of intoxication as a stipulation of its materialization. This is of course opposite to the abovementioned opinion of the School of Thorough Compliance with the Sacred Texts and the Sunnite jurisprudential schools that complied with it in this regard, such as the Shafi`iyyah and the Malikiyyah who believe in the illegality of drinking any liquor that can intoxicate; and since wine has this characteristic, it is forbidden to drink any amount of it, be it much or little.

Even their enemies have confessed of the appositeness of the Shi`ite jurisprudents in this respect since it is congruent with sound nature and reason. Musa Jarullah says,

“I like the belief of the Shi`ah in the point of deeming illegal to drink any liquor the much of which causes intoxication. They thus decide that it is illegal to drink any amount of liquor the much of which stupefies. Even the compelled does not drink intoxicants in time of emergency, since it is fatal. The Shi`ah also deem illegal to sit to a table on which wine was, is, or will be served. I also thoroughly like the School of the Imamiyyah Shi`ah in questions of divorcement and some fundamental laws of inheritance.”34

In his book of *al-Muhalla*, Ibn Hazm takes offense at and bears down upon those who adopted the opinion that wine is illegal only when it intoxicates. He then refers to the opinion of the School of Thorough Compliance with the Sacred Texts, saying,

“These are collaborating traditions and uninterrupted authentic narrations that are reported from the Mother of Believers,35 Abu-Musa al-Ash`ariy, `Abdullah ibn `Umar, Sa`d ibn Abi-Waqqas, Jabir ibn `Abdullah, and al-Nu`man ibn Bashir. All of these, unambiguously and unmistakably, have reported from the Holy Prophet the illegality of drinking intoxicants.

Moreover, there are traditions confirming the illegality of drinks when they cause stupefaction and the illegality of honey, barley juice, and wheat juice when they cause intoxication, the illegality of corn juice when it causes intoxication, and the illegality of drinking any little amount of any drink the much of which causes intoxication.

This is, of course, opposite to the claims of that one whom Almighty Allah may disappoint and deprive of success... Having gone beyond all limits, some people showed intolerable impudence against some of the traditions of the Holy Prophet, who says that all intoxicating liquids are forbidden to drink, and said that he only meant the last cup of wine!”36

By the statement “This is, of course, opposite to the claims of that one whom Almighty Allah may disappoint and deprive of success,” Ibn Hazm meant Abu-Hanifah and his followers because they have deemed lawful to drink the dregs of wine, yet discommendably.

They have thus said, “One who drinks the dregs of wine should not be sentenced to the religious punishment of consuming intoxicants unless he becomes intoxicated. Such being the case, he should be punished.” Ibn Hazm himself, in his book of *al-Muhalla*, has reported this verdicts from the followers of Abu-Hanifah.37

The aforesaid statement, “he only meant the last cup of wine!” indicates the legality of drinking a little amount of intoxicants or wines because such an amount does not actually cause intoxication; rather intoxication occurs only when the last cup is drunk; therefore, one who consumes intoxicants is lashed for the last cup, not the ones preceding!

By a deep look into the incidents of the history of the Islamic legislation, one can find out that those who adopted such a claim must have betaken the deed of `Umar ibn al-Khattab, the second caliph, as their evidence on their claim. It has been narrated that he lashed a Bedouin because he had drunk from the caliph’s liquor.

When the Bedouin expressed that he had only drunk from `Umar’s drink, the latter ordered them to bring him that drink. When the drink was brought before him, he added water to it and drank. He then said, “One who doubts his drink should add water to it!”38

`Umar ibn al-Khattab is also reported to have said, “I am drinking this strong liquor in order to digest the meat of camels and to save our stomachs from its aches. So, one who doubts his drink should add water to it!”39

He is also reported as saying, “My stomach can hardly digest the food therein; therefore, I drink this strong wine in order to help my stomach work properly.”

Evidently supporting my conclusion, it has been narrated that Abu-Hanifah presented the conduct of `Umar ibn al-Khattab as his proof on deeming legal to consume a little amount of the wines the much of which causes intoxication. In this connection, it has been narrated that `Abdullah, one of the descendants of `Umar ibn al-Khattab, objected to Abu-Hanifah as regards deciding the wines as legal to drink.

Abu-Hanifah answered, “We have learnt this verdict from your forefather.”

`Abdullah said surprisingly, “Which one of my forefathers?”

Abu-Hanifah answered, “It is your forefather who said, ‘One who doubts his drink should add water to it!’”

`Abdullah then asked, “What will you do if you are ascertained of it without doubt?”

Abu-Hanifah kept silent because he could not find an answer for that question.[40]

In order to reach any result in this secondary jurisprudential issue, they have adhered to the weakest indications. They therefore entrapped themselves in violent disputes and reached at contradictory conclusions because they have left behind them the authentic texts that are recorded in the Book of `Ali and reported from the Ahl al-Bayt.

In my conception, the rulers, both the Umayyad and the `Abbasid, made all possible endeavors to establish this ruling—that specifies actual intoxication as stipulation of the illegality of consuming wines—so as to save themselves from the people’s criticisms and to drink intoxicants and wines as they like without any barrier or deterrent.

They also misused the legal permission of drinking the “legal” wine, in the sense that they put some dates in the brackish water in order to remove its salinity. Then, they applied this ruling to the sizzling wine and thus specified actual intoxication as stipulation of the illegality of consuming wines. In the midst of all these unacceptable acts, they knew for sure that the Holy Prophet had said,

“A group of my community will deem legal the drinking of wines under another title that they invent.”[41]

He is also reported as saying,

“Soon shall a group of my community drink wine after they change its name.”[42]

To apply this Prophetic prediction to the reality signifies that the major Sahabah did not consume wines—except `Umar ibn al-Khattab who, having practiced his personal view, decided the legality of consuming wine which he did not give up until the last hour of his life—and the Holy Imams of the Ahl al-Bayt decided it absolutely forbidden; therefore, none remained except the Umayyad and `Abbasid rulers who did drink wines and exceeded it to consume even the pure intoxicants.

In any event, such confusion between the principles and the concepts would not have happened if the Muslims had kept records. Again, if the rulers had left the Muslims to take the features of their religion from the books that comprised the religious knowledge and Hadith, including the Book of Imam `Ali, it would have been better and more beneficial for the Muslims and the disagreement among the Muslim scholars would not have reached such an extent in the jurisprudential questions.

(4) The Blood Money For Teeth

It has been narrated that al-Hakam ibn `Uyaynah said to Imam Muhammad al-Baqir, “Some people have thirty-two teeth while other have only twenty-eight; how is the blood money for the teeth divided?” The Imam answered,

“Naturally, a human being has twenty-eight teeth; twelve are in the front of the mouth and sixteen are in the back of it. According to this distribution, the blood money for the teeth has been divided. The blood money for each of the front teeth, when broken to vanishing, is five hundred dirhams.

Thus, the blood money for all these teeth becomes six thousand dirhams. As for the back teeth, when broken to vanishing, two hundred and fifty dirhams is the blood money for each of these sixteen teeth.

Thus, the blood money for all these teeth becomes four thousand dirhams. The total blood money for the front and back teeth is ten thousand dirhams. The blood money has been decided according to this division; therefore, no blood money is decided for any additional tooth or incomplete number. Thus have I found the ruling in the Book of `Ali.”43

The same narration has been narrated by Shaykh al-Saduq, rather with another series of narrators on the authority of al-Hasan ibn Mahbub,44 and by Muhammad ibn al-Hasan on the authority of al-Hasan ibn Mahbub, too.45

Because it has been mentioned in the Book of `Ali, all the Imamiyyah Shi`ite jurisprudents have acted upon this ruling; therefore, they have not shown any disagreement in this division. Shaykh Muhammad Hasan al-Najafiy says,

“The blood money must be paid entirely when all the teeth are broken to vanishing. No disagreement can be found on this ruling; rather it is unanimous according to the apparent statements of *al-Mabsut* and the clear-cut statements of *al-Tahrir*.

The blood money is divided according to the twenty-eight teeth. As is written in *al-Khilaf*, the Shi`ite scholars and reporters have unanimously agreed upon this ruling... Six hundred dinars is the blood money for the front teeth. Hence, the blood money of each tooth is twenty-five... This is the whole blood money...”46

The Imamiyyah jurisprudents have also unanimously agreed that no blood money is paid for the additional teeth; rather it is subjected to the one-third of the blood money, or the blood money for scratches, or conciliation, or...etc. In brief, no blood money for the teeth is paid for the additional ones. This is the meaning of the narration that confirms this ruling having been taken from the Book of `Ali.

Thus, the narration mentioned from the Book of `Ali has decided a complete blood money for the teeth being broken or damaged. The blood money for the front teeth, which are sixteen in number, is six hundred dinars; fifty (i.e. five hundred dirhams) for each. The blood money for the back teeth is four hundred dinars; twenty-five (i.e. two hundred and fifty dirhams) for each. The total is thus one thousand dinars (i.e. ten thousand dirhams), which is the blood money for the teeth altogether.

Those who did not take from or did not know about the contents of the Book of `Ali have been engaged in big dispute as regards this question; they have therefore gone on various ways according to each

party's reports and opinions. `Ata' is reported as saying, "The blood money for the front teeth and the incisors is five camels for each; and for the rest is two camels for each. This is the second narration from `Umar."[47] The first narration from `Umar, however, reads that the blood money for the rest of the teeth is one, not two, camel.[48]

On the other hand, the author of *al-Mughni* has written down that `Ata' decided equality of the blood money for each of the teeth without differentiation is five camels.[49] Accordingly, the blood money for all the teeth, which are twenty-eight, is one hundred and forty camels; and this means that the blood money for the teeth alone is bigger than the blood money for a human being.

`Abdullah ibn `Abbas and `Umar ibn al-Khattab are reported as having decided fifty dinars as the blood money for each of the incisors, forty dinars for each of the malors, and twenty-five for each of the grinders.[50] In view of this narration, `Umar ibn al-Khattab had a third opinion about the issue.

Still, he had a fourth opinion, recorded by the author of *al-Mughni*, which is that the blood money is the same for all the teeth,[51] though this opinion has been ascribed to `Abdullah ibn `Abbas and `Ata', too.[52]

It is thus noticeable that `Umar ibn al-Khattab had four different opinions about the blood money for the teeth; and there is more than one opinion, about the question, ascribed to `Abdullah ibn `Abbas and `Ata'. This indicates the confusion in the reporting from the Sahabah or the confusion of the reporters themselves.

It goes without saying that the blood money cannot be changed daily and cannot have a certain amount in a certain time since it is Almighty Allah Who has defined that amount. Such contradiction in reporting cannot be found with the other School (of Thorough Compliance with the Sacred Texts), because the followers of it have always depended upon the contents of the Book of `Ali, the ancient and the genuine, that comprises the dictations of the Holy Prophet.

Had the followers of the School of Ijtihad and Opinionism acted upon the contents of the Book of `Ali, such odd contradiction in the reporting from a certain Sahabiy about a certain question would not have existed.

Because the reporting from Imam `Ali and the other Holy Imams of the Ahl al-Bayt is unchangeable and authentic as regards the amount of the blood money for the teeth when broken or damaged, the followers of the other school (of the prohibition from reporting and recording the Hadith) took the authentic narrations and then interpreted their contents according to their personal opinions and views.

The majority of the followers of this school—who decided equality in the blood money for all the teeth—claimed that they depend upon the narration mentioned in the book of `Amr ibn Hazm that reads, "The blood money for the tooth is five camels."[53]

Yet, this narration does not imply equality of the teeth, because other narrations have used the

expressions ‘malors’ and ‘incisors’ to express the teeth. Thus, it is inaccurate to claim generality of teeth in the aforesaid narration. Only this amount of the blood money was reported from `Amr ibn Hazm whom the Holy Prophet sent to the people of the Yemen with a book comprising the shares of inheritances, the highly recommended acts, and the amounts of the blood money.54

Besides, this amount is supported by the reports from the Holy Imams, as will be later on discussed. Yet, this cut-off reporting that lacks details and explanation on one hand and the insertion of personal opinions and Ijtihad in the question on the other hand—these two matters caused the followers of Ijtihad and Opinionism to commit this mistake upon which they have acted and issued verdicts.

Imam Ja`far al-Sadiq is reported to have said,

“The blood money of teeth is five camels, for both the near and the far front teeth. This is half of one-tenth of the blood money. They can be paid as dinars, dirhams, cows, sheep, and camels.”55

This narration reveals that the blood money of all the front teeth, the near and the far, is five camels, which is half of one-tenth of the blood money. If it would be paid as camels, then five camels should be paid for each damaged tooth; and if it would be paid in dinar, then fifty dinars should be paid for each damaged tooth; and if it would be paid in dirham, then five hundred dirhams should be paid for each damaged tooth. In other narrations, the details of the blood money for the other teeth have been shown.

Consequently, the contents of the book of `Amr ibn Hazm correspond the narrations reported from the Ahl al-Bayt. This is one of the benefits of the recordation. However, the personal interpretation, the negligence of the points and details mentioned in the other narrations, and the inappropriate generalization—these matters caused the Ijtihadists and Opinionists to be engaged in such mistake and disagreement about the amount of the blood money for the teeth.

Other jurisprudents have presented the following narration as their point of evidence:

It has been narrated on the authority of `Abdullah ibn `Abbas that the Holy Prophet said, “Fingers are equal in the amount of the blood money; and teeth, whether incisors or malors, are also equal in the amount of the blood money.”56

Even if we suppose the authenticity in reporting this narration, it still has not been recorded in a book. It is also contradictory to the aforecited discussion about the variety in the reports of the Sahabah, Tabi`un, and jurisprudents as regards this question.

It is worth mentioning that Ahmad ibn Hanbal—who is, as testified by all Muslims, Hadithist and narrator more than being jurisprudent—adopted an opinion opposing all the Sunnite jurisprudents and narrations and corresponding with the Ahl al-Bayt and the School of Thorough Compliance with the Sacred Texts.

He decided that the blood money for the front teeth is six hundred dinars (i.e. six thousand dirhams) and for the back teeth is four hundred; and these two amounts are together the whole blood money of teeth.

Both al-Nawawiy, in *al-Majmu`* 19:99, and `Abdullah ibn Qudamah, in *al-Mughni* 9:613, have written down this opinion.

Through the abovementioned, yet simple, examples, the significance of the recordation and the true value of the Book of Imam `Ali have been clearly understood. It is now also obvious that those who practiced and depended upon the recordation of the religious knowledge, as well as those who follow the School of Thorough Compliance with the Sacred Texts, have been always closer to the right and more trustworthy in reporting from the Holy Prophet.

On the other hand, the followers of the School of Ijtihad and Opinionism, who prohibited the recording of the Hadith, were entrapped in disputes, perplexity, and variety of personal opinions; all that because they deserted the recordation and the records.

Even if they received a portion of the contents of these records, they would receive it imperfect and confused with personal views and Ijtihad. All these matters have taken the Ijtihadists and Opinionists away from the right path and thus the Muslim jurisprudence with them has been dependent upon personal opinions.

Naturally, opinions are different; therefore, they are large in number. On the contrary, the jurisprudence of those who complied with the sacred texts, those who recorded the Hadith during the age of the Holy Prophet, and those who preserved depended upon these recorded have been kept as far as possible from mistake, distortion, or imperfection.

In addition, this jurisprudential method is characterized by precision in the details and connection in the reports taken from the records. As a result, those jurisprudents have deduced the same, spotless and undoubted, ruling.

I thus appeal to the gentle researchers to deeply investigate the materials of the Book of Imam `Ali in the field of Muslim jurisprudence in order to demonstrate the significance of the recordation in general and the contents of the Book in particular.

1. Ibn `Abd al-Rabb al-Qurtubiy: Jami`u Bayan al-`Ilm wa-Fadlih(i) 1:76-77; al-Khatib al-Baghdadiy: Taqyid al-`Ilm 106-107.
2. Musnad Ahmad ibn Hanbal 251; Malik ibn Anas: al-Muwatta' 290.
3. In my book of 'Wudu' al-Nabiy', I have investigated the features of the phenomenon of ascribing many reports to `Abdullah ibn `Abbas.
4. Shaykh al-Kulayniy: al-Kafi 7:112 H. 1; al-Hurr al-`□miliy: Wasa'il al-Shi`ah 26:159.
5. Shaykh al-Kulayniy: al-Kafi 7:113 H. 5; Shaykh al-Tusiy: Tahdhib al-Ahkam 308 H. 1104/25; al-Hurr al-`□miliy: Wasa'il al-Shi`ah 26:16.
6. Shaykh al-Tusiy: al-Khilaf 4:90.
7. Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 12:17.
8. `Abd al-Razzaq: al-Musannaf 10:269 H. 19066.
9. Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 12:17.
10. Ibn Hajar al-`Asqalaniy: Fath al-Bari fi Sharh Sahih al-Bukhariy 12:17.

11. Ibn Hazm: al-Muhalla 9:283. On 9 :285-286 of the book there is a more obvious indication.
12. Ibn Hazm: al-Muhalla 9:283.
13. Ibn Hazm: al-Muhalla 9:289.
14. Shaykh al-Kulayniy: al-Kafi 6:207; Shaykh al-Tusiy: Tahdhib al-Ahkam 9:32; al-Istibsar 4:72.
15. `Abdullah ibn Qudamah: al-Mughniy 11:43.
16. `Abdullah ibn Qudamah: al-Mughniy 11:11.
17. Ibn Hazm: al-Muhalla 7:472.
18. Muhyi al-Din al-Nawawiy: al-Majmu` 9:93.
19. Muhyi al-Din al-Nawawiy: al-Majmu` 9:93.
20. `Abdullah ibn Qudamah: al-Mughniy 11:3.
21. Ibn Hazm: al-Muhalla 7:472.
22. `Abdullah ibn Qudamah: al-Mughni 11:3.
23. Shaykh al-Tusiy: Tahdhib al-Ahkam 10:96; al-Istibsar 4:235.
24. `Abd al-Rahman al-Jaziriy: al-Fiqh `Ala'l-Madhahib al-Arba`ah 31-32; `Abdullah ibn Qudamah: al-Mughni 10:325.
25. `Abdullah ibn Qudamah: al-Mughni 10:325.
26. `Abdullah ibn Qudamah: al-Mughni 10:325.
27. Ibn Hazm: al-Muhalla 11:364.
28. Ibn Hazm: al-Muhalla 11:365.
29. Al-Sarakhsiy: al-Mabsut 24:32.
30. Al-Nawawiy: al-Majmu` 20:120.
31. Al-Qurtubiy: Bidayat al-Mujtahid 1:493.
32. Al-Qurtubiy: Bidayat al-Mujtahid 1:493.
33. `Abdullah ibn Qudamah: al-Mughni 10:324.
34. Musa Jarullah: al-Washi`ah fi Naqd `Aqa`id al-Shi`ah 118-19, 140.
35. Mother of Believers (Umm al-Mu'minin) is a title said to the Holy Prophet's wives and excerpted from the Holy Qur'an that reads, "The Prophet has a greater claim on the faithful than they have on themselves, and his wives are (as) their mothers. 33/6" This is thus an indication to one of the Holy Prophet's wives and, most likely, to `Ā'ishah, for she is famous of reporting from the Holy Prophet. (Translator)
36. Ibn Hazm: al-Muhalla 7:500.
37. Ibn Hazm: al-Muhalla 7:492.
38. Al-Muttaqiy al-Hindiy: Kanz al-`Ummal 5:514. The next narration in the book is worthy of reading.
39. Al-Bayhaqiy: al-Sunan al-Kubra 8:299.
40. Al-Bayhaqiy: al-Sunan al-Kubra 8:306.
41. `Abd al-Rahman al-Jaziriy: al-Fiqh `Ala'l-Madhahib al-Arba`ah 5:21. This narration has been recorded by Ahmad ibn Hanbal and Ibn Majah.
42. `Abd al-Rahman al-Jaziriy: al-Fiqh `Ala'l-Madhahib al-Arba`ah 5:21. This narration has been recorded by Ibn Majah.
43. Al-Hurr al-`Āmiliy: Wasa'il al-Shi`ah 29:343; Shaykh al-Tusiy: Tahdhib al-Ahkam 10:254; al-Istibsar 4:288.
44. Shaykh al-Saduq: Man-la-Yahduruhul-Faqih 4:104/351.
45. Shaykh al-Tusy: Tahdhib al-Ahkam 10:254; al-Istibsar 4:288.
46. Shaykh al-Jawahiriy: Jawahir al-Kalam 42:229.
47. Al-Nawawiy: al-Majmu` 19:98.
48. `Abdullah ibn Qudamah: al-Mughni 9:612.
49. `Abdullah ibn Qudamah: al-Mughni 9:612.
50. Al-Nawawiy: al-Majmu` 19:98.
51. `Abdullah ibn Qudamah: al-Mughni 9:612.
52. `Abdullah ibn Qudamah: al-Mughni 9:613.
53. Al-Nawawiy: al-Majmu` 19:98.
54. Jamal al-Din al-Muzziy: Tahdhib al-Kamal 21:585.

55. Al-Hurr al-`Amiliy: Wasa'il al-Shi`ah 29:344; Shaykh al-Tusiy: Tahdhib al-Ahkam 10:261; al-Istibsar 4:289.
56. `Abdullah ibn Qudamah: al-Mughni 9:614.

In the previous chapters, some of the major differences between the two trends have been cited. Having been influenced by the decision of the prohibiting of reporting and recording the Hadith, these differences saw light and expanded until they reached us to fruitful and unquestionably valid conclusions about the foundations of the two trends that represent the School of Ijtihad and Opinionism and the School of Thorough Compliance with the Sacred Texts.

Obviously, we have also seen the positive impact that the recordation of the Hadith has left on the jurisprudence of those who recorded the Hadith and, at the same time, the negative impact that it has left on the jurisprudence of those who prohibited it. We thus have realized the actual value of the jurisprudential stock of both the schools.

Let us now try to present our outcomes and to evaluate them with another criterion so as to recognize the scope of each trend's conformity with the natural progression of the historical conventions and the rules of sociology and ethics and the scope of their harmony and accord with the various circumstances that encompassed the both trends. Through such presentation and evaluation, we will conclude which of the two is remote from distortion and deviation and which is in close proximity.

Imam `Ali ibn Abi-Talib is reported to have said in one of his sermons,

"I have been informed of your saying, 'Ali is telling lies!' May Allah destroy you! Against whom have I told lies? Is it against Allah? It is I who was the foremost to have faith in Him. Is it against His Prophet? It is I who was the foremost to believe him."1

This text carries the most accurate and excellent connotations of argument and viewing. In this text, the Imam introduced the aggravation of a socio-ethical epidemic that inflicted an entire society or at least a large section of it. Unfortunately, the publics accused of fabrication and poured their anger on a personality of the most elevated ranks of decency and clarity.

Refuting the baseless accusations of these peoples, Imam `Ali declared that a liar must have motives, whether internal or external, encouraging him to betake fabrication as his means for achieving his aims and goals. A liar is one of the following cases:

1) Being stricken by blind-heartedness and preoccupation in illegal matters, acts of disobedience to Almighty Allah, and rebellion against Him and, as a result, such a person will find sweet and feasible to tell lies and will not be immunized enough to stop committing any offense;

2) being one of those who look forward to gaining a pleasure or a worldly affair that he cannot reach by way of truth and thus he has to tell lies in order to attain that goal;

3) being coward, in the sense that he fears the outcome of a bad deed he had done and fears that the worldly punishment will chase him; he therefore resorts to telling lies in order get rid of that trouble; or

4) trying to save himself from an embarrassing question addressed to him but he could not find the appropriate answer; hence, he betakes lying as the cover under which he conceals his feebleness... etc.

To browse the pages of the Islamic history puts on view that the majority of those who fabricated lies against Almighty Allah and the Holy Prophet had immature psychological tendencies or scandalous intellectual feebleness. In most cases, such individuals had converted to Islam out of fear of being killed or had found themselves a place among the Muslims, while they were not, such as those who had to join Islam at the Conquest of Makkah, the hypocrites, and the like.

Indisputably, all such motives and their likes are nonexistent in the personality of Imam `Ali ibn Abi–Talib. He is the sincere Sahabiy who has enjoyed the most prominent characteristics and has had the most excellent situations. None of the Muslims would ever deny this fact.

Also, he belongs to a family that is too exalted to require praising or telling lies that are said in order to meet a social imperfection caused by such matters. Imam `Ali has thus said, "Against whom have I told lies? Is it against Allah? It is I who was the foremost to have faith in Him. Is it against His Prophet? It is I who was the foremost to believe him."

He has said the very truth, since there does not exist any motive drawing him to tell lies. It is `Ali, and none else, about whom, as well as his family, many verses from the Holy Qur'an were revealed, such as the Verse of Purification (*Tathir*),2 the Verse of Invoking the Curse (*Mubahalah*),3 the Verse of Love for the Relatives (*al–Mawaddah fi'l–Qurba*),4 and the Surah of *al–Dahr* (or *al–Insan* No. 76). Besides, the following holy Qur'anic texts were revealed to express the situations of Imam `Ali or to refer to him:

"And hold fast by the Rope of Allah all together and be not disunited." (***Holy Qur'an: 3/103***)

"O you who believe: Be careful of (***your duty to***) ***Allah and be with the true ones."*** (***Holy Qur'an: 9/119***)

"And (***know***) ***that this is My path, the right one; therefore, follow it, and follow not*** (***other***) ***ways, for they will lead you away from His way."*** (***Holy Qur'an: 6/153***)

"O you who believe: Obey Allah and obey the Messenger and those in authority from among you." (***Holy Qur'an: 4/59***)

"So, ask the Followers of the Reminder if you do not know." (***Holy Qur'an: 16/43***)

"And whoever acts hostilely to the Messenger after that guidance has become manifest to him, and follows other than the way of the believers, We will turn him to that to which he has (***himself***) ***turned and make him enter hell; and it is an evil resort."*** (***Holy Qur'an: 4/115***)

"You are only a warner and there is a guide for every people." (***Holy Qur'an: 13/7***)

"Only Allah is your Guardian and His Messenger and those who believe, those who keep up prayers and pay the poor-rate while they bow down in prayer. And whoever takes Allah and His messenger and those who believe for a guardian, then surely the party of Allah are they that shall be triumphant." (***Holy Qur'an: 5/55-56***)5

There is then no motive or justification for Imam `Ali to fabricate lies against Almighty Allah.

To fabricate lies against the Holy Prophet is the affair of the flatterers, the keepers of caprices and coveted objects, and the enemies of Islam who deceptively found themselves places among the Muslims, annoyed the Holy Prophet, belied him so that their concealed goals would not be exposed, threw sweepings at him, put thorns in his path, ... etc.

As for `Ali ibn Abi-Talib, he is the cousin of the Holy Prophet; and the one who defended him with his soul and heart; and the first human being who believed in his Prophethood and Messengership; and the one who replaced him in his bed so as to save him from the danger of assassination; therefore, it is quite unreasonable that a man of such situations would ever fabricate lies against the Holy Prophet. Besides, there are tens of statements of praise said by the Holy Prophet about Imam `Ali; such as,

"You are the chief (*Imam*) of the pious people and the leader of the white-forheaded, handsome individuals."6

"You are the chief of the reverent ones and the slayer of the irreverent ones. He whoever supports you shall be victorious and he whoever disappoints you shall he disappointed (by Almighty Allah)."7

"I am the city of knowledge and `Ali is the gate to that city; hence, one who intends to get knowledge should come to the gate first."8

"After me, you will explicate for my people the matters about which they may dispute."9

"I am the 'warner' and `Ali is the 'guide'.10 After me, only by means of you will the guided to the right path find the right path."11

"Verily, the ummah will betray you after me. You shall keep following my religion, and you shall be killed following my tradition. Anyone who loves you will have in fact loved me; and anyone who hates you will have in fact hated me. Certainly, your beard will be dyed by the blood of your head."12

Ahmad ibn Hanbal has recorded, through an authentic series of narrators, on the authority of `Abdullah ibn `Umar; and al-Hakim al-Nisapuriy that `Umar ibn al-Khattab said,

"`Ali ibn Abi-Talib has been given three peculiarities; were I given only one of these, it would be more favorable to me than having the best kind of camels... These are (1) `Ali's having been married to

Fatimah, daughter of Allah's Messenger, (2) his having been allowed to live in the Masjid with Allah's Messenger and to do whatever he likes therein, and (3) his having been given the pennon to lead the Muslim army in the conquest of Khaybar."13

Muslim, in his book of *al-Sahih*, has recorded on the authority of Sa`d ibn Waqqas14 and `Abdullah ibn `Abbas a narration similar to the abovementioned one.15

Imam `Ali is reported to have said,

"One of the Holy Prophet's predictions to me was that the ummah shall betray me after his departure."16

`Abdullah ibn `Abbas is reported to have said that the Messenger of Allah said to (Imam) `Ali,

"Surely, you shall face fatiguing troubles after me." Imam `Ali asked, "Shall my religion be kept purely sound while facing these troubles?" The Holy Prophet answered, "Yes, your religion shall be kept purely sound while facing these troubles."

It is thus quite unreasonable to even imagine that such a unique man about whom such sacred texts—and so many others—from Almighty Allah and the Holy Prophet are said to fabricate lies against Almighty Allah and the Holy Prophet.

This fact can be utterly realized if we take a deep look into the following text said by al-Dhahbiy—no matter it was said intentionally or unintentionally—about Imam al-Mahdi, in his book of *Siyar A`lam al-Nubala'*:

"Muhammad ibn al-Hasan al-Mahdi, the Awaited, is the seal of the Twelve Masters whose inerrancy (i.e. *`Ismah*) is claimed by the Imamiyyah sect. They further claim that Muhammad ibn al-Hasan is being the Successor (*al-Khalaf*: the awaited successor of the Holy Prophet and Imams), and the Argument (*al-Hujjah*: the Argument of Almighty Allah against His creatures), and the Patron of the Age (*Sahib al-Zaman*: the one who will live for long ages and finally carry out Almighty Allah's orders on the entire earth); and that he is alive, and he shall not die before he appears again to fill in the earth with justice and fairness after it would be filled up with injustice and discrimination. We are looking forward to this, indeed.

Our Master, `Ali, is one of the Orthodox Caliphs (*al-Khulafa' al-Rashidin*).

And his sons, al-Hasan and al-Husayn, are the grandsons of Allah's Messenger and the masters of the youth of Paradise. Had they been selected for the leadership (caliphate), they would have certainly deserved it.

And Zayn al-`[illegible]bidin was highly regarded, and was one of the chief worshippers and scholars, and he was worthy of holding the position of leadership.

And his son, Abu-Ja`far al-Baqir, was also sayyid (i.e. lord), master scholar, jurisprudent, and he was qualified for the leadership.

And his son, Ja`far al-Sadiq, was highly regarded, and was one of the master scholars, and was worthier than Abu-Ja`far al-Mansur (the `Abbasid ruler) of holding the leadership of the Muslim community.

And his son, Musa, was also highly regarded, well-versed, and was worthier than Harun (al-Rashid: the `Abbasid ruler) of holding the leadership.

And his son, `Ali ibn Musa al-Rida, was highly regarded, and he enjoyed much knowledge and eloquence, and was widely loved by people, and, out of al-Rida's grandeur, al-Ma'mun (the `Abbasid ruler) appointed him as his crown prince.

And his son, Muhammad al-Jawad, was one of the chiefs of his people.

And his son, nicknamed al-Hadi (i.e. the Guide), was also reputable and of excellent standing.

And the same thing is said about his son, al-Hasan ibn `Ali al-`Askariy. May Allah, the Exalted, have mercy upon them all."[17]

Such are the Holy Imams and more! They are the matches of the Holy Qur'an, as is in the Hadith of the Two Weighty Things (*Hadith al-Thaqalayn*), and they are the security of the inhabitants of this earth from drowning, as is in the Hadith of *al-Safinah* (the Ark),[18] and they are the security of the Muslim community against divergence, as is mentioned by al-Hakim al-Nisapuriy, in *al-Mustadrak `Ala'l-Sahihayn* 3:149.[19]

Differences Between The Two Schools

First Difference

As for the Imams of the School of Thorough Compliance with the Sacred Texts (i.e. the Holy Imams of the Ahl al-Bayt), the proportion of distortion is nil when compared to the others. This is because they are `Ali, al-Hasan, al-Husayn... and they are the thoroughly purified ones and veracious in the words of the Holy Qur'an and Sunnah.

On many occasions, the Holy Prophet praised those who adhered to and followed the course of these Holy Imams very laudably, such as `Abdullah ibn `Abbas, `Abdullah ibn Mas`ud, Abu-Dharr, `Ammar ibn Yasir, and many others. These personalities have been well-known for their decency and for their steadfastness against fancies and other trends. None of them has ever been accused of telling lies or forging fabrications against the Holy Prophet.

On the other hand, many of the followers of the School of Ijtihad and Opinionism have been charged of

inventing false Hadiths and spreading made-up narrations, such as Abu-Hurayrah, Samarah ibn Jundub, Ka`b al-Ahbar... etc. As a matter of fact, this difference between the two schools is obviously unmistakable.

It is necessarily noteworthy that those who thoroughly complied with the sacred texts insisted on reporting what they had known even if this would cause them to lose their lives. They never compromised in matters appertained to the religion.

The best example on such is Imam `Ali's situation in the meeting of the so-called Shura Committee when he rejected to comply with the conducts of Abu-Bakr and `Umar as one of the stipulations of selecting him as the ruler of the Islamic State. Of course, Imam `Ali took this situation unwaveringly because he believed that that stipulation was in violation of the Holy Prophet's instructions (Sunnah).

Among the many other examples is the situation of Imam al-Husayn against Yazid ibn Mu`awiyah. Quite the reverse, the Ijtihadists and Opinionists advised Imam `Ali, during his reign when some people mutinied against him, to give in, to cajole, and to flatter and thus would he achieve practicability and benefit for the Muslims!

The same Ijtihadists and Opinionists also advised Imam al-Husayn to swear allegiance to Yazid and to keep silent as the others did since, in their conception, divergence is evil and Allah's act can be interpreted into another form... etc.

Second Difference

Induction and the investigation of the historical course of the Holy Qur'an prove that all the divine doctrines grew and fruited in the labs of the poor and the oppressed people. Referring to this fact, Almighty Allah, in the Holy Qur'an, says,

"They (***i.e. the people of Prophet Noah***) ***said: Shall we put faith in thee, when the lowest*** (***of the people***) ***follow thee?"*** (***Holy Qur'an: 26/111***)

"The chieftains of his folk, who disbelieved, said: We see thee but a mortal like us, and we see not that any follow thee save the most abject among us, without reflection. We behold in you no merit above us - nay, we deem you liars." (***Holy Qur'an: 11/27***)

Relating the objections of the unbelievers to the Holy Prophet, the Holy Qur'an further reads,

"A likely thing, that thou wouldst forsake aught of that which hath been revealed unto thee, and that thy breast should be straitened for it, because they say: Why hath not a treasure been sent down for him, or an angel come with him? Thou art but a warner, and Allah is in charge of all things." (***Holy Qur'an: 11/12***)

These holy verses bear out that it was the feeble, or 'the lowest', people who hurried to believe in the

divine doctrines. The Prophets were also poor people; no treasure was sent down for them and they did not bring with them gold, silver, pleasures, or lusts; rather they came with simplicity, modesty, and moderation.

The unbelievers and the infidels, on the other hand, always belonged to the class of the rich, luxurious people who never went with the spirit and concepts of the divine doctrine that would restrict and deprive them of any distinctive feature or point of arrogance against the others. Of course, they would never like or accept this.

Again, the Holy Qur'an reads,

***"Beautified for mankind is love of the joys* (*that come*) *from women and offspring; and stored-up heaps of gold and silver, and horses branded* (*with their mark*)*, and cattle and land."* (*Holy Qur'an: 3/14*)**

Objecting to the divine selection of the Prophets, the luxurious said,

***"Why, then, have armlets of gold not been set upon him, or angels sent along with him?"* (*Holy Qur'an: 43/53*)**

Having realized the reality of his community, the Holy Prophet took pride in and concerned himself with the poor. In return, those poor people who abstained from the worldly pleasures followed him, such as `Ammar ibn Yasir, al-Miqdad ibn al-Aswad, Salman al-Farisiy (the Persian), Abu-Dhar, Bilal al-Habashiy (the Abyssinian), Suhayb al-Rumiy (the Roman), and their likes.

As for the rich and wealthy people, such as Abu-Lahab, Abu-Jahl, and Abu-Sufyan, they harmed the Holy Prophet so terribly that they even threw thorns in his road. This is one of the undeniable facts.

If we take into consideration this Qur'anic tradition and apply it to the two Schools, we will conclude that the overwhelming majority of the followers of the School of Thorough Compliance were the poor people.

For instance, Abu-Dhar spend his whole lifetime in poverty. He was also stranger, banished, and exiled until he departed life in his exile. Likewise, `Ammar ibn Yasir lived in poverty until he was martyred leaving nothing of the worldly vanities behind him. So did the rest of the major personalities of this school.

In contrast, luxury and lavish expenditure were the most distinctive features of the lives of `Uthman ibn `Affan, Marwan ibn al-Hakam, Mu`awiyah ibn Abi-Sufyan, and `Amr ibn al-`[illegible]s. Historians have mentioned the large wealth and properties that these persons left behind.

Naturally, such extravagance and lavishness would have never complemented with the religious logic and laws. The caliphs and rulers knew for sure this fact. In this respect, it has been narrated on the authority of al-`Abbas ibn Salim that `Umar ibn `Abd al-`Aziz, once, summoned Abu-Salam al-Habashiy

whom was asked to ride a saddled mule. When he was present before the caliph, he said to him, “O Commander of the Faithful: I was awfully exhausted due to riding that mule.”

“I did not intend exhaustion for you, Abu-Salam,” said `Umar. “But I only summoned you because I was informed that you have memorized the Hadith reported by Thawban, the (manumitted) slave of the Holy Prophet, about the Divine Pool; I therefore wanted to listen to the Hadith from your mouth directly.”

Abu-Salam narrated, “I heard Thawban, the slave of Allah’s Messenger, saying that he had heard Allah’s Messenger, saying,

“Verily, my Pool is as spacious as the distance between Aden and Amman. Its water is whiter than pure milk and sweeter than honey. Its cups are as numerous as stars. To have a single drink from it saves from thirst forever. The first to reach at it shall be the poor.”

Then, `Umar ibn al-Khattab asked, “Who are these, Allah’s Messenger?” and he was answered,

“These are the unkempt-haired, the dirty-clothed, who cannot marry luxurious ladies, and for whom doors are not opened.”

Commenting on the Hadith, `Umar ibn `Abd al-`Aziz said, “Assuredly, all closed doors are opened for me, and I have married a luxurious lady, namely Fatimah daughter of `Abd al-Malik. I thus hope for nothing except the mercy of Allah. Assuredly, I will not put oil on my head until it becomes unkempt and I will not wash my dress that I put on until it becomes unclean.”[20]

The meaning of this Hadith is that those whose hairs are unkempt are the true strugglers for the sake of Almighty Allah and the true worshippers of Him. They have not been distracted by the pleasures of this world. In other words, owing to their engagement in jihad, acts of worship, and indifference to the worldly pleasures, these poor people are unkempt-haired and dirty-clothed.

However, `Umar ibn `Abd al-`Aziz confessed his being excluded from such a sort of people; he therefore wanted to join them but he missed their path. He thought that dirtying the hair and the clothes would be the way to Paradise. He could not perceive that the actual meaning of being unkempt-haired and dirty-clothed is the indifference to the charms of the worldly life that take away from struggle for the sake of Almighty Allah and from worshipping Him with the sole purpose.

When Sufyan al-Thawriy objected to al-Mansur, the `Abbasid ruler, that he was excessively squanderer and spendthrift, the later answered him, “You just want me to be like you, do you not?”

Sufyan answered, “Do not be like me; rather be less than your current manner and higher than my manner.”

This word made the ruler dismiss Sufyan al-Thawriy.[21]

A look into the history shows scandalously the gluttony, squandering, and extravagance in food and amusement sessions that were held by Mu`awiyah ibn Abi-Sufyan, Yazid, Marwan ibn al-Hakam, `Abd al-Malik ibn Marwan, al-Walid ibn `Abd al-Malik, al-Mansur, al-Mahdiy, al-Rashid, and the other Umayyad and `Abbasid rulers who bravely distorted the Holy Qur'an and forged lies against the Holy Sunnah. Ironically, those very rulers called for recording the Holy Sunnah, later on, and decided to cancel all the Sunnite jurisprudential schools and to adopt the Four Schools exclusively.

Moreover, it was they who embraced and supported Ijtihadism and Opinionism and called the jurisprudents to act upon the so-called *Maslahah* (advantage). As a consequence, the proportion of distortion and deviation for such people would naturally be very big if compared to the other school whose followers were poor and satisfied with the religion of Almighty Allah and thus they were in no need for changing or distorting the religious laws and then inventing personal interpretations.

Third Difference

Sycophancy and currying favor with the rulers have been one of the incurable diseases of human beings. The luxurious ruling authorities have used bribes and patronage as the only means for showing favor to some individuals and provoking the hostility of others. Such matters have been the biggest reason for attracting the weak-willed who always seek the pleasure of mortals even if such would cause them to enrage the Creator. This meaning has been mentioned in the following Hadith:

"The most vicious of the people is he who has sold his Next Life with his transitory life. Even more vicious than the previous is he who has sold his Next Life with the transitory life of others."22

This phenomenon manifested itself seriously during the age of `Uthman ibn `Affan, after it had been limited to some extent during the ages of Abu-Bakr and `Umar. This is because `Uthman paved the way to changing the Islamic caliphate into hereditary kingdom when he assigned his close relatives to the senior governmental offices and conferred upon them with abundant fortunes and properties to the degree that one of his relatives is reported to have left behind him such an enormous quantity of gold that required axes to break it up.

It has been authentically narrated that `Uthman donated the one-fifth of Africa and Fadak to `Abdullah ibn Abi-Sarh and Marwan ibn al-Hakam. Similar donations are reported to have been given by `Uthman to his relatives in order to defend him, his principles, and his opinions that resulted in the mutiny of the Muslims who then attacked and killed him.

As a matter of fact, manifestations of such tribal discrimination first appeared during the reign of Abu-Bakr when he allowed Khalid ibn al-Walid to wear silk and put on a turban stabbed with arrows as a sign of arrogance and pride. It is worth mentioning that `Umar ibn al-Khattab took out these arrows from Khalid's turban, broke them, and threatened him with stoning for he had murdered Malik ibn Nuwayrah and slept with his widow at the same night.

As for `Umar ibn al-Khattab, he named Mu`awiyah ibn Abi-Sufyan as the Khosrow (i.e. the king) of the Arabs and permitted him to dress any garb he would like because he was in the vicinity of the Romans.

To sum it up, the phenomenon of flattering the rulers has been always one of the characteristics of the weak-hearted individuals.

On the other hand, Imam `Ali ibn Abi-Talib always took pride in the epithet of "Abu-Turab (father of dust)" that the Holy Prophet had said to him. About his garment, he said,

"I have patched my garment so frequently that I felt embarrassed before the patcher."

He further used to eat dry bread with salt or laban (i.e. coagulated milk) and he never ate them together for he wanted to meet Almighty Allah while being tiny-punched.

Having holding the leadership, Imam `Ali exerted all efforts in confiscating the public assets that `Uthman ibn `Affan had donated to his relatives and restoring them to the public treasury. He, once, heated an iron bar and put it on the hand of his brother, `Aqil, because the latter had asked him for an amount more than his due.

As for Mu`awiyah ibn Abi-Sufyan and his likes, he made use of the taletellers and those who were well-known of forging lies against the Holy Prophet. He thus paid them enormous amounts of money in order to invent lies against Imam `Ali. For instance, Mu`awiyah gave Samarah ibn Jundub forty thousand dinars in order to relate that the following holy verse expressed the manner of `Ali, Allah forbid!

"And among men is he whose speech about the life of this world causes you to wonder, and he calls on Allah to witness as to what is in his heart, yet he is the most violent of adversaries." (***Holy Qur'an: 2/204***)

He also seduced `Amr ibn al-`[illegible]s under promise of appointing him as the ruler of Egypt if the latter would support him in his war against Imam `Ali.

He also distorted the famous Hadith, "O `Ammar: You shall be killed by the transgressing party." He falsely claimed that `Ali was meant by the transgressing party because he threw `Ammar in the battle and caused him to be killed by the party of Mu`awiyah.

The situations of Mu`awiyah in the field of distorting the religion and forging lies against Almighty Allah and the Holy Prophet are too numerous to be contained by this book.

However, we can conclude that the School of Ijtihad and Opinionism was managed by the rich, luxurious people while the School of Thorough Compliance was headed by the poor, oppressed people. Accordingly, it is unimaginable that the oppressed might distort while all the matters are in the hands of the rulers. Muhammad ibn al-Wazir al-Yamaniy, a famous researcher, investigated the "Hadiths" narrated by Mu`awiyah ibn Abi-Sufyan, `Amr ibn al-`[illegible]s, and al-Mughirah ibn Shu`bah and found out

that all these “Hadiths” were the same.23

This investigation is another confirmatory proof on my conclusion that the jurisprudential method of these individuals was the same since it flew to the same river. It also substantiates that these individuals and their party were of the same trend.

In like manner, I believe that the Umayyad and `Abbasid rulers used to betake religious judicature as their means to defaming the personalities of their dissidents and betake the jurisprudents’ verdicts for achieving their personal interests.

In this connection, it has been narrated that Harun al-Rashid, one night, summoned Abu-Yusuf, the chief judge, who hurried to him with terror. When he entered the palace, he found `ʿsa ibn Ja`far sitting to the right of the ruler who said to him, “Abu-Yusuf: it seems that I have terrified you, does it not?”

“Yes, indeed. You have terrified me,” answered the chief judge.

When he restored calmness, the ruler said to him, “I have summoned you to witness that `ʿsa ibn Ja`far refused to answer to my will when I asked him to donate or sell his bondmaid to me.”

`ʿsa ibn Ja`far said, “I am under an oath of divorce, manumission, and giving all my possessions in alms if I will never sell or donate that bondmaid.”

Al-Rashid thus asked the chief judge to find him a solution for this problem, and the chief judge found it, saying, “He can donate the half of her to you and sell you the other half!”

Al-Rashid further said, “I cannot wait until she will be clean from her period of menstruation, as is decided by the religious law, since she is a chattel slave-girl. If I will not sleep with her tonight, I fear lest I will be injured.”

Abu-Yusuf said, “It is easy, Commander of the Faithful! Manumit her and then marry her in this moment.”

By means of this trick could al-Rashid seize that slave-girl from her master and marry her at the same night.24

This afore-prepared puzzle was purposed for testing the obedience of Abu-Yusuf to the ruler and the scope of his readiness to distort the religious laws and change the opinions for the sake of pleasing the ruler who, though would not comply with or even need such odd jurisprudential distortions, knew for sure about the invalidity of these distortions; rather he wanted to betake the jurisprudents as legal cover under which he would do whatever he liked.

Al-Mas`udiy has narrated that Zubaydah, al-Rashid’s wife, wrote a message to Abu-Yusuf, the chief judge, asking his verdict about a certain issue and telling that it would be nice for her if the judgment

would be such-and-such. The chief judge therefore issued a judgment corresponding with her wish.

In return, she sent him as gifts gold, silver, receipts, riding-animals, dresses, and other precious things. Those who attended the situation said to him, "The Holy Prophet is reported to have said that when a gift is sent to somebody, those who sit with him should have a share of it."

He answered, "This is only when the gift is dates and laban!"25

Thus were the connotations of the clear-cut Hadiths distorted to refer to other things.

History has kept for us innumerable examples on such distortions. A good number of Muslim authors and intellectuals, ancient and modern, have discovered that the main reason behind the extinction of the majority of the Muslim jurisprudential schools—such as the Schools of Awza`iy, Rabi`ah al-Ra'y, and Sufyan al-Thawriy—was that the ruling authorities had not supported them for a certain reason while these authorities encouraged, supported, and embraced the founders or students of the Four Schools; therefore, they expansively spread all over the Muslim regions. Ibn Hazm says,

"Two of the Four Schools spread out by virtue of governmental offices and ruling authorities. The School of Abu-Hanifah were widely known only when Abu-Yusuf was appointed as the chief judge. He thus admitted for the office of judiciary none but his mates and those who belonged to the Hanafiyyah School. the second is the Malikiyyah School..."26

Al-Dahlawiy also says,

"Only a jurisprudential school whose followers were widely known, and to whom the offices of judiciary and legal authority, and whose books spread among people and could be studied openly—only would such a jurisprudential school become widespread and would keep circulation throughout ages.

Conversely, a jurisprudential school whose followers were not on good terms with the ruling authorities and were not given governmental offices of judiciary and legal authority and were not liked by people—such a jurisprudential school would cease to exist."27

Fourth Difference

As has been proven in the previous pages of this book, not only did the caliphs disagree with the course of Imam `Ali but they also opposed him and resorted to the tribal disputes throughout their behaviors with him. The governmental recordation of the Hadith appeared lately and after one century, during the reign of `Umar ibn `Abd al-`Aziz or Husham ibn `Abd al-Malik.

In this respect, al-Zuhriy says, "We disliked the recordation of the (Holy) Sunnah, but the rulers compelled us to do such." In addition, the recordation of the Hadith was done in the light of the memorized, nor recorded, items of it.

In conclusion, the distortion of the Holy Sunnah should be initially conceived to exist in the records of these rulers rather than the records of the others. This is because of these rulers' national tendencies and because they had the power in their hands and because their recordation of the Hadith was far away from the Holy Prophet's time. As for the Ahl al-Bayt, it is inconceivable to distort the Hadith due to the opposite of the aforesaid factors.

Fifth Difference

The belief of the legality of Opinionism and multi-opinionism is in reality inviting its fans to distort, in the sense that they, in order to support their masters, commit themselves to invent false Hadiths or to misinterpret Hadiths. For that reason, they have considered sectarianism one of the divisions of the invention of false Hadiths.

On the other hand, it is unnecessary for the adopters of the Thorough Compliance with the Sacred Text to invent false Hadiths, because the Hadiths that they narrate have been reported from its fundamental recordations. Thus, the Imam says, "My father's Hadith is the same as my Hadith, and my Hadith is as same my father's."

In this way, it is unfeasible for them to distort Hadiths or invent others because their narrations have never been contradictory and because they all take from the same source and consider the Holy Qur'an the original reference and arbiter that decides the authenticity and genuineness of any narration reported from or ascribed to them.

Sixth Difference

Unlike the School of Ijtihad and Opinionism, the jurisprudential principles of the School of Thorough Compliance are the same. This is because the Holy Imam of the Ahl al-Bayt always concentrated on the necessity of deriving the religious laws from the Holy Qur'an and Sunnah only, whereas the trend of Ijtihad and Opinionism legalized personal opinions and views in the face of the Holy Qur'an and Sunnah.

Basically, such belief results in disagreement in the jurisprudential principles. A party of them thus depends upon analogy in the inference of religious laws, and another party warns against analogy, and a third party depends upon the so-called *al-Masalih*... etc.

Because each Sunnite jurisprudential school tried to prove its congruence with the actuality while the others are not, a noticeable state of additions and interpretations as a result of such disputes have clearly manifested itself. Moreover, some of them have accused others of unreal charges and have misunderstood others.

In brief, the four Sunnite jurisprudential schools, as well as the other schools that ceased to exist, were engaged in reciprocal intellectual conflicts that augmented until they decided each other as infidels and miscreants. This is of course the strongest motive of distortion and deviation in an attempt to support

each one's trend and school.

Seventh Difference

Biographers belonging to the School of Ijtihad and Opinionism have widely disagreed about the trustworthiness or unreliability of narrators of Hadith due to the multiplicity of the trends of that school. Moreover, biographers have disagreed about the trustworthiness, decency, and acceptability of certain biographers. A look into the biographies of the biographers of the both Schools proves this fact unambiguously.

For instance, contradictory opinions about the trustworthiness and acceptability of results of Ibn Mu`in, the master biographer and critic of the narrators of Hadith, have been said, because, like all the other biographers, he must have criticized a person who belonged to a school other than his or because he disagreed with him on a certain point.

Similarly, he must have deemed trustworthy a certain person because the latter belongs to the same school or trend to which Ibn Mu`in belongs. Moreover, he criticized even Muhammad ibn Idris al-Shafi`iy, the founder of the Shafi`iyyah School, and decided him as untrustworthy.

In the same way as many scholars have criticized and decided Ibn Mu`in as untrustworthy, many others have absolutely depended upon his judgments to the degree that they have never compared his findings to any other judgments although the all belonged to the School of Ijtihad and Opinionism.

The same thing can be said about the other biographers. `Abd al-`Aziz al-Majishun, Ibn Abi-Hazim, and Muhammad ibn Ishaq, as well as many others, have censured Malik ibn Anas, the founder of the Malikiyyah School.[28] Al-Darqutniy compiled a booklet containing the traditions recorded by Malik ibn Anas, in *al-Muwatta'*, and other books, that were contradictory to the Holy Sunnah. This booklet is kept at al-Dhahiriyyah Library in Damascus.[29]

Al-Khatib al-Baghdadiy has mentioned the names of more than thirty-five persons who defamed Abu-Hanifah, the founder of the Hanafiyyah School.[30] Similarly, Ahmad ibn Hanbal, the founder of the Hanbaliyyah School, was defamed by many biographers.

Besides, some biographers might have decided a certain narrator as highly trustworthy but, due to a personal, neither religious nor sectarian, disagreement, they criticized and threw him from the elevated position to which they had raised him.

If we want to accept the statements of a biographer, we should first believe in his trustworthiness and decency. Only then can we understand the disagreement in such assessment. Of course, it is illogic to depend upon the opinions of a person who is personally untrustworthy.

Under the title of "The Trustworthy in Criticism", al-Dhahbiy has written an epistle comprising the

principles of criticism, the classes of critics, and the methods of depending upon their words.31

On the other hand, as regards the biographers of the School of the Ahl al-Bayt, all the scholars have unanimously agreed upon their decency and trustworthiness; therefore, one cannot find any word of dispraise said against Abu'l-`Abbas al-Najashiy, al-Kishiy, al-Tusiy, or any other biographer belonging to the School of the Ahl al-Bayt. This is an obvious indication to their unity in ideology and trend.

The aforesaid points have contained some of the factors of deviation and distortion at both the Schools. An investigation in this respect requires a huge volume, if not many volumes, be filled up. However, the results will be astounding if all the factors are studied thoroughly.

1. Nahj al-Balaghah 1:119.
2. Verse of Purification: "Allah only desires to keep away the uncleanness from you—O Ahl al-Bayt (people of the House)—and to purify you a (thorough) purifying. 33/33"
3. () The holy verse of Mubahalah (i.e. Invoking the curse of Almighty Allah) is number 61 of the holy Surah of al-Ma'idah No. 6. This holy verse reads, "If any one disputes in this matter with thee, now after (full) knowledge Hath come to thee, say: 'Come! Let us gather together our sons and your sons, our women and your women, ourselves and yourselves, then let us earnestly pray and invoke the curse of Allah on those who lie! 3/61" Let us now quote the story of the holy verse from al-Muwaffaq al-Khawarizmiy's famous book entitled al-Manaqib, page 159:
(´Abdullah) ibn ´Abbas, al-Hasan, al-Shi'bi, and al-Siddi; all these have reported the incident of Mubahalah as follows:
As the delegation of the Christians of Najran attended before the Prophet , the archbishop advanced and asked, "O Abu'l-Qasim (the Prophet's nickname), who was the father of (Prophet) Moses?" "It was ´Imran," answered the Prophet .
The archbishop then asked, "Who was the father of (Prophet) Joseph?"
The Prophet answered, "It was (Prophet) Jacob?"
The archbishop then asked, "Who was your father?"
The Prophet answered, "I am the son of ´Abdullah ibn ´Abd-al-Muttalib"
The archbishop then asked, "What about (Prophet) Jesus? Who was his father?"
The Prophet kept silence waiting for the Divine Revelation. It was no longer until Archangel Gabriel descended with God's saying (The Holy Qur´an, Surah of Al-´Imran 3:59-60): "Surely, the likeness of Jesus is with Allah as the likeness of Adam; He created him from dust, then said to him, Be, and he was. (This is) the truth from your Lord, so be not of the disputers."
The archbishop commented, "What was revealed to us does not involve such information."
Hence, Archangel Gabriel revealed to The Prophet God's saying (The Holy Qur´an, Surah of Al-´Imran 3:61):
"If any one disputes in this matter with thee, now after (full) knowledge Hath come to thee, say: 'Come! Let us gather together,- our sons and your sons, our women and your women, ourselves and yourselves: Then let us earnestly pray, and invoke the curse of Allah on those who lie!'"
The archbishop commented, "This is truly fair. When shall we meet to invoke God's curse on the lying party?"
The Prophet answered, "Let it be tomorrow, God willing."
The Christian delegation then left. They advised each other, "If he will accompany some of his companions for the meeting tomorrow, then you should compete with him, for, in such case, his claim is false. But if he will accompany some members of his family, then do not compete with him, for, in such case, he is truly a prophet, and if he will invoke God's curse upon us, we will certainly be perished."
Some of them however declared, "We do know that he is the very prophet we are expecting, and if he invokes God's curse on us, we will surely be perished and will never go back to our families or fortunes."
The other Jews and Christians asked, "What should we do, then?"
Abu'l-Harth, the bishop, suggested, "Since he is a generous man, we may visit him and ask him to accept our withdrawal for this competition of invocating God's curse on the lying party."
The next morning, The Prophet invited all the people of al-Madinah and the neighboring villages to attend that meeting. All

the people responded.
The Prophet went out, ´Ali was before him, al-Hasan was to his right (and he was catching his arm), al-Husayn was to his left, and Fatimah was behind them. He then said, "Let us begin. These (al-Hasan and al-Husayn) are our sons, these (´Ali and I) are ourselves, and this (Fatimah) is our women."
As they saw this situation, the individuals from the other party attempted to hide themselves behind any pillar they could find or behind each other, because they anticipated that The Prophet would begin invocating God's curse on them.
They therefore moved towards him, knelt down before him, and besought, "Please, accept our withdrawal from this matter."
The Prophet accepted their withdrawal after they had had to pay him one thousand garments as recompense. (See, also, Jalal-al-Din al-Suyutiy's al-Durr al-Manthur, Ibn al-Maghaziliy's al-Manaqib, Muhammad ibn ´Ali al-Tabariy's Bisharat al-Mustafa, Ibn Kuthayr's al-Bidayah wa'l-Nihayah, al-Ya'qubiy's al-Tarikh, Ibn Shabbah al-Numayriy's Tarikh al-Madinah and many others.)
4. This verse reads, "Say: I do not ask of you any reward for it but love for my near relatives. 42/23"
5. Refer to the many reference books of Hadith, Islamic history, and Tafsir all of which confirm that these sacred texts were revealed to express manners of Imam `Ali ibn Abi-Talib and his Household. For instance, see `Abd al-Husayn Sharaf al-Din: al-Muraja`at No. 12.
6. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:138. Abu-Na`im, in his book of 'Hilyat al-Awliya'' has recorded this Hadith on the authority of Anas. It is further written down in Ibn Abi'l-Hadid's Sharh Nahj al-Balaghah.
7. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:129.
8. Al-Tabaraniy, in 'al-Mu`jam al-Kabir' has recorded this Hadith on the authority of `Abdullah ibn `Abbas. It is also recorded by al-Hakim, in 'Manaqib `Ali', and al-Suyutiy, in 'al-Jami` al-Saghir'.
9. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:122.
10. This is an exegesis of the verse of the Holy Qur'an that reads, "You are only a warner and (there is) a guide for every people. 13/7"
11. According to al-Muttaqiy al-Hindiy's Kanz al-`Ummal, this Hadith has been recorded by al-Daylamiy on the authority of `Abdullah ibn `Abbas.
12. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:137. In 'al-Talkhis', has decided this Hadith as authentic. A similar one has been reported by Shi`ite series of narrators and recorded in Shaykh al-Saduq's 'Ikmal al-Din wa-Itmam al-Ni`mah' in the following form: It has been narrated... on the authority of Ibn Samarah that the Messenger of Allah said to him, "Son of Samarah: When fancies will be various and opinions will separate, you should adhere to `Ali ibn Abi-Talib; for he is truly the chief (Imam) of my ummah and my representative over them after my departure."
13. Musnad Ahmad ibn Hanbal 2:26; Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:125; Al-Haythamiy: Majma` al-Zawa'id 9:120; Ibn Abi-Shaybah: al-Musannaf 6:372; Al-Mubarakfuriy: Tuhfat al-Ahwadhiy fi Sharh Jami` al-Tirmidhiy 10:136.
14. Sahih Muslim 4:1871; Sunan al-Tirmidhiy 5:638.
15. Al-Tabaraniy: al-Mu`jam al-Awsat 8:212; Al-Haythamiy: Majma` al-Zawa'id 6:120; Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:111; Ibn `Abd al-Barr: al-Isti`ab 3:1090; Ibn `Asakir: Tarikh Madinat Dimashq 1:161.
16. Al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 3:147. In 'al-Talkhis', al-Dhahbiy has decided this narration as authentic.
17. Al-Dhahbiy: Siyar A`lam al-Nubala' 13:119-121.
18. The Hadith of al-Safinah reads, "the example of Ahl al-Bayt is Noah's Ark; anyone who embarks on it will be certainly saved while those who abstain will certainly fall and drown." (Al-Suyutiy: al-Jami` al-Saghir 2:533 No. 8126 and Al-Hakim al-Nisapuriy: al-Mustadrak 'ala'l-Sahihayn 3:150-1.)
19. Muhammad ibn Jarir al-Tabariy, in 'al-Mustarshid' 579, has recorded the following: Al-Hakim al-Nisapuriy has recorded that Mukrim ibn Ahmad al-Qadi related on the authority of Ahmad ibn `Ali al-[illegible]bar on the authority of Ishaq ibn Sa`id ibn Arkun al-Dimashqiy on the authority of Khulayd ibn Di`lij Abu-`Amr al-Sadusiy (perhaps) on the authority of Qatadah on the authority of `Atta' that `Abdullah ibn `Abbas said that the Holy Prophet said, "Stars are acting as security for the inhabitants of the earth from drowning. Similarly, my Household (Ahl al-Bayt) are acting as security for my ummah from divergence. When any tribe from the Arabs oppose them, it will have rejected the truth and, thus, become with the party of

Iblis (Satan)." (Al-Hakim al-Nisapuriy commented) Although this Hadith is of authentic series of narrator, they (i.e. al-Bukhariy and Muslim) have not recorded it.

20. Muhammad ibn Muhammad al-Baghandiy: Musnad `Umar ibn `Abd al-`Aziz 116.
21. Al-Khatib al-Baghdadiy: Tarikh Baghdad 9:152-153. See also the introduction of Tafsir Sufyan al-Thawriy.
22. Al-Hurr al-`[illegible]miliy: Wasa'il al-Shi`ah Chapter 71, H. 11.
23. For further details, refer to the following books: Nur al-Din `Itr: al-Sunnah al-Muttahharah wa'l-Tahaddiyat; Muhammad ibn Isma`il al-San`aniy: Tawdih al-Afkar 2:453-463; Muhammad ibn al-Wazir al-Yamaniy: al-Rawd al-Basim 2:113-129.
24. Dr. Muhammad Yusuf: Tarikh al-Fiqh al-Islamiy 168.
25. Dr. Muhammad Yusuf: Tarikh al-Fiqh al-Islamiy 168.
26. Ibn Khallakan: Wafiyyat al-A`yan 6:144.
27. Asad Haydar: al-Imam al-Sadiq wa'l-Madhahib al-Arba`ah 2:11 as quoted from al-Dahlawiy: Hujjat Allah al-Balighah 1:151.
28. Jamal al-Din al-Muzziy: Tahdhib al-Kamal, the Biography of Muhammad ibn Ishaq.
29. Mahmud Abu-Rayyah: Adwa'un `Ala'l-Sunnah al-Muhammadiyyah 299.
30. Al-Khatib al-Baghdadiy: Tarikh Baghdad 13 :349, 370.
31. A version of this epistle is found in Ayasofya, Istanbul, Turkey, under the number 2953.

In the previous pages of this book, the six justifications for the prohibition of reporting and recording the Hadith have been proven untrue, the seventh justification has been proven imperfect, and finally the actual reason has been demonstrated.

After all this, we can conclude that a number of important effects were ensued from that decision, which badly influenced the Islamic legislation. The most important of these effects will be hereinafter listed:

FIRST: The Muslims separated into two ideological trends that, later on, resulted in the appearance of two independent schools each of which had its own beliefs, principles, and attitudes.

SECOND: The concepts of those who supported the prohibition of recording the Hadith found themselves a spacious area in the Islamic culture. In addition, various justifications and a range of excuses have been invented for validating that prohibition.

THIRD: The slogans of "The Book of Allah is sufficient for us" and "The Book of Allah is the arbitrator between us" were raised as a first step in the way of covering the caliphs' jurisprudential insufficiency of comprehending the traditions of the Holy Prophet. As a second step, they began to neglect their slogans and violate the Book of Allah. As an example, Abu-Bakr disputed with Lady Fatimah al-Zahra' and disregarded her proof that she had picked from the Holy Qur'an. Similarly, `Umar ibn al-Khattab violated the Holy Qur'an in the questions of the three-time divorce, the *al-Mu'allafah Qulubuhum*, ... etc. Finally, some biased people made use of this slogan in order to deny any issue that cannot be openly found in the Holy Qur'an.

FOURTH: In order to meet the gap created by the decision of the prohibition of recording the Hadith, the so-called Ijtihad was allowed to be extremely practiced, yet through a number of stages as follows:

1) Those who actually held the position of the leadership after the Holy Prophet had many times violated the Holy Prophet's instructions, during his lifetime and in his presence, and followed their own opinions, which were the opposite of his instruction.

2) Abu-Bakr, the first caliph, practically put into effect the idea of Ijtihad.

3) `Umar ibn al-Khattab, the second caliph, opened extremely wide the doors for giving practical effect to his personal views and opinions, as is clearly shown in the issues of the three-time divorce, the *al-Mu'allafah Qulubuhum*, the temporary marriage... etc.

FIFTH: In an early period of the age of the official application of the prohibition of recording the Hadith, the concepts of "This is my own opinion" and "As he tried to infer the ruling, he missed the right" came into view and caused the invention of new principles that have been, afterward, widely used in the Sunnite jurisprudence, such as analogy (*Qiyas*), Equitable Preference (*Istihsan*), and the like.

SIXTH: The decision of the prohibition and the allowance of personal views (i.e. Ijtihad) gave rise to the occurrence of serious contradictions and disputes among the verdicts and opinions of the Sahabah or even in the verdicts of a certain Sahabiy. This phenomenon resulted in the following:

1) The claim of the legality of disputes among the Muslims, the legality of Opinionism and multi-opinionism and thus the acceptability of the divergent opinions of all the Sahabah, and the conception of the ultimate decency of the Sahabah—all these concepts were the first outcomes of the contradictions and disputes among the Sahabah.

2) Scholars belonging to the School of Ijtihad and Opinionism have argued that Almighty Allah has referred the rulings in the questions about which no sacred text (from the Holy Qur'an and Sunnah) can be found to the mujtahids and thus whatever is decided by these mujtahids should be decided as the law of Almighty Allah. This conception is called *Taswib*.

3) In order to find excuses for the flaws of Abu-Bakr and `Umar, it was claimed that the Holy Prophet himself practiced Ijtihad and that he was no more than an ordinary mortal who may be right or wrong and that his sayings were influenced by his manners; that is when he is enraged, he may say things that he does not say when he is pleased!

4) The verbal traditions of the Holy Prophet were interpreted according to personal tastes and interests. The best example is the false interpretations of the famous Hadith that reads, "The '*Ikhtilaf*' of my ummah is mercy."[1]

SEVENTH: `Umar ibn al-Khattab presented the idea of his being the most knowledgeable in the religious laws at least. Before that, he used to confess of the existence of personalities that were more knowledgeable than he was.

This idea evolved to the belief of the most knowledgeability of the caliphs as regards the religious laws

and their being the worthiest of issuing verdicts. In view of that, it became acceptable for the caliphs to do the following:

1) The caliph whipped anyone who declared opinions opposite to his or anyone who asked him about matters he did not like.

2) He detained the grand Sahabah because they had reported too many Hadiths.

3) He decided that the Sahabah must wait for his permission before they would issue any verdict as regards the religious laws.

EIGHTH: Innovative ideas emerged in the life of the Muslims; such as the obligation of complying with the ruler (They say, "The men in authority have said their opinion about this issue," "Discrepancy is evil," and "Follow the ruler even if he whips your back!"), and not specifying decency as stipulation in many issues, such as the office of judicature, and even acts of worship, and thus they have deemed lawful to follow in congregational prayers any imam, whether pious or sinful!

NINTH: The personal views of the Sahabah, or the conducts of the two Shaykhs; Abu-Bakr and `Umar, were considered a third principle and as important as the Holy Qur'an and Sunnah in the religious legislation. The most obvious application of this principle was practiced in the meeting of the so-called Shura Committee.

TENTH: The attempt to restrict Ijtihad to the views of Abu-Bakr and `Umar and to dedicate the religious practices to their opinions failed, by reason of the availability of the objective circumstances and conditions of the comprehensiveness and generality of Ijtihad for the other caliphs.

As a consequence, `Uthman ibn `Affan and Mu`awiyah ibn Abi-Sufyan expanded the practice of Ijtihad to such a notorious extents that made the Muslims became unable to stand the innovatives of `Uthman.

However, when he realized that a revolution was led against him, he subjugated Sa`id ibn Zayd ibn Nufayl2 to invent the false Hadith of "The Ten Individuals of Paradise" so as to evade, yet uselessly, the Muslims' objections against him. In no time was that fabricated Hadith exploited so wickedly that it influenced the beliefs and jurisprudence of the Muslims.

ELEVENTH: The records of Hadith that were lately compiled generally comprised a great sum of the opinions of the adopters of Ijtihad and concentrated on recording the conducts of Abu-Bakr and `Umar exclusively.

Therefore, the recorded opinions of these two were distinguished and preferred to the other opinions. This of course means that the attempt to restrict the Ijtihad to the two Shaykhs, though generally failed, succeeded in reflecting a halo of sanctity and priority on their conducts rather than the others.

TWELFTH: Lights were focused on the jurisprudential trend of those who stood against the recordation

of the Hadith and the Thorough Compliance with the Sacred Texts. Even the jurisprudential trend of the adopters of the other school was rejected. The standing of the Qurayshite individuals was strengthened, and the most important roles, politically and legislatively, were given to the minor Sahabah.

THIRTEENTH: Attempts to create and enlarge a gap between the publics and the recordations of the Hadith and those who recorded it, especially the Ahl al-Bayt and their records, were continuously made. In this connection, many steps were taken:

1) The idea that prophethood and leadership must not be joined to the Hashimites was officially adopted.

2) False Hadiths about the merits of those who prohibited the recordation of the Hadith were largely fabricated. In the same time, fictitious flaws were invented against the adopters and practicers of the recordation and, as a second step, calls were made to follow the jurisprudential trend of those who prohibited the recordation.

3) The idea that Abu-Bakr and `Umar was preferred to all human beings was fabricated. Later on, `Uthman was added to the list while `Ali ibn Abi-Talib was kept in a position not different from the ordinary people's.

4) The majority of the jurisprudential opinions that had been resulted from the prohibition of recording the Hadith were falsely ascribed to those who practiced and adopted the recordation whom were actually reported to have adopted other authentic opinions inferred from the trend of the recordation of the Hadith.

FOURTEENTH: As a result of the prohibition of reporting and recording the Hadith for about a whole century, a big number of religious laws disappeared and another part of them was lost until the traditions of the Holy Prophet became out of mind or semi-forgotten. The prohibition took such a long period that when it was permitted, it was official, governmental, imperfect, confused with other material, and full of personal views and opinions.

FIFTEENTH: Justifications were sought for the late generations to add to the religious laws any article that they liked and to cancel any article that they would not like and then to issue it in an official form and impose it on the publics. This demeanor made it easy for the opportunists to adopt ways of cunning and false induction through which they would issue for the sake of the rulers any verdict they required. The results of such can be hereinafter listed:

1) Ijtihad was unrestrainedly allowed in matters about which there is no sacred text as well as matters about which there is a sacred text.

2) The alleged, not actual, advantage was practiced to block the sacred texts.

3) It became unnecessary to compare the personal opinions of the Sahabah to the Holy Qur'an, in order to investigate their validity; rather some scholars have argued that the Sahabah's opinions should be

decided as absolute proofs and that their deeds should restrict the Holy Qur'an!

SIXTEENTH: Owing to the divergent trends and opinions originated from the decision, the prohibition from recording the Hadith created discrepancy about the reporting from the Holy Prophet.

SEVENTEENTH: Because the Ahl al-Bayt were purposely taken away from the Muslim community, especially in the jurisprudential and political fields, the Holy Imams insisted relentlessly on recording the Hadith and safeguarding the scientific heritage received from their fathers since they feared lest that heritage would be wasted.

For this reason, the Shi`ite heritage of the Hadith is vastly wider than the Sunnite. It is well-known that al-Nassa'iy's reference book of Hadith (entitled *al-Sunan*) excels the other Sunnite reference books of Hadith in the manner that it comprises Hadiths concerning the religious laws. In his message to the people of Makkah, the compiler of the book says,

"These Hadiths (comprised by the book) are totally about the religious laws. As for the other Hadiths on asceticism, merits, and other topics, I have not recorded them although they are big in number."

Nevertheless, this collection has comprised 5274 Hadiths. The proportion will be nil if this number is compared to the Hadiths of the religious laws written in the book of *Wasa'il al-Shi`ah* that amount to 35850, and the Hadiths mentioned in the book of *Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il* that amount to 23000. Experts have confirmed that the Hadiths reported by the Shi`ite narrators are two fold more than the Hadiths written in the Sunnite reference books of Hadith.

EIGHTEENTH: The sanctity of the Holy Prophet was nonexistent in the mentalities of the Caliphs, yet to various extents. It began when they called out to him from behind the private chambers and then pulled him from his dress. They then said that he was hallucinating. They then said,

"Two issues were allowed during the age of Allah's Messenger, but now I deem them forbidden and will punish anyone who will violate this prohibition. These are the temporary marriage and the allowable period during the Hajj."3

When he was reminded that the Holy Prophet warned against usury, Mu`awiyah said, "But I do not see any harm in it!" Finally, Yazid ibn Mu`awiyah quoted the poetic verses of Ibn al-Zuba`riy4 and al-Walid ibn Yazid tore into pieces a copy of the Holy Qur'an.

NINETEENTH: Owing to the previous, disorder in the jurisprudential and doctrinal results has been undeniably obvious in the history of the Islamic legislation. The late recordation of the Hadith could not meet this gap; rather it made it more complicated and perplexed when the various opinions and personal views were confused with the authentically reported traditions of the Holy Prophet. For that reason, it is difficult to bring the Sunnite jurisprudential schools into agreement with each other as regards the majority of the religious laws.

TWENTIETH: The prohibition of recording the Hadith was falsely ascribed to the Holy Prophet in order to release the actual issuers of this decision from responsibility, to cast the blame on the Messenger of Allah, and to make comparison between the narrations of the prohibition and these of the recordation of the Hadith, although all the narrations that support the prohibition are doubtful and unconvinced, because they were fabricated later on in order to justify the decision issued by Abu-Bakr and `Umar as well as the deeds of those who followed them as regards the reporting and recordation of the Hadith.

TWENTY-FIRST: The prohibition of recording the Hadith has become the best means utilized by the Orientalists in order to prejudice Islam and criticize the Islamic ideology and genuine culture under the claim of the religion's being the origin of retardation and the barrier against cultural progress.

TWENTY-SECOND: The authors and writers who supported the School of Ijtihad and Opinionism seized the opportunity to fabricate lies as they liked and to invent various justifications aimed at releasing the rulers from the consequences of the decision of the prohibition. Besides, these men of letters were not brave enough to demonstrate the rulers' flaws and to present the facts in this regard.

1. To explain it, the Arabic word 'Ikhtilaf' carries at least two meanings the most famous of which is 'difference' while the other meanings are 'frequenting to a certain place' and 'separation in countries'... etc. The word 'Ikhtilaf' thus may carry any of these meanings. (Translator)
2. Al-Bukhariy, in his book of 'al-Sahih' 7:118 Kitab al-Dhaba'ih (Section of Slaughtered Animals), has recorded on the authority of Salim that `Abdullah reported that the Holy Prophet, before the beginning of his divine mission, met Zayd ibn `Umar ibn Nufayl in Baldah (a place near Makkah) and served him a meal of meat. He refused to eat, saying, "I do not eat the meat of the animals that you immolate unto idols and also I do not eat the meat of animals that you do not mention the name of Allah on it!" This narration requires deep investigation!
3. It was `Umar ibn al-Khattab who declared this decision. See al-Dhahbiy: Tadhkirat al-Huffadh 1:366.
4. After the martyrdom of Imam al-Husayn, his head was cut and brought before Yazid ibn Mu`awiyah. As his sight fell on that sacred head, he recollected these bitter days of his father and grandfather who had led campaigns against al-Husayn's grandfather, namely the Holy Prophet, and recollected the failure that chased them even in their own homes until they were humiliated and regarded as manumitted slaves. Yazid showed his great rejoicing at the current situation as the family of the Holy Prophet were captives between his hands and the heads of the Holy Prophet's grandsons were thrown before him. He then quoted poetic verses said during the Battle of Uhud by al-Zuba`riy, with suitable changes, saying:

I wish my forefathers at Badr had witnessed
How the Khazraj are by the thorns annoyed,
They would have been very much delighted,
Then they'd have said, "May your hands, O Yazid, never be paralyzed
We have killed the masters of their chiefs
And equated it with Badr, and it has been so, indeed
The Hashemites played with the dominion so indeed,
While no news from the Heaven had come, nor was there anything revealed
I will disavow the Khandaf if I will not seek revenge
From Ahmed's children for what he did to us!

In conclusion, this thesis presented before the hands of the gentle readers has been aimed at putting forward a survey on the issue of the prohibition of recording the traditions of the Holy Prophet. It has

been also intended to be analytical, deliberate study that follows up the topics, discourses, inquires about the issue, and concludes results.

The dear readers have joined us in this historical journey step by step and we certainly appreciate their broadmindedness all over this critical, necessary survey. We thus hope that they have personally touched the lineaments of the objective reality and comprehended, in the course of the study, a number of facts that will increase their acquaintance with certain matters and will help them hit upon the straightforward discernment.

We also hope that our noble scholars, teachers, and experts in the field of the Muslim jurisprudence and the Hadith will take their time before they accept or reject our discussions and claims with an honest scientific spirit far away from partisanship or sectarianism.

This is in fact the one and only way by which we all may reach at the best way and the most excellent method so as to be able to discriminate the right from the wrong and the fact from the untruth. This call is principally addressed to the master scholars at the al–Azhar University in Cairo, the Islamic University in the holy city of al–Madinah, the Islamic World League in the holy city of Makkah, and the al–Zaytunah Mosque in Tunis.

The call is also addressed to the honorable Shaykhs and Sayyids in the holy cities of al–Najaf and Qumm, as well as the virtuous scholars of Iraq, Lebanon, Syria, and the entire Islamic homeland including all the scientific faculties and Islamic universities.

On the grounds of the Holy Prophet's instruction that, "May Allah have mercy upon him who shows me my faults," I hope that my brethren will confer upon me with the benefit of their judicious opinions on this study through which I will attain more accuracy and precision so long as our main purpose is to demonstrate, search for, investigate, and defend the word of truth even if this will cause us to lose every precious thing we have.

This is because we are facing an issue that is related to the sources of our Islamic knowledge and, more importantly, to our situations in the Eternal Life when we shall be stopped before our Lord, the Almighty, for account.

We pray to Almighty Allah to manifest the truth before our eyes so clearly that we follow it, and to show us the wrong so clearly that we avoid it. The last of our prayer is "Praise be to Allah, the Lord of the worlds."

1) The Holy Qur'an.

2) `Abd al–Halim al–Junidy (modern). *Al–Imam Ja`far al–Sadiq*. Published by Muhammad Tawfiq `Uwaydah, 1st Edition, AH 1397.

3) `Abd al-Hayy al-Kittaniy al-Idrisiy al-Hasaniy al-Fasiy (died in AH 1038). *Nidham al-Hukumah al-Nubawiyyah al-Musamma al-Taratib al-Idariyyah*. Beirut: Dar al-Kitab al-`Arabiy Publishers.

4) `Abd al-Basit ibn Khalil ibn Shahin (died in 920). *Ghayat al-Sa'ul fi Sirat al-Rasul*. Revised by Muhammad Kamal al-Din. Beirut: `Ilam al-Kutub Publishers, 1st Edition, 1988.

5) `Abd al-Ghaniy `Abd al-Khaliq (headmaster of Principles of Religion Department in al-Azhar University). *Hujjiyyat al-Sunnah*. Published by the International Faculty of Islamic Ideaology – Washington. Beirut: Dar al-Fikr Publishers, AH 1407.

6) `Abd al-Karim ibn `Ali ibn Muhammad al-Namlah. *Mukhalafat al-Sahabiy Li'l-Hadith al-Nubawiy*. Riyadh: Al-Rushd Library, 1st Edition, AH 1416.

7) `Abd al-Majid al-Turkiy. *Munadharat fi Usul al-Shari`ah al-Islamiyyah Bayna Ibn Hazm wa'l-Bajiy*. Translated and revised by `Abd al-Sabur Shahin. Edited by Muhammad `Abd al-Halim Mahmud. Beirut: Dar al-Gharb al-Islamiy Publishers, 1st Edition.

8) `Abd al-Wahhab Khallaf. *`Ilm Usul al-Fiqh*. Kuwait: Dar al-Qalam Publishers, 10th Edition, AH 1392.

9) `Ali Khan al-Madaniy al-Shiraziy (died in AH 1120). *Riyad al-Salikin* (*Sharh al-Sahifah al-Sajjadiyyah*). 7 volumes. Qumm: Jama`at al-Mudarrisin, AH 1415.

10) Subhiy al-Salih (modern). *`Ulum al-Hadith wa-Mustalahuh*. Damascus: Damascus University Press, 5th Edition, AH 1379 (offset by Qumm: Al-Radiy Publications).

11) Husayn `Atwan. *al-Riwayah al-Tarikhiyyah fi Bilad al-Sham*. Beirut: Dar al-Jil Publishers, 1st Edition, 1986.

12) Husayn al-Hajj Hasan. *Naqd al-Hadith*. Al-Wafa' Foundation, 1st Edition, AH 1405.

13) A Group of Orientalists. *Al-Mu`jam al-Mufahras li'Alfadh al-Hadith al-Nubawiy*. Leden: Brill Library, 1936.

14) Ahmad Amin, *Duha al-Islam*. Dar al-Kitab al-`Arabiy Publishers, 10th Edition.

15) Ahmad Amin. *Fajr al-Islam*. Beirut: Dar al-Kitab al-`Arabiy, 11th Edition, 1975.

16) Ahmad ibn Hanbal, Abu-`Abdullah al-Shaybaniy (died in AH 241). *Al-`Ilal wa-Ma`rifat al-Rijal*. 4 volumes. Revised by Wasiyyullah ibn Muhammad `Abbas. Beirut: Al-Maktab al-Islamiy Bureau, 1st Edition, AH 1408.

17) Ahmad ibn Muhammad ibn Hanbal (died in AH 266). *Masa'il al-Imam Ahmad*. Revised by Fadl al-Rahman Din Muhammad. Delhi: al-Dar al-`Ilmiyyah Publishers, 1st Edition, 1988.

18) Ahmad Zaki Safwat, *Jamharat Rasa'il al-`Arab fi `Asr al-`Arabiyyah al-Zahirah*. 3 volumes. Beirut: al-Maktabah al-`Ilmiyyah.

19) Abu-`□sim al-Shaybaniy, Ahmad ibn `Amr (died in AH 287). *Al-Diyat*. Karachi: The Qur'an and Islamic Sciences Office, AH 1407.

20) Abu-`□sim al-Shaybaniy, Ahmad ibn `Amr (died in AH 287). *Al-Sunnah*. 2 volumes. Revised by Nasir al-Din al-Albaniy. Beirut: al-Maktab al-Islamiy Bureau, 1st Edition, AH 1400.

21) Abu-`Ubayd, al-Qasim ibn Salam (died in AH 224). *Al-Amwal*. Revised by Muhammad Khalil Harras. Beirut: Dar al-Kutub al-`Ilmiyyah Publishers, 1st Edition, AH 1406.

22) Abu-`Uwanah al-Isfrayiniy, Ya`qub ibn Ishaq (died in AH 316). *Musnad Abi-`Uwanah*. 5 volumes. Revided by Ayman ibn `□rif al-Dimashqiy. Beirut: Dar al-Ma`rifah, 1st Edition, 1988.

23) Abu-Bakr ibn `Abdullah Abu-Zayd. *Ma`rifat al-Naskh wa'l-Sahf wa'l-Hadith*. Riyadh: Dar al-Dariyyah, 1st Edition, Ah 1412.

24) Abu-Dawud al-Sajistaniy, Sulayman ibn al-Ash`ath (died in AH 275). *Al-Marasil*. Revised by Shu`ayb Arna'ut. Beirut: Al-Risalah Foundation, 1st Edition, AH 1385.

25) Abu-Dawud, al-Sajistaniy al-Azdiy Sulayman ibn al-Ash`ath (died in AH 275). *Sunan Abi-Dawud*. 4 volumes. Revised by Muhammad Muhyi al-Din `Abd al-Hamid. Beirut: Dar al-Fikr Publishers.

26) Abu-Ishaq al-Shiraziy, Ibrahim ibn `Ali ibn Yusuf (died in AH 476). *Tabaqat al-Fuqaha*'. Revised by Khalil al-Mays. Beirut: Dar al-Qalam.

27) Abu-Ja`far al-Iskafiy, Muhammad ibn `Abdullah al-Mu`taziliy (died in AH 220). *Al-Mi`yar wa'l-Muwazanah*. Revised by Baqir al-Mahmudiy.

28) Abu-Na`im al-Isfahaniy, Ahmad ibn `Abdullah (died in AH 430). *Hilyat al-Awliya' wa-Tabaqat al-Asfiya'*. 10 volumes. Beirut: Dar al-Kitab al-`Arabiy, 4th Edition, AH 1405.

29) Abu-Na`im al-Isfahaniy, Ahmad ibn `Abdullah (died in AH 430). *Dala'il al-Nubuwwah*. Revised by Muhammad Muhammad al-Haddad. Riyadh: Dar Tayyibah Publishers, 1st Edition, AH 1409.

30) Abu-Na`im al-Isfahaniy, Ahmad ibn `Abdullah ibn Ahmad ibn Ishaq (died in ah 430). *Al-Musnad al-Mustakhraj `Ala Sahih al-Imam Muslim*. Revised by Muhammad Hasan Isma`il al-Shafi`iy. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, 1966.

31) Abu-Na`im al-Isfahaniy, Ahmad ibn Abdulah ibn Ahmad (died in AH 430). *Musnad al-Imam Abi-Hanifah*. Revised by Muhammad Nadhar al-Faryabiy. Riyadh: Al-Kawthar Library, 1st Edition, AH 1415.

32) Abu-Rayyah, Mahmud (modern). *Adwa'un `Ala'l-Sunnah al-Muhammadiyyah*. Dar al-Kitab al-

Islamiy Publishers, 5th Edition.

33) Abu-Ya`liy al-Mawsiliy, al-Tamimiy Ahmad ibn `Ali ibn al-Muthanna (died in AH 307). *Musnad Abi-Ya`liy*. 13 volumes. Revised by Husayn Salim Asad. Damascus: Dar al-Ma'mun Li'l-Turath Publishers, 1st Edition, Ah 1404.

34) Abu-Zuhrah, Muhammad. *Tarikh al-Madhahib al-Islamiyyah fi'l-Siyasah wa'l-`Aqa'id*. Beirut: Dar al-Fikr al-`Arabiy Publishers, 1989.

35) Ab-Hanifah al-Maghribiy, al-Nu`man ibn Muhammad ibn Mansur al-Tamimiy (died in AH 363). *Da`a'im al-Islam*. 2 volumes. Revised by □sif ibn `Ali Asghar Faydiy. Cairo: Dar al-Ma`arif Publishers, 1st Edition, AH 1383.

36) Abu'l-Hasan `Abd al-Baqi ibn Qani` (died in AH 351). *Mu`jam al-Sahabah*. 3 volumes. Revised by Salah ibn Salim al-Misratiy. Holy Madinah: Al-Ghuraba' Archeological Library, 1st Edition, Ah 1418.

37) Abu'l-Barakat, Sidi Ahmad al-Dardiniy (died in AH 1201). *Al-Sharh al-Kabir*. 4 volumes. Revised by Muhammad `Alish. Beirut: Dar al-Fikr Publishers.

38) Abu'l-Faraj al-Isfahaniy (died in AH 356). *Maqaril al-Talibiyyin*. Revised by Kadhim al-Mudhaffar. Qumm: Dar al-Kitab Foundation, 2nd Edition, AH 1385.

39) Abu'l-Faraj, `Abd al-Rahman ibn `Ali ibn Muhammad (died in AH 597). *Safwat al-Safwah*. 4 volumes. Revised by Mahmud Fakhuriy, Muhammad Rawwas Qal`achiy. Beirut: Dar al-Ma`rifah, 2nd Edition, AH 1399.

40) Abu'l-Mahasin, Yusuf ibn Musa al-Hanafiy (died in AH 803). *Al-Mu`tasar min al-Mukhtasar min Mushkil al-□thar*. 2 volumes. Cairo: al-Mutannabiy Library.

41) Abu'l-Wafa' al-Qurayshiy, `Abd al-Qadir ibn Abi'l-Wafa' (died in AH 775). *Al-Jawahir al-Mudiyah fi Tabaqat al-Hanafiyyah* (*Tabaqat al-Hanafiyyah*). Karachi: Mir Muhammad Library.

42) Al-`Adhimabadiy, Abu'l-Tayyib Muhammad Shams al-Haqq (died after AH 1310). *`Awn al-Ma`bud Sharh Sunah Ibn Dawud*. 10 volumes. Beirut: Dar al-Kutub al-`Ilmiyyah, 2nd Edition, AH 1415.

43) Al-`Abbasiy, Ahmad ibn Abi-Ya`qub ibn Ja`far (died in AH 292). *Tarikh al-Ya`qubiy*. 2 volumes. Beirut: Dar Sadir Publishers.

44) Al-`Ajaluniy, al-Jarrahiy Isma`il ibn Muhammad (died in AH 1162). *Kashf al-Khafa' wa-Muzil al-Ilbas `Amma Ishtahara min al-Ahadith `Ala Alsinat al-Nas*. 2 volumes. Revised by Ahmad al-Qallash. Beirut: al-Risalah Foundation, 4th Edition, Ah 1405.

45) Al-`Alawiy, Muhammad ibn `Aqil ibn `Abdullah (died in AH 1377). *Al-Nasa'ih al-Kafiyah liman Yatawalla Mu`awiyah*. Qumm: Dar al-Thaqafah Publishers, 1st Edition, AH 1412.

46) Al-`□miliy, Husayn `Abd al-Samad (died in AH 984). *Wusul al-Akhyar Ila Usul al-Akhbar*. Revised by Sayyid `Abd al-Latif al-Kuhkamardiy. Qumm: Majma` al-Dhakha'ir al-Islamiyyah, AH 1041.

47) Al-`Askariy, Abu-Ahmad al-Hasan ibn `Abdullah ibn Sa`id (died in AH 382). *Tashifat al-Muhaddithin*. 2 volumes. Revised by Mahmud Ahmad Mirah. Cairo: al-Matba`ah al-`Arabiyyah al-Hadithah, 1st Edition, AH 1402.

48) Al-`Askariy, Sayyid Murtada (modern). *`Abdullah ibn Saba' wa-Asatir Ukhra*. 2 volumes. Qumm, 6th Edition, AH 1413.

49) Al-`Askariy, Sayyid Murtada (modern). *Ma`alim al-Madrasatayn*. 3 volumes. Beirut: al-Nu`man Foundation, 1st Edition, AH 141o/1990.

50) Al-`Ayniy, Abu-Muhammad Muhammad ibn Ahmad Badr al-Din (died in AH 855). *`Umdat al-Qari fi Sharh Sahih al-Bukhariy*. Beirut: Dar al-Fikr Publishers.

51) Al-`Imadiy, Abu'l-Su`ud Muhammad ibn Muhammad (died in 951). *Irshad al-`Aql al-Salim ila Mazaya al-Qur'an al-Karim* (*Tafsir Abi'l-Su`ud*). 9 volumes. Beirut: Dar Ihya' al-Turath al-`Arabiy.

52) Al-`Umariy, Salih ibn Muhammad ibn Nuh (died in AH 1218). □*qadh Himam Uli'l-Absar*.Beirut: Dar al-Ma`rifah Publishers, AH 1398.

53) Al-`Umariy, Nadiah Sharif. *Ijtihad al-Rasul*. Beirut: al-Risalah Foundation, 4th Edition, AH 1408.

54) Al-Salihiy, al-Shamiy Muhammad ibn Yusuf (died in AH 942). *Subul al-Huda wa'l-Rashad fi Sirat Khayt al-`Ibad*. 12 volumes. Revised by `□dil Ahmad `Abd al-Mawjud. Beirut: Dar al-Kutub al-`Ilmiyyah Publishers, 1st Edition, AH 1414.

55) Al-Saduq, Abu-Ja`far Muhammad ibn `Ali ibn al-Husayn ibn Babawayh al-Qummiy (died in AH 381). *Al-Amaliy*. Qumm: Besat Foundation, 1st Edition, AH 1417.

56) Al-Saduq, Abu-Ja`far Muhammad ibn `Ali ibn al-Husayn ibn Babawayh al-Qummiy (died in AH 381). *Thawab al-A`mal*. Qumm: Al-Radiy Publications, 2nd Edition, AH 1405.

57) Al-Saduq, Abu-Ja`far Muhammad ibn `Ali ibn al-Husayn ibn Babawayh al-Qummiy (died in AH 381). *Al-Khisal*. Revised by `Ali Akbar Ghaffariy. Qumm: Jama`at al-Mudarrisin, 2nd Edition, AH 1403.

58) Al-Saduq, Abu-Ja`far Muhammad ibn `Ali ibn al-Husayn ibn Babawayh al-Qummiy (died in AH 381). *`Ilal al-Shara'i`*. 2 volumes. Najaf: Al-Maktabah al-Haydariyyah, AH 1386.

59) Al-Saduq, Abu-Ja`far Muhammad ibn `Ali ibn al-Husayn ibn Babawayh al-Qummiy (died in AH 381). *`Uyun Akhbar al-Rida*. 2 volumes. Revised by Husayn al-A`lamiy. Beirut: Al-A`lamiy Foundation, 1st Edition, AH 1404.

60) Al-Saduq, Abu-Ja`far Muhammad ibn `Ali ibn al-Husayn ibn Babawayh al-Qummiy (died in AH 381). *Kamal al-Din wa-Tamam al-Ni`mah*. Revised by `Ali Akbar Ghaffariy. Qumm: The Islamic Propagation Foundation of Jama`at al-Mudarrisin, 1st Edition, AH 1405.

61) Al-Saduq, Abu-Ja`far Muhammad ibn `Ali ibn al-Husayn ibn Babawayh al-Qummiy (died in AH 381). *Ma`ani al-Akhbar*. Revised by `Ali Akbar Ghaffariy. Qumm: Jama`at al-Mudarrisin, 1st Edition.

62) Al-Saduq, Abu-Ja`far Muhammad ibn `Ali ibn al-Husayn ibn Babawayh al-Qummiy (died in AH 381). *Man-La-Yahduruhu'l-Faqih*. 4 volumes. Revised by `Ali Akbar Ghaffariy. Qumm: Jama`at al-Mudarrisin, 2nd Edition, Ah 1404.

63) Al-Sadr, Sayyid Hasan al-Kadhimiy (died in AH 1354). *Ta'sis al-Shi`ah li`Ulum al-Islam*. Baghdad.

64) Al-Saffar, Abu-Ja`far Muhammad ibn al-Hasan ibn Farrukh (died in AH 290). *Basa'ir al-Darajat*. Revised by Mirza Kucheh-Baghiy. Tehran: al-A`lamiy Foundation, 1st Edition, AH 1404.

65) Al-San`aniy, Muhammad ibn Isma`il (died in AH 1182). *Irshad al-Nuqqad Ila Taysir al-Ijtihad*. Baghdad: Al-Turath al-`Arabiy Library, 1990.

66) Al-Saydawiy, Abu'l-Hasan Muhammad ibn Ahmad ibn Jami` (died in AH 402). *Mu`jam al-Shuyukh*. Revised by `Umar `Abd al-Salam al-Tadmuriy. Beirut: Al-Risalah Foundation, 1st Edition, AH 1405.

67) Al-Tusiy, Abu-Ja`far Muhammad ibn al-Hasan (died in AH 460). *Al-Amaliy*. Revised by The Islamic Studies Department. Qumm: Dar al-Thaqafah, 1st Edition, AH 1414.

68) Al-Tusiy, Abu-Ja`far Muhammad ibn al-Hasan (died in AH 460). *Al-Ghaybah*. Revised by `Abdullah al-Tahraniy and `Ali Ahmad Nasih. Qumm: Al-Ma`arif al-Islamiyyah Foundation, 1st Edition, AH 1411.

69) Al-Tusiy, Abu-Ja`far Muhammad ibn al-Hasan (died in AH 460). *Al-Istibsar fima-khtufila min al-Akhbar*. 4 volumes. Revised by Sayyid Hasan al-Khirsan. Edited by: Shaykh Muhammad al-[illegible]khundiy. Qumm: Dar al-Kutub al-Islamiyyah Publishers, 4th Edition, AH 1391.

70) Al-Tusiy, Abu-Ja`far Muhammad ibn al-Hasan (died in AH 460). *Al-Khilaf*. 6 volumes. Revised by Sayyid Jawad al-Shahristaniy, Sayyid `Ali al-Khurasaniy, and Shaykh Muhammad Mahdi Najaf. Qumm: Islamic Propagation Foundation, 1st Edition, AH 1417.

71) Al-Tusiy, Abu-Ja`far Muhammad ibn al-Hasan (died in AH 460). *Tahdhib al-Ahkam fi Sharh al-Muqni`ah lil-Shaykh al-Mufid* (*al-Tahdhib*). 10 volumes. Revised by Sayyid Hasan al-Khirsan. Qumm: Dar al-Kutub al-Islamiyyah, 4th Edition.

72) Al-Tusiy, Muhammad ibn al-Hasan (died in AH 460). *Akhbar Ma`rifat al-Rijal* (*Rijal al-Khishiy*). Revised by Shaykh Hasan al-Mustafawiy. Mashhad: College of Arts Press, AH 1348.

73) Al-Tahawiy, Abu-Ja`far Ahmad ibn Muhammad ibn Salamah ibn `Abd al-Malik ibn Salamah (died in

AH 321). *Sharh Ma`ani al-□thar*. Revised by Muhammad Zuhriy al-Najjar. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, AH 1399.

74) Al-Tabaraniy, Abu'l-Qasim Sulayman ibn Ahmad (died in AH 360). *Al-Mu`jam al-Awsat*. 10 volumes. Revised by Tariq ib `Awadullah ibn Muhammad and `Abd al-Muhsin ibn Ibrahim al-Husayn. Cairo: Dar al-Haramayn, AH 1415.

75) Al-Tabaraniy, Abu'l-Qasim Sulayman ibn Ahmad (died in AH 360). *Al-Mu`jam al-Kabir*. 20 volumes. Revised by Hamdiy `Abd al-Majid al-Salafiy. Mosul: Al-`Ulum wa'l-Hikam Library, 2nd Edition, Ah 1404.

76) Al-Tabaraniy, Abu'l-Qasim Sulayman ibn Ahmad ibn Ayyub (died in AH 360). *Al-Rawd al-Dani* (*al-Mu`jam al-Saghir*). 2 volumes. Revised by Muhammad Shukur Mahmud al-Hajj. Beirut: al-Maktab al-Islamiy Bureau, 1st Edition, AH 1405.

77) Al-Tabaraniy, Sulayman ibn Ahmad al-Lakhmiy (died in AH 360). *Musnad al-Shamiyyin*. 4 volumes. Beirut: al-Risalah Foundation, 2nd Edition, Ah 1417/1996.

78) Al-Tabariy (the Shi`ite), Abu-Ja1far Muhammad ibn Jarir ibn Rustam (died in AH 400). *Dala'il al-Imamah*. Revised and published by Besat Foundation – Qumm, 1st Edition, AH 1413.

79) Al-Tabariy (the Shi`ite), Muhammad ibn Jarir ibn Rustam (died in AH 400). *Al-Mustarshid fi Imamat Amir al-Mu'minin*. Revised by Ahmad al-Mahmudiy. Qumm: Islamic Culture Foundation, 1st Edition.

80) Al-Tabariy, Abu-Ja`far Ahmad ibn `Abdullah ibn Muhammad (died in AH 694). *Al-Riyad al-Nadirah fi Manaqib al-`Asharah*. 2 volumes. Revised by `□sa `Abdullah Muhammad Mani` al-Himyariy. Beirut: Dar al-Gharb al-Islamiy, 1st Edition, 1996.

81) Al-Tabariy, Abu-Ja`far Muhammad ibn Jarir (died in AH 310). *Tarikh al-Umam wa'l-Muluk* (*Tarikh al-Tabariy*). 5 volumes. Beirut: Dar al-Kutub al-`Ilmiyyah Publishers, 1st Edition, AH 1407.

82) Al-Tabariy, Abu-Ja`far Muhammad ibn Jarir ibn Yazid ibn Khalid (died in AH 310). *Jami` al-Bayan `An Ta'wil □y al-Qur'an* (*Tafsir al-Tabariy*). 30 volumes. Beirut: Dar al-Fikr Publishers, AH 1405.

83) Al-Tabariy, Muhibb al-Din Abu'l-`Abbas Ahmad ibn `Abdullah ibn Muhammad (died in AH 694). *Dhakha'ir al-`Uqba fi Manaqib Dhawi'l-Qurba*. Egypt: Dar al-Kutub al-Misriyyah Publishers.

84) Al-Tabrisiy, Abu-`Ali al-Fadl ibn al-Hasan (died in AH 548). *I`lam al-Wara bi-A`lam al-Huda*. 2 volumes. Revised by Aal al-Bayt Foundation. Qumm: Aal al-Bayt Foundation for Heritage Revival, 1st Edition, AH 1417.

85) Al-Tabrisiy, Abu-Mansur Ahmad ibn `Ali ibn Abi-Talib (died in AH 560). *Al-Ihtijaj*. 2 volumes. Revised by Muhammad Baqir al-Khirsan. Najaf: Dar al-Nu`man, 1st Edition, AH 1386.

86) Al-Tabrisiy, Abu-Nasr al-Hasan ibn Fadl (died in AH 548). *Makarim al-Akhlaq*. Qumm: al-Sharif al-

Radiy Publications, 6th Edition, AH 1392–1972.

87) Al–Tahraniy, ﷺgha Buzurg (died in AH 1389). *Al–Dhari`ah Ila Tasanif al–Shi`ah*. 26 volumes. Beirut: Dar al–Adwa', 3rd Edition, AH 1403.

88) Al–Tayalisiy, Abu–Dawud al–Basriy Sulayman ibn Dawud (died in AH 204). *Al–Musnad*. Beirut: Dar al–Ma`rifah Publishers.

89) Al–Hakim al–Nisapuriy, Abu–`Abdullah Muhammad ibn `Abdullah (died in AH 405). *Al–Mustadrak `Ala'l–Sahihayn*. 3 volumes. Revised by Mustafa `Abd al–Qadir `Ata'. Beirut: Dar al–Kutub al–`Ilmiyyah Publishers, 1st Edition, AH 1411/1990.

90) Al–Hazimiy, Muhammad ibn Musa ibn Abu–Bakr al–Hamdaniy (died in AH 84). *Al–I`tibar fi'l–Nasikh wa'l–Mansukh min al–ﷺthar*. Published by: Ratib Hakimiy. Hims: Al–Andalus Press, AH 1386.

91) Al–Hadramiy, `Abd al–Rahman ibn Muhammad ibn Khuldun (died in AH 808). *Muqaddimat Ibn Khuldun*. Beirut: Dar al–Qalam Publishers, 5th Edition, 1984.

92) Al–Hakim al–Hasakaniy, `Ubaydullah ibn Ahmad (died in the fifth century of Hijrah). *Shawahid al–Tanzil Li–Qawa`id al–Tafdil*. 2 volumes. Revised by Muhammad Baqir al–Mahmudiy. Tehran: Revival of Islamic Culture Assembly, 1st Edition, AH 1411.

93) Al–Halabiy, `Ali ibn Burhan al–Din (died in AH 975). *Al–Sirah al–Halabiyyah fi Sirat al–Amin wa'l–Ma'mun*. 3 volumes. Beirut: Dar al–Ma`rifah Publishers, AH 1400.

94) Al–Hamidiy, Abu–Bakr `Abdullah ibn al–Zubayr (died in AH 219). *Al–Musnad*. 2 volumes. Revised by Habib al–Rahman al–A`dhamiy. Beirut: Dar al–Kutub al–`Ilmiyyah.

95) Al–Hamawiy, Abu–`Abdullah Yaqut ibn `Abdullah (died in AH 626). *Mu`jam al–Buldan*. 5 volumes. Beirut: Dar al–Fikr Publishers.

96) Al–Hanafiy, Nur al–Din Muhammad ibn `Abd al–Hadi (died in AH 1138). *Hashiyat al–Sindiy `Ala'l–Nassa'iy*. (Printed with *Sunan al–Nassa'iy*). 8 volumes. Revised by `Abd al–Fattah. Beirut: Dar al–Kutub al–`Ilmiyyah Publishers, 2nd Edition, AH 1406.

97) Al–Hanbaliy, Abu–Ishaq Ibrahim ibn Muhammad ibn `Abdullah ibn Muflih (died in AH 884). *Al–Mubdi` fi Sharh al–Muqni`*. 10 volumes. Beirut: Islamic Bureau, AH 1400.

98) Al–Hasaniy, Hashim Ma`ruf. *Tarikh al–Fiqh al–Ja`fairy*. Beirut: Dar al–Kitab al–`Arabiy, AH 1407.

99) Al–Hilliy, Hasan ibn Salman (died in Ninth Century of Hijrah). *Mukhtasar Basa'ir al–Darajat*. Najaf: al–Haydariyyah Press, 1st Edition, AH 1370.

100) Al–Hilliy, Abu–Mansur al–Hasan ibn Yusuf ibn al–Mutahhir (died in AH 762). *Muntaha al–Talab*. 2

volumes. Tabriz: Hajj Ahmad Publishers, AH 1333.

101) Al-Himyariy, Abu'l-`Abbas `Abdullah ibn Ja`far (died in AH 300). *Qurb al-Isnad*. Revised and published by Aal al-Bayt Foundation. Qumm: Aal al-Bayt Foundation for Heritage Revival, 1st Edition, AH 1413.

102) Al-Hurr al-`□miliy (died in AH 1104). *Wasa'il al-Shi`ah*. 30 volumes. Revised by Aal al-Bayt Foundation. Qumm: Aal al-Bayt Foundation for Heritage Revival, 2nd Edition, AH 1414.

103) Al-Husayniny, Ibrahim ibn Muhammad (died in AH 1120). *Al-Bayan wa'l-Ta`rif fi Asbab Wurud al-Hadith al-Sharif*. 2 volumes. Revised by Sayf al-Din al-Katib. Beirut: Dar al-Kitab al-`Arabiy Publishers, AH 1401..

104) Al-A`dhamiy, Mustafa. *Dirasatun fi'l-Hadith al-Nubawiy*. 2 volumes. Saudi Arabia: King Faysal University.

105) Al-Ahmadiy, al-Miyanjiy `Ali ibn Husayn `Ali (modern). *Makatib al-Rasul*. 3 volumes. Qumm : Dar al-Hadith, 1st Edition, AH 1419/1998.

106) Al-□lusiy, Abu'l-Fadl Mahmud (died in AH 1270). *Tafsir al-□lusiy* (*Ruh al-Ma`ani fi Tafsir al-Qur'an al-`Adhim wa'l-Sab` al-Mathani* ). 30 volumes. Beirut: Dar Ihya' al-Turath al-`Arabiy.

107) Al-Alka'iy, Abu'l-Qasim Hibatullah ibn al-Hasan ibn Mansur (died in AH 418). *I`tiqad Ahl al-Sunnah* (Exegesis of the Fundamental Doctrines of the Ahl al-Sunnah as Excerpted from the Holy Qur'an, the Holy Sunnah, and the Congruity of the Sahabah). Revised by Ahmad Sa`d Hamdan. Riyadh: Dar Tayyibah Publishers, AH 1402.

108) Al-Amin al-`□miliy, Sayyid Muhsin (AH 1371). *A`yan al-Shi`ah*. Damascus: Ibn Zaydan Publications, 3rd Edition, AH 1370.

109) Al-Amir al-San`aniy, Abu-Ibrahim Muhammad ibn Isma`il (died in AH 1182). *Tawdih al-Afkar Li-Ma`ani Tanqih al-Arhar*. Revised by Salah ibn Muhammad ibn `Uwaydah. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st edition, AH 1417.

110) Al-Amir al-San`aniy, Abu-Ibrahim Muhammad ibn Isma`il (died in AH 1182). *Subul al-Salam Sharh Bulugh al-Maram min Adillat al-Ahkam*. 4 volumes. Revised by Muhammad `Abd al-`Aziz al-Khuliy. Beirut: Dar Ihya' al-Turath al-`Arabiy, 4th Edition, Ah 1379.

111) Al-□mudiy, Abu'l-Hasan `Ali ibn Muhammad (died in AH 631). *Al-Ihkam fi Usul al-Ahkam*. 4 volumes. Revised by Sayyid al-Jumayliy. Beirut: Dar al-Kitab al-`Arabiy Publishers, 1st Edition, AH 1404.

112) Al-Andalusiy, `Umar ibn `Ali ibn Ahmad al-Wadiyashiy (died in AH 804). *Tuhfat al-Muhtaj Ila Adillat*

al-Minhaj. 2 volumes. Revised by `Abdullah ibn Sa``af al-Lajyaniy. Holy Mecca: Dar Hara', 1st Edition, AH 1406.

113) Al-Ash`ariy al-Qummiy, Abu-Ja`far (of the companions of Imam al-Rida, Imam al-Jawad, and Imam al-Hadi) (died in the Occultation Age). *al-Nawadir li-Ahmad ibn `sa*. revised by Imam al-Mahdi School – Qumm, 1st Edition, AH 1408.

114) Al-Azdiy al-Nisapuriy, Al-Fadl ibn Shadhan (died in AH 260). *Al-dah*. Revised by Sayyid Jalal al-Din al-Husayniy al-Armawiy. Iran.

115) Al-Azdiy, Mu`ammar ibn Rashid (died in AH 151). *Al-Jami`*. 2 volumes. Revised by Habib al-A`dhamiy. Beirut: Al-Maktab al-Islamiy, 2nd Edition, AH 1403.

116) Al-Bahraniy, Sayyid Hashim ibn Sayyid Sulayman al-Husayniy (died in AH 1107 –or 1109). *Al-Burhan fi Tafsir al-Qur'an*. 5 volumes. 2nd Edition.

117) Al-Basriy, Abu'l-Husayn Muhammad ibn `Ali ibn al-Tayyib (died in AH 436). *Al-Mu`tamad fi Usul al-Fiqh*. 2 volumes. Revised by Khalil al-Mays. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, Ah 1403.

118) Al-Bagha, Mustafa Dib (modern). *Athar al-Adillati'l-Mukhtalafi fiha fi'l-Fiqh al-Islamiy*. Dar al-Imam al-Bukhariy Publishers.

119) Al-Baghawiy, Abu-Muhammad al-Husayn ibn Mas`ud al-Farra' (died in AH 516). *Ma`alim al-Tanzil*. 4 volumes. Revised by Marwan al-`Akk and Marwan Siwar. Beirut: Dar al-Ma`rifah, 2nd Edition, AH 1407.

120) Al-Baghdadiy, Ahmad ibn `Ali ibn Thabit al-Khatib Abu-Bakr (died in AH 462). *Al-Fiqh wa'l-Mutafaqqih*. Beirut: Dar al-Kutub al-`Ilmiyyah, 2nd Edition, AH 1400/1980.

121) Al-Baghdadiy, Ahmad ibn Habib (died in AH 245). *Al-Munammaq fi Akhbar Quraysh*. Revised by Khurshid Ahmad Faruq. Beirut: `lam al-Kutub Publishers, 1st Edition, AH 1405.

122) Al-Baghdadiy, Muhammad ibn Habib (died in AH 245). *Al-Muhabbar* (manuscript).

123) Al-Baha'iy, Muhammad ibn al-Husayn al-`miliy (died in AH 1030). *Mashriq al-Shamsayn*. Reprinted by Basirati Library – Qumm.

124) Al-Bahutiy, Mansur ibn Yunus ibn Idris (died in AH 1051). *Kashshaf al-Qnia` `An Matn al-Iqna`*. 6 volumes. Revised by Hilal Musaylihiy Mustafa. Beirut: Dar al-Fikr Publishers, AH 1402.

125) Al-Banna, Ahmad `Abd al-Rahman. *al-Fath al-Rabbaniy fi Tartib Musnad Ahmad*. 12 volumes. Beirut: Dat Ihya' al-Turath al-`Arabiy.

126) Al-Barqiy, Abu-Ja`far Ahmad ibn Muhammad ibn Khalid (died in 274). *Al-Mahasin*. 2 volumes.

Revised by Sayyid Jalal al-Din al-Husayniy. Qumm: Dar al-Kutub al-Islamiyyah Publishers.

127) Al-Bastiy al-Tamimiy, Abu-Hatam Muhammad ibn Habban (died in AH 356). *Al-Thuqat*. 9 volumes. Revised by Sayyid Sharaf al-Din Ahmad. Beirut: Dar al-Fikr Publishers, 1st Edition, AH 1395.

128) Al-Bayhaqiy, Ahmad ibn al-Husayn (died in AH 458). *Manaqib al-Shafi`iy*. Revised by Ahmad Saqr. Cairo: Dar al-Turath al-`Arabiy, 1st Edition, AH 1391.

129) Al-Bayhaqiy, Abu-Bakr Ahmad ibn al-Husayn (died in AH 458). *Shu`ab al-*[illegible]*man*. 8 volumes. Revised by Muhammad al-Sa`id Basyuni Zaghlul. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, AH 1410.

130) Al-Bayhaqiy, Abu-Bakr Ahmad ibn al-Husayn ibn `Ali (died in AH 458). *Al-Madkhal Ila'l-Sunan al-Kubra*. Revised by Muhammad Diya' al-Rahman al-A`dhamiy. Kuwait: Dar al-Khulafa' Li'l-Kitab al-Islamiy Publishers.

131) Al-Bayhaqiy, Abu-Bakr Ahmad ibn al-Husayn ibn `Ali ibn Musa (died in AH 458). *Al-Sunan al-Kubra*. 10 volumes. Revised by Muhammad `Abd al-Qadir `Ata. Holy Mecca: Dar al-Baz, AH 1414.

132) Al-Bayyadiy, al-`[illegible]miliy al-Nabbatiy Abu-Muhammad `Ali ibn Yunus Zayn al-`[illegible]bidin (died in AH 877). *Al-Sirat al-Mustaqim Ila Mustahiqqi al-Taqdim*. 3 volumes. Revised by Muhammad Baqir al-Bahbidiy. Mashhad: al-Maktabal al-Ridawiyyah li-Ihya' al-Turath al-Ja`fairy, 1st Edition, AH 1384.

133) Al-Bukhariy al-Ju`afiy, Abu-`Abdullah Muhammad ibn Ibrahim ibn Isma`il (died in AH 256). *Al-Tarikh al-Saghir* (*al-Awsat*). 2 volumes. Revised by Mahmud Ibrahim Zayid. Aleppo: Dar al-Wa`y Publishers, 1st Edition, AH 1397.

134) Al-Bukhariy al-Ju`afiy, Abu-`Abdullah Muhammad ibn Ibrahim ibn Isma`il (died in AH 256). *Khalq Af`al al-`Ibad*. Revised by `Abd al-Rahman `Umayrah. Riyadh: Dar al-Ma`arif al-Sa`udiyyah, AH 1398.

135) Al-Bukhariy al-Ju`afiy, Abu-`Abdullah Muhammad ibn Isma`il (died in AH 256). *Al-Jami` al-Sahih al-Mukhtasar*. 6 volumes. Revised by Mustafa Dib al-Bagha. Beirut: Dar Ibn Kathir Publishers, 3rd Edition, AH 1407.

136) Al-Bukhariy al-Ju`afiy, Abu-`Abdullah Muhammad ibn Isma`il ibn Ibrahim (died in AH 256). *Al-Kuna*. Revised by Sayyid Hashim al-Nadawiy. Beirut: Dar al-Fikr Publishers.

137) Al-Bukhariy, al-Ju`afiy Abu-`Abdullah Muhammad ibn Isma`il (died in AH 256). *Sahih al-Bukhariy* (*al-Jami` al-Sahih*). Revised by Mustafa Dib al-Bagha. Beirut: Dar Ibn Kathir, 3rd Edition, AH 1407.

138) Al-Burojerdiy, Sayyid Muhammad Husayn (died in AH 1380). *Jami` Ahadith al-Shi`ah*. 24 volumes. Compiled by Isma`il al-Mu`izziy al-Malayariy. Qumm, 2nd Edition, AH 1414.

139) Al-Darimiy, Abu-Muhammad `Abdullah ibn `Abd al-Rahman (died in AH 255). *Sunan al-Darimiy*. 2

volumes. Revised by Fawwaz Ahmad Zamarli & Khalid al-Sab` al-`Ilmiy. Beirut: Dar al-Kitab al-`Arabiy, 1st Edition, AH 1417.

140) Al-Darqutniy, Abu'l-Hasan `Ali ibn `Umar al-Baghdadiy (died in AH 385). *Sunan al-Darqutniy*. 4 volumes. Revised by Sayyid `Abdullah Hashim al-Yamaniy al-Madaniy. Beirut: Dar al-Ma`rifah, Ah 1386.

141) Al-Damiriy, Kamal al-Din Muhammad ibn Musa (died in AH 682). *Hayat al-Hayawan al-Kubra*. Qumm: al-Radiy Publications (as offset from Mustafa al-Halabiy Library – Egypt, 2nd Edition, AH 1401.

142) Al-Dhahabiy, Muhammad Husayn (modern). *Al-Tafsir wa'l-Mufassirun*. 3 volumes. Revised by Ahmad al-Zughbiy. Beirut: Dar al-Arqam.

143) Al-Dhahbiy, Abu-`Abdullah Muhammad ibn Ahmad ibn `Uthman ibn Qaymaz (died in AH 748). *Tadhkirat al-Huffadh*. 3 volumes. (Revised from the ancient manuscript kept in the Meccan Precinct Library under the supervision of the Indian Ministry of Education).

144) Al-Dhahbiy, Abu-`Abdullah Muhammad ibn Ahmad ibn `Uthman ibn Qaymaz (died in AH 748). *Siyar A`lam al-Nubala'*. 23 volumes. Revised by Shu`ayb al-Arna'ut & Muhammad Na`im al-`Arqsusiy. Beirut: al-Risalah Foundation, 9th Edition, AH 1413.

145) Al-Dhahbiy, Muhammad ibn Ahmad ibn `Uthman ibn Qaymaz (AH 748). *Tarikh al-Islam*. Revised by `Umar `Abd al-Salam Tadmuriy. Beirut: Dar al-Kitab al-`Arabiy, 2nd Edition, AH 1410.

146) Al-Dimashqiy al-Ba`uniy al-Shafi`iy, Muhammad ibn Ahmad (died in AH 871). *Jawahir al-Matalib fi Manaqib al-Imam al-Jalil `Ali ibn Abi-Talib*. 2 volumes. Revised by Muhammad Baqir al-Mahmudiy. Qumm: Majma` Ihya' al-Thaqafah al-Islamiyyah, 1st Edition, AH 1415.

147) Al-Fakihiy, Abu `Abdullah Muhammad ib Ishaq ibn al-`Abbas (died in AH 275). *Akhbar Makkah fi Qadim al-Dahr wa-Hadithih*. Revised by Dr. `Abd al-Malik `Abdullah Duhaysh. Beirut: Dar Khidr, 2nd Edition, AH 1414.

148) Al-Fakhr al-Raziy, Muhammad ibn `Umar (died in AH 606). *Tafsir al-Raziy* (*al-Tafsir al-Kabir*). Beirut: Dar al-Turath al-`Arabiy, 3rd Edition.

149) Al-Fakhr al-Raziy, Muhammad ibn `Umar ibn al-Husayn al-Tabristaniy. *Ahkam al-Basmalah wama Yata`allaqu Biha min al-Ahkam wa'l-Ma`ani wakhtilaf al-`Ulama'*. Revised by Majdiy al-Sayyid Ibrahim. Cairo: Al-Qur'an Library.

150) Al-Farahidiy, Abu-`Abd al-Rahman al-Khalil ibn Ahmad (died in AH 175). *Al-`Ayn*. 5 volumes. Revised by Mahdi al-Makhzumiy and Ibrahim al-Samarra'iy.

151) Al-Fattal al-Nisapuriy, Muhammad ibn al-Fattal al-Shahid (died in AH 508). *Rawdat al-Wa`idhin*.

Revised by Sayyid Muhammad Mahdi Sayyid Hasan al-Khirsan. Qumm: Al-Radiy Publications.

152) Al-Fayruz'abadiy, Abu-Tahir Muhammad ibn Ya`qub ibn Muhammad (died AH 817). *Al-Qamus al-Muhit*. Compiled by Nasr al-Huriniy.

153) AL-Gharnawiy al-Hanafiy, Abu-Hafs `Umar (died in AH 773). *Al-Ghurrah al-Munifah fi Tahqiq Ba`d Masa'il al-Imam Abi-Hanifah*. Revised by Muhammad Zahid ibn al-Hasan al-Kawthariy. Beirut: al-Imam Abu-Hanifah Library, 2nd edition, 1998.

154) Al-Ghazzaliy, Abu-Hamid Muhammad ibn Muhammad (died in AH 505). *Al-Mustasfa fi `Ilm al-Usul*. Revised by Muhammad `Abd al-Salam `Abd al-Shafi. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, AH 1413.

155) Al-Ghazziy, Muhammad ibn Muhammad ibn Muhammad (died in AH 1061). *Itqan ma Yahsun min al-Akhbar al-Da'irah `Ala'l-Alsun*. 2 volumes. Revised by Khalil Muhammad al-`Arabiy. Cairo: Dar al-Faruq al-Hadithah Publishers, 2nd Edition, AH 1415.

156) Al-Harawiy, Abu-`Ubayd al-Qasim ibn Salam (died in AH 224). *Gharib al-Hadith.* 4 volumes. Revised by Muhammad `Abd al-Mu`id Khan. Beirut: Dar al-Kitab al-`Arabiy Publishers, 1st Edition, AH 1396.

157) Al-Haythamiy, `Ali ibn Abi-Bakr (died in AH 807). *Majma` al-Zawa'id wa-Manba` al-Fawa'id*. 10 volumes. Beirut: Dar al-Kitab al-`Arabiy, AH 1407.

158) Al-Haythamiy, Nur al-Din. *Bughyat al-Bahith `An Zawa'id Musnad al-Harith*. 2 volumes. Revised by Husayn Ahmad Salid al-Bakiriy. Al-Madinah: Markaz Khidmat al-Sunnah wa'l-Sirah al-Nubawiyyah, 1st Edition, AH 1413.

159) Al-Hilaliy, al-`□miriy al-Kufiy Abu-Sadiq Sulaym ibn Qays (died in AH 76). *Kitab Sulaym ibn Qays al-Hilaliy*. Revised by Muhammad Baqir al-Ansariy.

160) Al-Istrabadiy, Sayyid Sharaf al-Din al-Husayniy al-Najafiy (died in AH 965). *Ta'wil al-□yat fi Fada'il al-`Itrah al-Tahirah*. 2 volumes. Revised by Al-Imam al-Hadi School. Qumm: Amir Publishers, 1st Edition, AH 1407.

161) Al-Jassas, Abu-Bakr Ahmad ibn `Ali al-Raziy (died in AH 370). *Ahkam al-Qur'an*. 5 volumes. Revised by Muhammah al-Sadiq Qamhawiy. Beirut: Dar Ihya' al-Turath al-`Arabiy, AH 1405.

162) Al-Jalaliy, Sayyid Muhammad Rida (modern). *Tadwin al-Sunnah al-Sharifah*. Qumm: Islamic Propagaton Burea, 1st Edition, AH 1413.

163) Al-Jaza'iriy, Tahir. *Tawjih al-Nadhar fi `Ulum al-Hadith wa'l-Athar*. Egypt, AH 1328, Beirut: Dar al-Ma`rifah Publishers.

164) Al-Jaziriy, `Abd al-Rahman. *al-Fiqh `Ala'l-Madhahib al-Arba`ah*. 5 volumes. Beirut: Dar al-Fikr Publishers, AH 1406.

165) Al-Kandahlawy, Muhammad Yusuf (died in AH 1245). *Hayat al-Sahabah*. 3 volumes. Edited and revised by Husham al-Bukhariy. Beirut: al-`Asriyyah Library, 2nd Edition, AH 1417.

166) Al-Kasaniy, `Ala' al-Din (died in AH 587). *Bada'i` al-Sana'i` fi Tartib al-Shara'i`*. 7 volumes. Beirut: Dar al-Kitab al-`Arabiy, 2nd Edition, 1982.

167) Al-Kaf`amiy, Ibrahim ibn `Ali al-`miliy (the ninth century of Hijra). *Al-Misbah* (*al-Junnah al-Waqiyah*). Beirut: al-A`lamiy Foundation, 1st Edition, Ah 1403.

168) Al-Kassiy, Abu-Muhammad `Abd ibn Hamid ibn Nasr (died in AH 249). *Al-Muntakhab min Musnad `Abd ibn Hamid*. Revised by Subhiy al-Badriy al-Samarra'iy and Mahmud Muhammad Khalil al-Sa`idiy. Cairo: Al-Sunnah Library, 1st Edition, AH 1408.

169) Al-Khansariy, Muhammad Baqir (died in AH 1306). *Rawdat al-Jannat*. 8 volumes. Revised by Adadullah. Qumm: Isma`iliyyan Publishers.

170) Al-Khatib al-Baghdadiy, Ahmad ibn `Ali ibn Thabit (died in AH 463). *Al-Asma' al-Mubhamah min al-Anba' al-Muhkamah*. Revised by `Izz al-Din `Ali al-Sayyid. Egypt: al-Khanjiy Library, AH 1405.

171) Al-Khatib al-Baghdadiy, Abu-Bakr Ahmad ibn `Ali ibn Thabit (died in AH 463). *Al-Rihlah fi Talab al-HAdith*. Revised by Nur al-Din `Itr. Beirut: Dar al-Kutub al-`Ilmiyyah Publishers, 1st Edition, AH 1395.

172) Al-Khatib al-Baghdadiy, Abu-Bakr Ahmad ibn `Ali ibn Thabit (died in AH 463). *Sharaf Ashab al-Hadith*. Revised by Muhammad Sa`id Khatib Ughli. Turkey: Ankara University, 1971.

173) Al-Khatib, Muhammad `Ajjaj. *Islah al-Hadith wa-`Ulumuh wa-Mustalahuh*. Egypt: Dar al-Ma`arif Publishers, 10th Edition, AH 1408.

174) Al-Khallal, Abu-Bakr Ahmad ibn Muhammad ibn Harun ibn Yazid (died in AH 311). *Al-Sunnah*. 3 volumes. Revised by `Atiyyah al-Zahraniy. Riyadh: Dar al-Rayah Publishers, 1st edition, AH 1410.

175) Al-Khazzar al-Qummiy, Abu'l-Qasim `Ali ibn Muhammad ibn `Ali (died in AH 400). *Kifayat al-Athar fi'l-Nass `Ala'l-A'immah al-Ithnay `Ashar*. Revised by Sayyid `Abd al-Latif al-Husayniy al-Khu'iy. Qumm: Bidar Publications, 1st Edition, AH 1401.

176) Al-Khurasaniy, Abu-`Uthman Sa`id ibn Mansur (died in AH 227). *Al-Sunan*. Revised by Habib al-Rahman al-A`dhamiy. India: Al-Dar al-Salafiyyah Publishers, 1st Edition, 1982.

177) Al-Khuza`iy al-Nisapuriy, Husayn ibn `Ali ibn Muhammad (6th century of Hijrah). *Tafsir Abu'l-Futuh al-Raziy* (*Rawd al-Jinan fi Tafsir al-Qur'an*). 20 volumes (in Persian). Revised by Muhammad Ja`far Yafiqiy 7 Muhammad Mahdiy Nasih. Mashhad: Islamic Investigations Foundation, AH 1408.

178) Al-Khuza`iy, Abu'l-Hasan `Ali ibn Mahmud ibn Sa`ud (died in AH 789). *Takhrij al-Dalalat al-Sam`iyyah `Ala Ma Kana Fi `Ahd Rasul Allah min al-Harf*. Revised by Ihsan `Abbas. Beirut: Dar al-Gharb al-Islamiy Publishers, 1st Edition, AH 1405.

179) Al-Kila`iy al-Andalusiy, Abu'l-Rabi` Sulayman ibn Musa (died in AH 634). *Al-Iktifa' Bima Tadammanahu min Maghazi Rasul Allah wa'l-Thalathah al-Khulafa'*. Revised by Muhammad Kamal al-Din `Izz al-Din `Ali. Beirut: `Alam al-Kutub, 1st Edition, 1997.

180) Al-Kulayniy, Abu-Ja`far Muhammad ibn Ya`qub al-Raziy (died in AH 329). *Al-Kafi*. 8 volumes. Revised by `Ali Akbar Ghaffariy. Tehran: Dar al-Kutub al-Islamiyyah, 3rd Edition, AH 1388.

181) Al-Maliqiy al-Andalusiy, Muhammad ibn Yahya ibn Abi-Bakr (died in AH 741). *Al-Tamhid wa'l-Bayan fi Maqtal al-Shahid `Uthman*. Revised by Mahmud Yusuf Zayid. Qatar: Dar al-Thaqafah, 1st Edition, AH 1405.

182) Al-Mawardiy, Abu'l-Hasan `Ali ibn Muhammad ibn Habib (died in AH 429). *A`lam al-Nubuwwah*. Revised by Muhammad al-Mu`tasim Billah al-Baghdadiy. Beirut: Dar al-Kitab al-`Arabiy Publishers, 1st Edition, 1987.

183) Al-Mazindaraniy, Muhammad Salih (died in AH 1081). *Sharh Usul al-Kafi* .

184) Al-Mahmudiy, Muhammad Baqir (modern). *Nahj al-Sa`adah fi Mustadrak Nahj al-Balaghah*. 8 volumes. Beirut : Dar al-Ta`aruf Publishers, 1st Edition, AH 1396.

185) Al-Maghribiy, Ahmad ibn al-Siddiq (died in AH 1380). *Fath al-Malik al-`Aliy bi-Sihhat Hadith Bab al-`Ilm `Ali*. revised by Muhammad Hadi al-Aminiy. Isfahan: Amir al-Mu'minin Library, AH 1388.

186) Al-Maghribiy, Abu-`Abdullah Muhammad ibn `Abd al-Rahman (died in AH 954). *Mawahib al-Jalil Li-Sharh Mukhtasar Khalil*. 6 volumes. Beirut: Dar al-Fikr Publishers, 2nd Edition, AH 1398.

187) Al-Mannawiy, `Abd al-Ra'uf (died in AH 1035). *Fayd al-Qadir Sharh al-Jami` al-Saghir*. 6 volumes. Egypt: al-Maktabah al-Tijariyyah al-Kubra, 1st Edition, AH 1356.

188) Al-Maqdisiy al-Hanbaliy, Abu-`Abdullah Muhammad ibn `Abd al-Wahid ibn Ahmad (died in AH 643). *Al-Ahadith al-Mukhtarah*. 10 volumes. Revised by `Abd al-Malik ibn `Abdullah ibn Duhaysh. Holy Mecca: Al-Nahdah al-Hadithah Library, 1st Edition, AH 1410.

189) Al-Maqdisiy, Abu-`Abdullah Muhammad ibn Muflih (died in AH 762). *Al-Furu` wa-Tashih al-Furu`*. 6 volumes. Revised by Abu'l-Zahra' Hazim al-Qadi. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, AH 1418.

190) Al-Mar`ashiy, al-Husayniy al-Damad al-Mir Muhammad Baqir (died in AH 1041). *Al-Rawashih al-Samawiyyah fi Sharh al-Ahadith al-Imamiyyah*. Qumm: Sayyid Al-Mar`ashiy al-Najafiy Library

Publications, AH 1405.

191) Al-Mas`udiy, Abu'l-Hasan `Ali ibn al-Husayn (died in AH 436). *Muruj al-Dhahab*. 4 volumes. Qumm: Dar al-Hijrah Publishers (offset from Beirut's edition), 1st Edition, AH 1408.

192) Al-Mas`udiy, Abu'l-Hasan `Ali ibn al-Husayn ibn `Ali (died in AH 346). *Al-Tanbih wa'l-Ishraf*. Beirut: Dar Sa`b Publishers.

193) Al-Maylaniy, Sayid Muhammad Hadi al-Husayniy (died in AH 1395). *Qadatuna Kayfa Na`rifuhum*. Revised by Sayyid Muhammad `Ali al-Maylaniy. Beirut: al-Wafa' Foundation, 1st Edition, AH 1406.

194) Al-Minqariy, Nasr ibn Muzahim (died in AH 212). *Waq`at Siffin*. Revised by `Abd al-Salam Muhammad Harun. Modern Arabic Foundation, 2nd Edition, AH 1382.

195) Al-Mizziy, Abu'l-Hajjaj Yusuf ibn al-Zakiy `Abd al-Rahman (died in AH 742). *Tahdhib al-Kamal*. 35 volumes. Revised by Bashshar `Awwad. Beirut: Dar al-Risalah, 1st Edition, AH 1400.

196) Al-Mu`allimiy al-Yamaniy al-Hinidy, `Abd al-Rahman ibn Yahya. *al-Anwar al-Kashifah lima fi'l-Adwa' min al-Mujazafah*. Beirut: `[illegible]lam al-Kutub, AH 1402.

197) Al-Muhaqqiq al-Hilliy (died in AH 676). *Al-Mu`tabar fi Sharh al-Mukhtasar*. 2 volumes. Revised by A Committee headed by Nasir Makarim Shiraziy. Qumm: Sayyid al-Shuhada' Foundation.

198) Al-Mudhaffar, Shaykh Muhammad Hasan (died in AH 1275). *Dala'il al-Sidq*. 3 volumes. Cairo: Dar al-Mu`allim Publishers, 2nd Edition, AH 1396.

199) Al-Mu'ayyadiy al-Hasaniy, Majd al-Din ibn Muhammad. *Al-Tuhaf Sharh al-Zulaf*. 1st Edition, AH 1389.

200) Al-Mubarakfuriy, Abu'l-`Ala Muhammad ibn `Abd al-Rahman ibn `Abd al-Rahim (died in AH 1353). *Tuhfat al-Ahwadhiy Bi-Sharh Jami` al-Tirmidhiy*. 10 volumes. Beirut: Dar al-Kutub al-`Ilmiyyah.

201) Al-Mufid, Abu-`Abdullah Muhammad ibn al-Nu`man al-`Akbariy (died in AH 413). *Al-Ikhtisas*. Revised by `Ali Akbar Ghaffariy. Qumm: *Jama`at al-Mudarrisin*.

202) Al-Mufid, Abu-`Abdullah Muhammad ibn al-Nu`man al-`Akbariy (died in AH 413). *Al-Irshad fi Ma`rifat Hujaj Allah `Ala'l-`Ibad*. 2 volumes. Revised by Aal al-Bayt Foundation. Qumm: Aal al-Bayt Foundation.

203) Al-Mufid, Abu-`Abdullah Muhammad ibn al-Nu`man al-`Akbariy al-Baghdadiy (died in AH 413). *Awa'il al-Maqalat*. Revised by Ibrahim al-Ansariy al-Zinjaniy. Beirut: Dar al-Mufid, 2nd Edition, AH 1414.

204) Al-Mufid, Abu-`Abdullah Muhammad ibn al-Nu`man al-`Akbariy al-Baghdadiy (died in AH 413).

Al-Fusul al-Mukhtarah. Revised by Sayyid Mir `Ali Sharifiy. Beirut: Dar al-Mufid, 2nd Edition, AH 1414.

205) Al-Mufid, Abu-`Abdullah Muhammad ibn Muhammad ibn al-Nu`man al-Akbariy al-Baghdadiy (died in AH 413). *Al-Amaliy*. Revised by al-Husayn Ustad Waliy, `Ali Akbar Ghaffariy. Qumm: Jama`at al-Mudarrisin, 1st Edition, AH 1403.

206) Al-Mundhiriy, Abu-Muhammad `Abd al-`Adhim ibn `Abd al-Qawiy (died in AH 656). *Al-Targhib wa'l-Tarhib min al-Hadith al-Sharif*. 4 voluems. Revised by Ibrahim Shams al-Din. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, AH 1417.

207) Al-Murghiyaniy, Abu'l-Husayn `Ali ibn Abi-Bakr ibn `Abd al-Jalil (died in AH 593). *Al-Hidayah Sharh Bidayat al-Mubtadi*. 4 volumes. Beirut: Al-Maktabah al-Islamiyyah.

208) Al-Muttaqiy al-Hinidy (died in AH 975). *Kanz al-`Ummal*. 16 volumes. Revised by Bakriy Hayyany and Safwat al-Saqqa. Beirut: Dar al-Risalah.

209) Al-Muwaffaq al-Khawarzmiy, al-Muwaffaq ibn Ahmad ibn Muhammad al-Makkiy (died in Ah 568). *Al-Manaqib*. Revised by Malik al-Mahmudiy. Qumm: Al-Nashr al-Islamiy Foundation, 2nd Edition, AH 1411.

210) Al-Nisapuriy, Abu-Bakr Muhammad ibn Ibrahim ibn al-Mundhir (died in AH 318). *Al-Awsat fi'l-Sunan wa'l-Ijma` wa'l-Ikhtilaf*. 2 volumes. Revised by Saghir Ahmad Muhammad Khalaf. Riyadh: Dar Tayyibah Publishers, 1st Edition, AH 1405.

211) Al-Nuriy al-Tabrisiy, Shaykh Husayn (died in AH 1320). *Khatimat al-Mustadrak*. 9 volumes. Revised and published by The Aal al-Bayt Foundation of Heritage Revival, Qumm, 1st Edition, AH 1415.

212) Al-Nuriy, Mirza Husayn al-Tabrisiy (died in AH 1320). *Mustadrak al-Wasa'il wa-Mustanbat al-Masa'il*. 18 volumes. Revised by Aal al-Bayt Foundation. Qumm: Aal al-Bayt Foundation for Heritage Revival, 1st Edition, AH 1408/1987.

213) Al-Nahhas, Abu-Ja`far Ahmad ibn Muhammad (died in AH 338). *Ma`ani al-Qur'an al-Karim* (*Tafsir al-Nahhas*). Revised by `Ali al-Sabuniy. Holy Mecca: Umm al-Qura University, 1st Edition, AH 1409.

214) Al-Nafrawiy, al-Malikiy Ahmad ibn Ghunaym ibn Salim (died in AH 1125). *Al-Fawakih al-Dawaniy `Ala Risalat Ibn Abi-Zayd al-Qayrawaniy*. 2 volumes. Beirut: Dar al-Fikr Publishers, AH 1415.

215) Al-Najashiy al-Asadiy al-Kufiy, Abu'l-`Abbas Ahmad ibn `Ali (died in AH 450). *Rijal al-Najashiy*. Revised by Sayyid Musa al-Shubayriy al-Zinjaniy. Qumm: Islamic Propagation Foundation, 5th Edition, AH 1416.

216) Al-Namiry, Abu-Umar Yusuf ibn `Abdullah ibn `Abd al-Barr (died in AH 463). *Al-Tamhid Lima fi'l-Muwatta' min al-Ma`ani wa'l-Asanid*. 24 volumes. Revised by Mustafa ibn Ahmad al-`Alawiy &

Muhammad `Abd al-Kabir al-Bakr. Morocco: Ministry of Awkaf and Islamic Affairs, AH 1387.

217) Al-Nasfiy al-Hanafiy, Abu-Hafs Muhammad ibn `Umar (died in AH 357). *Tafsir al-Nasfiy*. 4 volumes.

218) Al-Nassa'iy, Abu-`Abd al-Rahman Ahmad ibn Shu`ayb (died in AH 303). *Al-Mujtaba min al-Sunan* (*Sunan al-Nassa'iy*). 8 volumes. Revised by `Abd al-Fattah Abu-Ghuddah. Aleppo: Islamic Publications Library, 2nd Edition, AH 1406.

219) Al-Nassa'iy, Abu-`Abd al-Rahman Ahmad ibn Shu`ayb (died in AH 303). *Al-Sunan al-Kubra*. 6 volumes. Revised by `Abd al-Ghaffar Sulayman al-Bandariy & Sayyid Kisrawiy Hasan. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, Ah 1411.

220) Al-Nawawiy, Abu-Zakariyya Yahya ibn Sharaf ibn Mirriy (died in AH 676). *Sahih Muslim bi-Sharh al-Nawawiy*. 18 volumes. Beirut: Dar Ihya' al-Turath al-`Arabiy, 2nd Edition, AH 1392.

221) Al-Nawawiy, Muhyi al-Din ibn Sharaf (died in AH 676). *Al-Majmu` Sharh al-Muhadhdhab*. 9 volumes. Beirut: Dar al-Fikr Publishers, 1st Edition, AH 1417.

222) Al-Nu`maniy, Muhammad ibn Ibrahim (died in AH 380). *Al-Ghaybah*. `Ali Akbar Ghaffariy. Tehran: al-Saduq Library.

223) Al-Qadi `Ayyad, Al-Yahsubiy al-Sabtiy Abu'l-Fadl `Ayyad ibn Musa (died in AH 544). *Tartib al-Madarik wa-Taqrib al-Masalik*. 3 volumes. Revised by Ahmad Bukayr Mahmud. Beirut: Dar al-Hayat Publishers.

224) Al-Qasim ibn Muhammad (died in AH 1029). *Al-I`tisam bi-Habl Allah al-Matin*. 5 volumes. Amman: al-Jam`iyyah al-Malakiyyah Press, AH 1403.

225) Al-Qada`iy, Abu-`Abdullah Muhammad ibn Salamah ibn Ja`far (died in AH 454). *Musnad al-Shihab*. 2 volumes. Revised by Hamdiy `Abd al-Majid al-Salafiy. Beirut: Al-Risalah Foundation, 2nd Edition, AH 1407.

226) Al-Qalqashandiy, Ahmad ibn `Abdullah (died in AH 821). *Ma'athir al-Inafah fi Ma`alim al-Khilafah*. 5 volumes. Revised by `Abd al-Sattar Ahmad Farraj. Kuwait: Kuwait Government Press, 2nd Edition, 1985.

227) Al-Qalqashandiy, Ahmad ibn `Ali (died in AH 821). *Subh al-A`sha fi Sina`at al-Insha*. 8 volumes. Revised by Yusuf `Ali al-Tawil. Damascus: Dar al-Fikr Publishers, 1st Edition, 1987.

228) Al-Qanujiy, Siddiq ibn Hasan (died in AH 1307). *Abjad al-`Ulum al-Washiy al-Marqum fi Bayan Ahwal al-`Ulum*. 3 volumes. Revised by `Abd al-Jabbar Zarkar. Beirut: Dar al-Kutub al-`Ilmiyyah Publishers, 1978.

229) Al-Qanduziy al-Hanafiy, Sulayman ibn Ibrahim (died in AH 1294). *Yanabi` al-Mawaddah Li-Dhawi'l-Qurba*. 3 volumes. Revised by Sayyid `Ali Jamal Ashraf al-Husayniy. Dar al-Uswah, 1st Edition, AH 1416.

230) Al-Qastalaniy, Abu'l-`Abbas Shihab al-Din Ahmad ibn Muhammad (died in AH 923). *Irshad al-Sari Li-Sharh Sahih al-Bukhariy*. Beirut: Dar Ihya' al-Turath al-`Arabiy.

231) Al-Qaysaraniy, Muhammad ibn Tahir (died in AH 507). *Tadhkirat al-Huffadh*. 4 volumes. Revised by Hamdiy `Abd al-Majid Isma`il al-Salafiy. Riyadh: Dar al-Asma'`iy, 1st Edition, AH 1415.

232) Al-Qazwiniy, Abu-`Abdullah Muhammad ibn Yazid (died in AH 275). *Sunan Ibn Majah*. 2 volumes. Revised by Muhammad Fu'ad `Abd al-Baqi. Beirut: Dar al-Fikr Publishers.

233) Al-Qumiy, Abu'l-Hasan `Ali ibn Ibrahim (died in AH 329). *Tafsir al-Qummiy*. 2 volumes. Revised by Sayyid Tayyib al-Jaza'iriy. Qumm: Dar al-Kitab Foundation, 3rd Edition, AH 1404.

234) Al-Qummiy, `Abbas (died in AH 1359). *Al-Kuna wa'l-Alqab*. 3 volumes. Introduced by Muhammad Hadi al-Aminiy, 1970.

235) Al-Qurtubiy, Abu-`Abdullah Muhammad ibn Ahmad ibn Abi-Bakr ibn Farkh (died in AH 671). *Al-Jami` li-Ahkam al-Qur'an* (*Tafsir al-Qurtubiy*). 20 volumes. Revised by Ahmad `Abd al-Halim al-Birdawniy. Cairo: Dar al-Sha`b, 2nd Edition, AH 1372.

236) Al-Qushayriy al-Nisapuriy, Abu'l-Husayn Muslim ibn al-Hajjaj (died in AH 261). Revised by Muhammad Fu'ad `Abd al-Baqi. Beirut: Dar Ihya' al-Turath al-`Arabiy.

237) Al-Rafi`iy al-Qazwiniy, `Abd al-Karim ibn Muhammad (died in AH 623). *Al-Tadwin fi Akhbar Qazwin*. 4 volumes. Revised by `Azizullah al-`Ataridiy. Beirut: Dar al-Kutub al-`Ilmiyyah, 1987.

238) Al-Raghib al-Isfahaniy, Abu'l-Qasim Husayn ibn Muhammad (died in AH 425). *Muhadarat al-Udaba'*. Qumm: al-Haydariyyah Publications.

239) Al-Ramhurmuziy, al-Hasan ibn `Abd al-Rahman (died in AH 360). *Al-Muhaddith al-Fasil Bayna al-Rawi wa'l-Wa`i*. Revised by Muhammad `Ajjaj al-Khatib. Beirut: Dar al-Fikr Publishers, 3rd Edition, Ah 1404.

240) Al-Raziy al-Tamimiy, `Abd al-Rahman ibn Abi-Hatam Muhammad ibn Idris (died in AH 327). *Al-Jarh wa'l-Ta`dil*. 9 volumes. Beirut: Dar Ihya' al-Turath al-`Arabiy, 1st Edition, AH 1271.

241) Al-Raziy, Muhammad ibn `Umar ibn al-Husayn (died in AH 606). *Al-Mahsul fi `Ilm al-Usul*. 5 volumes. Revised by Taha Jabir Fayyad al-`Alawaniy. Riyadh: Imam Muhammad ibn Sa`ud Islamic Universtiy, 1st Edition, AH 1400.

242) Al-Raziy, Muhammad ibn Abi-Bakr ibn `Abd al-Qadir (died in AH 721). *Mukhtar al-Sihah*. Revised

by Mahmud Khatir. Beirut: Lubnan Nashirun Library, AH 1415.

243) Al-Ruhaniy, Mahdiy (modern). *Buhuth Ma`a Ahl al-Sunnah wa'l-Salafiyyah*. Beirut, 1st Edition, AH 1399.

244) Al-Siwasiy, Muhammad ibn `Abd al-Wahid (died in AH 682). *Sharh Fath al-Qadir*. Beirut: Dar al-Fikr Publishers, 2nd Edition.

245) Al-Sabkiy, Abu-Nasr `Abd al-Wahhab ibn `Ali ibn `Abd al-Kafi (died in AH 771). Revised by `Abd al-Fattah Muhammad al-Hilw & Mahmud Muhammad al-Tannahiy. Cairo: Dar Hajr Press, 2nd Edition, 1992.

246) Al-Sakhawiy, Shams al-Din (died in AH 902). *Al-Tuhfah al-Latifah fi Tarikh al-Madinah al-Sharifah*. 2 volumes. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, 1993.

247) Al-Salamiy al-Samarqandiy, al-Nadr ibn Mas`ud ibn Ayyash. *Al-Tafsir al-`Ayyashiy*. 2 volumes. Revised by Sayyid Hashim Rasul Mahallatiy. Tehran: al-Maktabah al-`Ilmiyyah al-Islamiyyah, 1st Edition, AH 1380.

248) Al-Sarakhsiy, Abu-Bakr Muhammad ibn Ahmad ibn Abi-Sahl (died in AH 490). *Usul al-Sarakhsiy*. 2 volumes. Revised by Abu'l-Wafa' al-Afghaniy. India, Hydarabad: Lajnat Ihya' al-Ma`arif al-Nu`maniyyah, 1st edition, AH 1414.

249) Al-Sarakhsiy, Abu-Bakr Muhammad ibn Abi-Sahl (died in AH 483). *Al-Mabsut*. 30 volumes. Beirut: Dar al-Ma`rifah, AH 1406.

250) Al-Sawitiy, Abu'l-Fadl `Abd al-Rahman ibn Abi-Bakr ibn Muhammad (died in AH 911). *Sharh Sunan Ibn Majah*. Karachi: Qadimi Library.

251) Al-Shafi`iy, Abu-`Abdullah Muhammad ibn Idris (died in AH 204). *Al-Risalah*. Revised by Ahmad Muhammad Shakir. Cairo, AH 1358.

252) Al-Shafi`iy, Abu-`Abdullah Muhammad ibn Idris (died in AH 204). *Ikhtilaf al-Hadith*. Revised by Muhammad Ahmad `Abd al-`Aziz. Makkah: Dar al-Baz Publishers, 2nd Edition, AH 1406.

253) Al-Shafi`iy, Muhammad ibn Idris (died in AH 206). *Musnad al-Shafi`iy*. Beirut: Dar al-Kutub al-`Ilmiyyah.

254) Al-Shashiy al-Qaffal, Muhammad ibn Ahmad (died in AH 507). *Hilyat al-`Ulama' fi Ma`rifat Madhahib al-Fuqaha*. 3 volumes. Revised by Yasin Ahmad Ibrahim Daradkah. Beirut: al-Risalah Foundation, 1st Edition, AH 1400.

255) Al-Shashiy, Abu-Sa`id al-Haytham ibn Kulayb (died in AH 335). *Al-Musnad*. 2 volumes. Revised by Mahfudh al-Rahman Zaynullah. Holy Mecca: al-`Ulum wa'l-Hikam Library, 1st Edition, AH 1410.

256) Al-Shahruziy, Abu-`Amr `Uthman ibn `Abd al-Rahman (died in AH 643). *Muqaddimat Ibn al-Salah fi `Ulum al-Hadith*. Revised by Abu-`Abd al-Rahman Salah ibn Muhammad ibn `Uwaydah. Beirut: Dar al-Kutub al-`Ilmiyyah Publishers, 1st Edition, AH 1416.

257) Al-Shahristaniy, Sayyid `Ali (the author of this book). *Wudu' al-Nabiy*. 2 volumes. 1st Edition, AH 1415.

258) Al-Sharif al-Radiy. *Nahj al-Balaghah*. 4 volumes. Revised by Muhammad `Abduh. Beirut: Dar al-Ma`rifah Publishers.

259) Al-Sharnablaliy, Abu'l-Ikhlas Hasan al-Wafa'iy (died in AH 1069). *Nur al-[illegible]dah wa-Najat al-Arwah*. Damascus: Dar al-Hikmah Publishers, 1985.

260) Al-Shawkaniy, Muhammad ibn `Ali (died in AH 1250). *Fath al-Qadir al-Jami` Bayna Fannay al-Riwayah wa'l-Dirayah min `Ilm al-Tafsir*. 5 volumes. Beirut: Dar al-Fikr Publishers.

261) Al-Shawkaniy, Muhammad ibn `Ali ibn Muhammad (died in AH 1255). *Nayl al-Awtar min Ahadith Sayyid al-Akhyar Sharh Muntaqa al-Akhbar*. 9 volumes. Beirut: Dar al-Jil Publishers, 1973.

262) Al-Shaybaniy, Abu-`Abdullah Ahmad ibn Hanbal (died in AH 241). *Fada'il al-Sahabah*. 2 volumes. Revised by Wasiyyullah Muhammad `Abbas. Beirut: al-Risalah Foundation, 1st Edition, AH 1403.

263) Al-Shaybaniy, Abu-`Abdullah Ahmad ibn Hanbal (died in AH 241). *Musnad al-Imam Ahmad ibn Hanbal*. 6 volumes. Egypt: Qurtubah Foundation.

264) Al-Shaybaniy, Abu-`Abdullah ibn Ahmad ibn Hanbal (died in AH 290). *Al-Sunnah*. 2 volumes. Revised by Muhammad Sa`id Salim al-Qahtaniy. Dammam: Dar Ibn al-Qayyim Publishers, 1st Edition, AH 1416.

265) Al-Shaybaniy, Abu-`Abdullah Muhammad ibn al-Hasan (died in AH 189). *Al-Hujjah `Ala Ahl al-Madinah*. 4 volumes. Revised by Mahdiy Hasan al-Gaylaniy al-Qadiriy. Beirut: `[illegible]lam al-Kutub, 3rd Edition, AH 1403.

266) Al-Shaybaniy, Abu-Bakr Ahmad ibn `Amr ibn Abi-`[illegible]sim (died in AH 287). *Al-Mudhakkar wa'l-Tadhkir wa'l-Dhakar*. Revised by Khalid ibn Qasim al-Raddadiy. Riyadh: Dar al-Manar Publishers, 1st Edition, AH 1413.

267) Al-Shaybaniy, Abu-Bakr Ahmad ibn `Amr ibn al-Dahhak (died in AH 287). *Al-[illegible]had wa'l-Mathani*. 6 volumes. Revised by Basim Faysal Ahmad al-Jawabrah. Riyadh: Dar al-Rayah Publishers, 1st Edition, AH 1411.

268) Al-Shaybaniy, Muhammad ibn Muhammad ibn `Abd al-Wahid (died in AH 630). *Al-Kamil fi'l-Tarikh*. 10 volumes. Beirut: Dar al-Kutub al-`Ilmiyyah, 2nd Edition, AH 1415.

269) Al-Suhayliy, al-Khath`amiy `Abd al-Rahman ibn `Abdullah (died in AH 581). *Al-Rawd al-Anif fi Tafsir al-Sirah al-Nubawiyyah Libni-Husham*. 4 volumes. Revised by Majdi Mansur al-Shura. Beirut: Dar al-Kutub al-`Ilmiyyah Publishers, 1st Edition, AH 1418.

270) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abi-Bakr ibn Muhammad (died in AH 911). *Tarikh al-Khulafa'*. Revised by Muhammad Muhyi al-Din `Abd al-Hamid. Egypt: Al-Sa`adah Press, 1st Edition, AH 1371.

271) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abu-Bakr ibn Muhammad (died in AH 911). *Al-Ashbah wa'l-Nadha'ir*. Revised by `Abd al-`[illegible]l Salim Mukarram. Al-Risalah Foundation, 1st Edition, AH 1406.

272) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abu-Bakr ibn Muhammad (died in AH 911). *Tadrib al-Rawi fi Sharh Taqrib al-Nawawiy*. 2 volumes. Revised by `Abd al-Wahhab `Abd al-Latif. Riyadh: al-Riyad Modern Library.

273) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abu-Bakr ibn Muhammad (died in AH 911). *Al-Tatrif fi'l-Tashif*. Saudi Arabia: Dar al-Fa'iz, 1st Edition, AH 1409.

274) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abu-Bakr ibn Muhammad (died in AH 911). *Tanwir al-Hawalik Sharh Muwatta' Malik*. 2 volumes. Egypt: al-Maktabah al-Tijariyyah al-Kubra, AH 1389.

275) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abu-Bakr ibn Muhammad (died in AH 911). *Al-Jami` al-Saghir fi Ahadith al-Bashir al-Nadhir*. 2 volumes. Beirut: Dar al-Fikr Publishers, 1st Edition, AH 1401.

276) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abu-Bakr ibn Muhammad (died in AH 911). *Al-Khasa'is al-Kubra* (*Kifayat al-Talib al-Labib fi Khasa'is al-Habib*). Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, 1985.

277) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abu-Bakr ibn Muhammad (died in AH 911). *Al-Durr al-Manthur*. 8 volumes. Beirut: Dar al-Fikr Publishers, 1993.

278) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abu-Bakr ibn Muhammad (died in AH 911). *Al-Dibaj `Ala Sahih Muslim*. 5 volumes. Revised by Abu-Ishaq al-Juwayniy al-Athiriy. Saudi Arabia: Dar Ibn `Affan Publishers, AH 1416.

279) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abu-Bakr ibn Muhammad (died in AH 911). *Sharh al-Suyutiy `Ala Sunan al-Nassa'iy*. 8 volumes. Aleppo: Islamic Publications Buruea, 2nd Edition, AH 1406.

280) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abu-Bakr ibn Muhammad (died in AH 911). *Luban al-Nuqul fi Asbab al-Nuzul*. Beirut: Dar Ihya' al-`Ulum Publishers.

281) Al-Suyutiy, Jalal al-Din `Abd al-Rahman ibn Abu-Bakr ibn Muhammad (died in AH 911). *Miftah al-*

Jannah fi'l-Ihtijaj bi'l-Sunnah. Holy Madinah: The Islamic University, 3rd Edition, Ah 1399.

282) Al-Thaqafiy, Ibrahim ibn Muhammad al-Kufiy (died in AH 283). *Al-Gharat*. 2 volumes. Revised by Sayyid Jalal al-Din al-Muhaddith. Qumm: Bahman Publications.

283) Al-Tirmidhiy al-Salamiy, Abu-`sa Muhammd ibn `sa (died in AH 279). *Al-Jami` al-Sahih* (*Sunan al-Tirmidhiy*). 5 volumes. Revised by Ahmad Muhammad Shakir and others. Beirut: Dar Ihya' al-Turath al-`Arabiy.

284) Al-Wahidiy, al-Nisapuriy, Abu'l-Hasan `Ali ibn Ahmad (died in AH 468). *Asbab Nuzul al-yat*. Cairo: Al-Halabiy Foundation, 1st Edition, AH 1388.

285) Al-Wafi al-Mahdiy, a lecturer in the College of Arabic Studies - Marrakesh. *Al-Ijtihad fi'l-Shari`ah al-Islamiyyah Nash'atuh wa-Tatawwuruh wa'l-Ta`rif bih* (The Ijtihad in the Islamic Legislation; Origin, Development, and Definition). Morocco: Dar al-Thaqafah Publishers, 1st Edition.

286) Al-Wasitiy, Aslam ibn Sahl al-Razzaz (died in AH 292). *Tarikh Wasit*. Revised by Georges `Awwad. Beirut: `lam al-Kutub Publishers, 1st Edition, AH 1406.

287) Al-Zamakhshariy, al-Khawarzmiy Abu'l-Qasim Jarullah Muahmud ibn `Umar (died in AH 538). *Al-Kashshaf*. 4 volumes. Beirut: Dar al-Ma`rifah.

288) Al-Zamakhshariy, Mahmud ibn `Umar (died in AH 538). *Al-Fa'iq fi Gharib al-Hadith*. 4 volumes. Revised by `Ali Mahmud al-Bajjawiy and Muhammad Abu'l-Fadl Ibrahim. Lebanon: Dar al-Ma`rifah Publishers, 2nd Edition.

289) Al-Zar`iy, Abu-`Abdullah Muhammad ibn Abi-Bakr Ayyub (died in AH 751). *I`lam al-Muwaqqi`in `An Rabb al-`lamin*. Revised by Taha `Abd al-Ra'uf Sa`id. Beirut: Dar al-Jil Publishers, 1973.

290) Al-Zar`iy, Abu-`Abdullah Muhammad ibn Abi-Bakr Ayyub (died in AH 751). *Zad al-Ma`ad fi Hady Khayr al-`Ibad*. 5 volumes. Revised by Shu`ayb al-Arna'ut, `Abd al-Qadir al-Arna'ut. Beirut: al-Risalah Foundation, 12th Edition, AH 1407.

291) Al-Zar`iy, Abu-`Abdullah Muhammad ibn Abi-Bakr Ayyub (died in AH 751). *Al-Turuq al-Hikamiyyah fi'l-Siyasah al-Shar`iyyah*. Revised by Muhammad Jamil Ghazi. Cairo: Al-Madaniy Press.

292) Al-Zarandiy al-Hanafiy, Jamal al-Din Muhammad ibn Yusuf ibn al-Hasan ibn Muhammad (died in AH 750). *Nudhum Durar al-Simtayn*. Manuscript in Imam Amir al-Mu'minin Library, 1st Edition, AH 1377/1958.

293) Al-Zarandiy, Abu'l-Fadl Mir Muhammad (modern). *Buhuth fi Tarikh al-Qur'an*. Qumm: The Islamic Propagation Foundation of Jama`at al-Mudarrisin, 1st Edition, AH 1420.

294) Al-Zarkaliy, Khayr al-Din. *al-A`lam*. 8 volumes. Dar al-`Ilm Li'l-Malayin Publishers, 5th Edition,

1980.

295) Al-Zarkashiy, Muhammad ibn `Abdullah al-Bahadar Badr al-Din (died in AH 794). *Al-Ijabah li-*[illegible]*rad ma-stadrakat'hu al-Sayyidah* `[illegible]*'ishah `Ala'l-Sahabah*. Revised by Sa`id al-Afghaniy. Beirut: al-Maktab al-Islamiy Bureau, 4th Edition, AH 1405.

296) Al-Zarqaniy, Muhammad ibn `Abd al-Baqi ibn Yusuf (died in AH 1122). *Sharh al-Zarqaniy `Ala Muwatta' al-Imam Malik*. 4 volumes. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, AH 1411.

297) Al-Zay`aliy al-Hanafiy, Abu-Muhammad `Abdullah ibn Yusuf (died in AH 762). *Nasb al-Rayah li-Ahadith al-Wilayah*. 4 volumes. Revised by Muhammad Yusuf al-Bannuriy. Egypt: Dar al-Hadith Publishers, AH 1357.

298) Al-Zaydiy, Yahya ibn al-Hasan (died in AH 566). *Usul al-Ahkam fi'l-Halal wa'l-Haram*.

299) Al-Zubaydiy, Abu'l-Fayd Sayyid Muhammad Murtada al-Husayniy (died in AH 1205). *Taj al-`Arus min Jawahir al-Qamus*. 10 volumes. Beirut: Al-Hayat Library.

300) Al-Zubayr ibn Bakkar (died in AH 256). *Al-Akhbar al-Muwaffaqiyyat*. Revised by Dr. Sami Makkiy al-`[illegible]niy. Baghdad: the Awkaf headship in the Republic of Iraq, 1972.

301) Al-Zuhriy al-Basriy, Abu-`Abdullah Muhammad ibn Sa`d ibn Mani` (died in AH 230). *Al-Tabaqat al-Kubra*. 8 volumes. Beirut: Dar Sadir Publishers.

302) Asad Haydar. *Al-Imam al-Sadiq wa'l-Madhahib al-Arba`ah*. 3 volumes. Beirut.

303) Dar al-Sha`b Publishers. *Al-Mawsu`ah al-`Arabiyyah al-Muyassarah*. Cairo: Dar al-Sha`b Publishers. 2nd Edition, 1972.

304) Fathiy al-Rudayniy. *Al-Manahij al-Usuliyyah*. Syria: al-Sharikah al-Muttahidah Publishers, 2nd Edition, AH 1405/1985.

305) Hashim Ma`ruf al-Husayniy (modern). *Dirasatun fi'l-Hadith wa'l-Muhaddithin*. Beirut: Dar al-Ta`aruf Publications, 2nd Edition, AH 1398.

306) Ibn `Abd al-Barr al-Qurtubiy (died in AH 463). *Jami` Bayan al-`Ilm wa-Fadluh*. Qumm: Al-Muniriyyah Press.

307) Ibn `Abd al-Barr, Yusuf ibn `Abdullah ibn Muhammad (died in AH 463). *Al-Isti`ab fi Ma`rifat al-Ashab*. 4 volumes. Revised by `Ali Muhammad al-Bajjawiy. Beirut: Dar al-Jil Publishers, 1st Edition, AH 1412.

308) Ibn `Abd-Rabbih al-Andalisiy, Ahmad ibn Muhammad (died in AH 328). *Al-`Iqd al-Farid*. 6 volumes. Beirut: Dar Ihya' al-Turath al-`Arabiy, 1st Edition, AH 1409.

309) Ibn `Adiy al-Jurjaniy, Abu-Ahmad `Abdullah ibn `Adiy ibn `Abdullah ibn Muhammad (died in AH 365). *Al-Kamil fi Du`afa' al-Rijal*. 7 volumes. Revised by Yahya Mukhtar Ghazzawiy. Beirut: Dar al-Fikr Publishers, 3rd Edition, AH 1409.

310) Ibn `Asakir (AH 571). *Tarikh Dimashq*. 70 volumes. Revised by `Ali Shiri. Beirut: Dar al-Fikr Publishers, AH 1415.

311) Ibn `Asakir al-Shafi`iy, Abu'l-Qasim `Ali ibn al-Husayn ibn Hibatullah (died in AH 571). *Tahdhib Tarikh Dimashq*. 7 volumes. Revised by `Abd al-Qadir Badran. Beirut: Dar al-Masir Publishers, 2nd Edition, AH 1399.

312) Ibn Tawus, Abu'l-Qasim `Ali ibn Musa ibn Ja`far ibn Tawus al-Husayniy (died in AH 664). *Falah al-Sa'il*. Qumm: Islamic Propogation Bureau.

313) Ibn Tawus, Abu'l-Qasim `Ali ibn Musa ibn Ja`far ibn Tawus al-Husayniy (died in AH 664). *Al-Lahuf fi Qatla al-Tufuf*. Qumm: Mehr Press, 1st Edition, AH 1417.

314) Ibn Habban, al-Tamimiy al-Bastiy Abu-Hatam Muhammad ibn Habban (died in AH 354). *Sahih Ibn Habban Bi-Tartib Ibn Balban*. 18 volumes. Revised by Shu`ayb Arna'ut. Beirut: Dar al-Risalah, 2nd Edition, AH 1414.

315) Ibn Hajar al-`Asqalaniy al-Shafi`iy, Abu'l-Fadl Ahmad ibn `Ali (died in AH 852). *Al-Isabah fi Tamyiz al-Sahabah*. 8 volumes. Revised by `Ali Muhammad al-Bajjawiy. Beirut: Dar al-Jil Publishers, 1st Edition, AH 1412.

316) Ibn Hajar al-`Asqalaniy al-Shafi`iy, Abu'l-Fadl Ahmad ibn `Ali (died in AH 852). *Tahdhib al-Tahdhib*. 14 volumes. Beirut: Dar al-Fikr Publishers, 1st edition, AH 1404.

317) Ibn Hajar al-`Asqalaniy al-Shafi`iy, Abu'l-Fadl Ahmad ibn `Ali (died in AH 852). *Al-Dirayah fi Takhrij Ahadith al-Hidayah*. 2 volumes. Revised by Sayyid `Abd Hashim al-Yamaniy al-Madaniy. Beirut: Dar al-Ma`rifah Publishers.

318) Ibn Hajar al-`Asqalaniy al-Shafi`iy, Abu'l-Fadl Ahmad ibn `Ali (died in AH 852). *Fath al-Bari Sharh Sahih al-Bukhariy*. 13 volumes. Revised by Muhammad Fu'ad `Abd al-Baqi and Muhibb al-Din al-Khatib. Beirut: Dar al-Ma`rifah.

319) Ibn Hajar al-`Asqalaniy al-Shafi`iy, Abu'l-Fadl Ahmad ibn `Ali (died in AH 852). *Hady al-Sari*. Revised by Ibrahim `Atwah `Awad. Egypt: Al-Halabiy Company, AH 1383.

320) Ibn Hajar al-`Asqalaniy, Ahmad ibn `Ali ibn Muhammad ibn Hajar (died in AH 852). *Al-Wuquf `Ala Ma Fi Sahih Muslim Min al-Mawquf*. Revised by `Abdullah al-Laythiy al-Ansariy. Beirut: al-Thaqafah Foundation, 1st Edition, AH 1406.

321) Ibn Hajar al-`Asqalaniy, Abu'l-Fadl Ahmad ibn `Ali ibn Hajar (died in AH 852). *Talkhis al-Habir fi Ahadith al-Rafi`iy al-Kabir*. 2 volumes. Revised by Sayyid `Abdullah Hashim al-Yamaniy al-Madaniy. Al-Madinah, AH 1384.

322) Ibn Hajar al-Haythamiy, Abu'l-`Abbas Ahmad ibn Muhammad ibn Muhammad ibn `Ali (died in AH 973). *Al-Sawa`iq al-Muhriqah `Ala Ahl al-Rafd wa'l-Dalal wa'l-Zandaqah*. Revised by `Abd al-Rahman ibn `Abdullah al-Turkiy & Kamil Muhammad al-Kharrat. Beirut: al-Risalah Foundation, 1st edition, 1997.

323) Ibn Hazm al-Andalusiy, Abu-Muhammad `Ali ibn Ahmad (died in AH 456). *Al-Ihkam fi Usul al-Ahkam*. 8 volumes. Cairo: Dar al-Hadith, 1st Edition, AH 1404.

324) Ibn Hazm al-Andalusiy, Abu-Muhammad `Ali ibn Ahmad ibn Sa`id (died in AH 456). *Hujjat al-Wada'*. Revised by Abu-Suhayb al-Karamiy. Riyadh: al-Afkar al-Dawliyyah Publishers & Distributors, 1st Edition, 1998.

325) Ibn Hazm al-Andalusiy, Abu-Muhammad `Ali ibn Ahmad ibn Sa`id ibn Hazm al-Dhahiriy (died in AH 456). *Al-Muhalla*. 11 volumes. Revised by The Arab Heritage Revival Committee. Beirut: Dar Al-faq al-Jadid Publishers.

326) Ibn Hazm, `Ali ibn Ahmad al-Andalusiy (died in AH 456): *Asma' al-Sahabah al-Ruwah wa-ma li-Kulli Wahidin Minhum min al-`Adad*. Revised by `Abd al-Hamid al-Sa`daniy. Cairo: al-Qur'an Library, 1991.

327) Ibn Abi-Jumhur al-Ihsa'iy, Muhammad ibn `Ali ibn Ibrahim (died in AH 880). *`Awali al-La'ali al-`Aziziyyah fi'l-Ahadith al-Diniyyah*. 4 volumes. Revised by Sayyid al-Mar`ashiy and Mujtaba al-`Iraqiy. Qumm: Sayyid al-Shuhada' Press, 1st Edition, AH 1403.

328) Ibn Abi'l-`Izz al-Dimashqiy, `Ali ibn `Ali ibn Muhammad (died in AH 792). *Sharh al-`Aqidah al-Tahawiyyah*. 2 volumes. Revised by `Abdullah `Abd al-Muhsin al-Turkiy, Shu`ayb Arna'ut. Beirut: Al-Risalah Foundation, 11th Edition, AH 1418.

329) Ibn Abi'l-Hadid (died in AH 656). *Sharh Nahj al-Balaghah*. 20 volumes. Revised by Muhammad Abu'l-Fadl Ibrahim. Beirut: Dar Ihya' al-Kutub al-`Arabiyyah & Qumm: Sayyid Al-Mar`ashiy al-Najafiy Library Publications.

330) Ibn al-`Arabiy, *`aridat al-Ahwadhiy bi-Sharh Sahih al-Tirmidhiy*. 8 volues. Beirut: Dar al-Kutub al`Ilmiyyah, 1st Edition, AH 1418.

331) Ibn al-`Imad al-Hanbaliy al-Dimashqiy, `Abd al-Hayy ibn Ahmad (died in AH 1089). *Shadharat al-Dhahab fi Akhbar Min Dhahab*. 4 volumes. Beirut: Dar al-Kutub al-`Ilmiyyah.

332) Ibn al-Athir al-Shaybaniy, Muhammad ibn Muhammad ibn `Abd al-Karim ibn `Abd al-Wahid (died in AH 630). *Usd al-Ghabah*. 5 volumes. Tehran: Isma`iliyyan Publications.

333) Ibn al-Athir, al-Jazriy al-Mubarak ibn Muhammad (died in AH 606). *Al-Nihayah fi Gharib al-Hadith*. 5 volumes. Revised by Tahir Ahmad al-Zawiy and Mahmud Muhammad al-Tannajiy. Beirut: Al-Maktabah al-`Ilmiyyah, AH 1399.

334) Ibn al-Jarud al-Nisapuriy, Abu-Muhammad `Abdullah ibn `Ali ibn al-Jarud (died in AH 307). *Al-Muntaqa min al-Sunan al-Musnadah*. Revised by `Abdullah `Umar al-Barudiy. Beirut: Al-Kitab Cultural Foundation, 1st Edition, Ah 1408.

335) Ibn al-Jawziy, `Abd al-Rahman ibn `Ali (died in AH 597). *Al-`Ilal al-Mutanahiyah fi'l-Ahadith al-Wahiyah*. 2 volumes. Revised by Khalil al-Mays. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, AH 1403.

336) Ibn al-Jawziy, `Abd al-Rahman ibn `Ali (died in AH 597). *Gharib al-Hadith*. 2 volumes. Revised by `Abd al-Mu`ti Qal`achiy. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, AH 1405.

337) Ibn al-Jawziy, `Abd al-Rahman ibn `Ali ibn Muhammad (died in AH 597). *Zad al-Masir fi `Ilm al-Tafsir*. 9 volumes. Beirut: Al-Maktab al-Islamiy Bureau, 3rd Edition, AH 1404.

338) Ibn al-Jawziy, `Abd al-Rahman ibn `Ali ibn Muhammad (died in AH 597). *Sirat `Umar ibn al-Khattab* (*Tarikh `Umar ibn al-Khattab*). Beirut: Dar Ihya' al-`Ulum Publishers.

339) Ibn al-Jawziy, Abu'l-Faraj `Abd al-Rahman ibn `Ali ibn Muhammad (died in AH 597). *Al-Tahqiq fi Ahadith al-Khilaf*. 2 volumes. Revised by Mus`ad `Abd al-Hamid Muhammad al-Sa`daniy. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, AH 1415.

340) Ibn al-Jawziy, Abu'l-Faraj `Abd al-Rahman ibn `Ali ibn Muhammad (died in AH 567). *Al-Muntadham fi Tarikh al-Muluk wa'l-Umam* (*Muntadham Ibn al-Jawziy*). 6 volumes. Beirut: Dar Sadir, 1st Edition, AH 1358.

341) Ibn al-Ju`d, al-Jawhariy al-Baghdadiy Abu'l-Hasan `Ali ibn al-Ju`d (died in AH 230). *Al-Musnad*. Revised by `□mir Ahmad Haydar. Beirut: Nadir Foundation, 1st Edition, Ah 1410.

342) Ibn al-Madiniy. *Al-`Ilal*. Revised by Muhammad Mustafa al-A`dhamiy. Beirut: al-Maktab al-Islamiy Bureau, AH 1392.

343) Ibn al-Rabi` al-Shaybaniy, `Abd al-Rahman ibn `Ali (died in AH 944). *Taysir al-Wusul Ila Jami` al-Usul*. Revised by Muhammad Hamid al-Faqqiy. Egypt: al-Maktabah al-Tijariyyah al-Kubra, AH 1346.

344) Ibn Bashkwal, Abu'l-Qasim Khalaf ibn `Abd al-Malik ibn Bashkwal (died in AH 278). *Ghawamid al-Asma' al-Mubhamah al-Waqi`ah fi Mutun al-Ahadith al-Musnadah*. 13 volumes. Revised by `Izz al-Din `Ali al-Sayyid and Muhammad Kamal al-Din. Beirut: `□lam al-Kutub Publishers, 1st Edition, AH 1407.

345) Ibn Dawud al-Hilliy, Taqiy al-Din (died in AH 707). *Rijal Ibn Dawud*. Najaf: Al-Haydariyyah Press, AH 1392.

346) Ibn Farhun Al-Ya`muriy al-Malikiy, Ibrahim ibn `Ali ibn Muhammad (died in AH 799). *Al-Dibaj al-Mudhahhab fi Ma`rifat A`yan `Ulama' al-Madhhab*. Beirut: Dar al-Kutub al-`Ilmiyyah Publishers.

347) Ibn Husham, al-Himyariy al-Ma`afiriy `Abd al-Malik ibn Husham (died in AH 218). *Al-Sirah al-Nubawiyyah* (*Sirat Ibn Husham*). Revised by Mustafa al-Saqqa, Ibrahim al-Abyariy, and `Abd al-Hafidh Shalabiy. Beirut: Dar Ihya' al-Turath al-`Arabiy.

348) Ibn Idris al-Hilliy, Abu-Ja`far Muhammad ibn Mansur (died in AH 598). *Al-Sara'ir al-Hawi li-Tahrir al-Fatawi*. 3 volumes. Revised by a Committee of Revisers. Qumm : Jama`at al-Mudarrisin, 2nd Edition, AH 1410.

349) Ibn Jabr, `Ali ibn Yusuf Zayn al-`[illegible]bidin (died in the 7th Century). *Nahj al-[illegible]man*. Revised by Sayyid Ahmad al-Husayniy. Mashhad: Imam al-Hadi Association, 1st Edition, AH 1418.

350) Ibn Kathir, Abu'l-Fida' Isma`il ibn `Umar ibn Kathir al-Dimashqiy (died in AH 774). *Tafsir al-Qur'an al-`Adhim* (*Tafsir Ibn Kathir*). Beirut: Dar al-Fikr Publishers, AH 1401.

351) Ibn Kathir, Abu'l-Fida' Isma`il ibn `Umar al-Qirashiy (died in AH 774). *Al-Bidayah wa'l-Nihayah*. 14 volumes. Beirut: Al-Ma`arif Library.

352) Ibn Khallakan, Abu'l-`Abbas Ahmad ibn Muhammad ibn Abi-Bakr ibn Khallakan (died in AH 681). *Wafiyyat al-A`yan wa-Anba' al-Zaman*. 8 volumes. Revised by Ihsan `Abbas. Beirut: Dar al-Thaqafah Publishers, 1968.

353) Ibn Kuthaymah al-Nassa'iy, Zuhayr ibn Harb (died in Ah 234). *Al-`Ilm*. Revised by Muhammad Nasir al-Din al-Albaniy. Beirut: al-Maktab al-Islamiy Buruea, 2nd Edition, AH 1403.

354) Ibn Makula, `Ali ibn Hibatullah ibn Abi-Nasr (died in AH 475). *Al-Ikmal fi Raf` al-Irtiyab `An al-Mu'talaf wa'l-Mukhtalaf fi'l-Asma' wa'l-Alqab*. 5 volumes. Beirut: Dar al-Kutub al-`Ilmiyyah Publishers, 1st Edition, AH 1411.

355) Ibn Mandhur, Abu'l-Fadl Muhammad ibn Mukarram Jamal al-Din (died in AH 711). *Mukhtasar Tarikh Dimashq*. 28 volumes. Revised by Ahmad Ratib Hammus and Muhammad Naji al-`Umar. Edited by Riyad `Abd al-Hamid. Beirut: Dar al-Fikr Publishers, 1st Edition, Ah 1405.

356) Ibn Qudamah al-Hanbaliy, Abu-Muhammad `Abdullah ibn Ahmad ibn Qudamah (died in AH 620). *Al-Mughni fi Fiqh al-Imam Ahmad ibn Hanbal al-Shaybaniy*. 10 volumes. Beirut: Dar al-Fikr Publishers, 1st Edition, AH 1405.

357) Ibn Qudamah, `Abdullah ibn Ahmad (died in AH 620) & Muhammad ibn Ahmad (died in AH 682). *Al-Sharh al-Kabir `Ala'l-Muqni`*. 12 volumes.

358) Ibn Qutaybah al-Daynuriy, Abu-Muhammad `Abdullah ibn Muslim (died in AH 276). *Al-Imamah*

wa'l-Siyasah. 2 volumes. Revised by Taha Muhammad al-Zayniy. Cairo: Al-Halabiy Foundation.

359) Ibn Qutaybah al-Daynuriy, Abu-Muhammad `Abdullah ibn Muslim (died in AH 276). *Ta'wil Mukhtalaf al-Hadith*. Revised by Muhammad Zuhriy al-Najjar. Beirut: Dar al-Jil Publishers, AH 1393.

360) Ibn Qutaybah al-Daynuriy, Abu-Muhammad `Abdullah ibn Muslim (died in 276). *`Uyun al-Akhbar*. 4 volumes. Revised by Yusuf `Ali al-Tawil. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, AH 1406.

361) Ibn Qutaybah al-Daynuriy, Abu-Muhammad `Abdullah ibn Muslim (died in 276). *Gharib al-Hadith*. 3 volumes. Revised by `Abdullah al-Jiburiy. Baghdad: Al-`□niy Press, 1st Edition, AH 1397.

362) Ibn Rajab al-Hanbaliy, Abu'l-Faraj `Abd al-Rahman ibn Ahmad (died in AH 750). *Jami` al-`Ulum wa'l-Hikam fi Sharh Khamsina Hadithan Ma`a Jawami` al-Kalim*. Beirut: Dar al-Ma`rifah Publishers, 1st Edition, AH 1408.

363) Ibn Rushd al-Qurtubiy, Abu'l-Walid Muhammad ibn Ahmad ibn Muhammad ibn Rushd (died in AH 595). *Bidayat al-Mujtahid wa-Nihayat al-Muqtasid*. Beirut: Dar al-Fikr Publishers.

364) Ibn Shirawayh al-Daylamiy, al-Hamadhaniy Abu-Shuja` Shirawayh ibn Shahrdar ibn Shirawayh (died in AH 509). *Al-Firdaws bi-Ma'thur al-Khitab*. Revsied by al-Sa`id ibn Basyuni Zaghlul. Beirut: Dar al-Kutub al-`Ilmiyyah, 1st Edition, 1986.

365) Ibn Shabbah, `Umar ibn Shabbah al-Numayriy (died in AH 262). *Tarikh al-Madinah al-Munawwarah*. 4 volumes. Revised by Fahim Muhammad Shaltut. Qumm: Dar al-Fikr Publishers.

366) Ibn Shahrashub (died in AH 588). *Ma`alim al-`Ulama'*. Introduced by Sayyid Muhammad Sadiq Bahr al-`Ulum. Published in Qumm.

367) Ibn Shahrashub, Abu-`Abdullah Muhammad ibn `Ali al-Mazindaraniy. (died in AH 588). *Manaqib □li Abi-Talib*. 3 volumes. Revised by a committee of scholars in the holy city of Najaf, 1st Edition, AH 1376/1956.

368) Ibn Shu`bah al-Harraniy, Abu-Muhammad al-Hasan ibn `Ali ibn al-Husayn (4th century of Hijrah). *Tuhaf al-`Uqul `An □l al-Rasul*. Revised by `Ali Akbar Ghaffariy. Qumm: Islamic Propagation Foundation, 2nd Edition, AH 1404.

369) Ibn Taymiyah al-Harraniy, Abu'l-`Abbas Ahmad ibn `Abd al-Halim ibn Taymiyah (died in AH 727). *Sharh al-`Umdah fi'l-Fiqh*. 3 volumes. Revised by Sa`ud Salih al-`Utayshan. Riyadh: Al-`Ubaykan Library, 1st Edition, AH 1413.

370) Ibn Taymiyah al-Harraniy, Abu'l-`Abbas Ahmad ibn `Abd al-Halim ibn Taymiyah (died in AH 727). *Majmu` al-Fatawa*. 6 volumes.

371) Ibn Zuhrah al-Halabiy al-Husayniy, Muhyi al-Din Muhammad ibn `Abdullah (died in AH 639). *Al-*

*Arba`un Hadithan fi-Huquq al-Ukhuwwah*. Revised by Nabil Rida `Lawan. Qumm: Mehr Press, AH 1405.

372) Ibrahim Baydun. *Malamih al-Tayyarat al-Siyasiyyah fi'l-Qarn al-Awwal al-Hijriy*. Beirut: Dar al-Nahdah al-`Arabiyyah, 1st Edition, 1979.

373) Imam `Ali ibn al-Husayn ibn `Ali ibn Abi-Talib (martyred in AH 94). *Al-Sahifah al-Sajjadiyyah al-Jami`ah li-Ad`iyat al-Imam `Ali ibn al-Husayn*. Revised by Muhammad `Ali al-Abtahiy. Qumm: Imam al-Mahdi Foundation, 1st Edition, AH 1411.

374) Imtiyaz Ahmad (the Dean of the Islamic Studies Faculty – Karachi). *Dala'il al-Tawthiq al-Mubakkir Li'l-Sunnah wa'l-Hadith*. Translated into Arabic by `Abd al-Mu`ti Amin Qal`achiy. Karachi: Series of the Islamic Studies University Publications.

375) Jurjiy Zaydan. *Tarikh al-Tamaddun al-Islamiy* (vol. 11, 12 of the Complete Collection of Jurjiy Zaydan's Works). Beirut: Dar al-Jil Publishers, AH 1402.

376) Kaythamah ibn Sulayman al-Qirashiy (died in AH 343). *Min Hadith Khaythamah ibn Sulayman al-Qirashiy al-Atrabulsiy*. Revised by `Umar `Abd al-Salam. Beirut: Dar al-Kitab al-`Arabiy, 1st Edition, AH 1400.

377) Malik ibn Anas, Abu-`Abdullah al-Asbahiy (died in AH 179). *Al-Mudawwanah al-Kubra*. 16 volumes. Beirut: Dar Sadir Publishers.

378) Malik ibn Anas, Abu-`Abdullah al-Asbahiy (died in AH 179). *Muwatta' al-Imam Malik*. Revised by Muhammad Fu'ad `Abd al-Baqi. Egypt: Dar Ihya' al-Turath al-`Arabiy.

379) Muhammad `Ajjaj al-Khatib. *al-Sunnah Qabl al-Tadwin*. Beirut : Dar al-Fikr Publishers, 2nd Edition, AH 1391.

380) Muhammad ibn Ishaq ibn Yasar (died in AH 151). *Sirat Ibn Ishaq* (*Al-Mubtada' wa'l-Mab`ath wa'l-Maghazi*). Revised by Muhammad Hamidullah. Published by Arabization Researches and Studies Faculty.

381) Muhammad ibn Muhammad ibn Muhammad ibn Hasan ibn `Ali ibn Sulayman (died in AH 879). *Al-Taqrir wa'l-Tahbir fi `Ilm al-Usul al-Jami` Bayna Istilahay al-Hanafiyyah wa'l-Shafi`iyyah*. Revised by Searches and Studies Bureau. Beirut: Dar al-Fikr Publishers, 1st Edition, 1996.

382) Muhammad Muhammad Abu-Zahw (one of the scholars of al-Azhar University). *Al-Hadith wa'l-Muhaddithun Aw `Inayat al-Ummah al-Islamiyyah bi'l-Sunnah al-Nubawiyyah*. Introduced by Hasanain Makhluf (the mufti of Egypt and the chairman of the Fatwa Committee). Cairo, AH 1378 7 Beirut: Dar al-Kitab al-`Arabiy, AH 1404.

383) Muhammad Rawwas Qal`achiy. *Mawsu`at Fiqh `Abdullah ibn Mas`ud.* Beirut: Dar al-Nafa'is, 2nd Edition, AH 1412.

384) Muhammad Rawwas Qal`achiy. *Mawsu`at Fiqh `Umar ibn al-Khattab.* Beirut: Dar al-Nafa'is, 4th Edition, AH 1409.

385) Muhammad Rawwas Qal`achiy. *Mawsu`at Fiqh Ibrahim al-Nakha`iy*. 2 volumes. Beirut: Dar al-Nafa'is, 2nd Edition, AH 1406.

386) Muhammad Rawwas Qal`achiy. *Mawsu`at Fiqh Zayd ibn Thabit wa Abi-Hurayrah*. Beirut: Dar al-Nafa'is, 1st Edition, AH 1413.

387) Muhammad Salam Madkur. *Manahij al-Ijtihad fi'l-Islam*. Kuwait: Kuwait University Press, AH 1393.

388) Munir al-Ba`albakiy, *Mawsu`at al-Mawrid*. 11 volumes. Beirut: Dar al-`Ilm Li'l-Malayin, 1st Edition, 1980.

389) Muslim, ibn al-Hajjaj al-Qushayriy al-Nisapuriy (died in AH 261). *Al-Tamyiz*. (Printed with the bok of '*al-Naqd `Ind al-Muhaddithin* by Muhammad Mustafa al-A`dhamiy) Revised by Muhammad Mustafa al-A`dhamiy. Saudi Arabia: Al-Kawthar Library, 3rd Edition, AH 1410.

390) Nasif, Mansur `Ali. *al-Taj al-Jami` Li'l-Usul*. 6 volumes. Beirut: Dar Ihya' al-Turath al-`Arabiy, AH 1371.

391) Naji Hasan. *Thawrat Zayd ibn `Ali*. Baghdad: Al-Naddah Libraray; Nafaj: Al-□dab Press, 1966.

392) Sa`id ibn Mansur (died in AH 227). *Sunan Sa`id ibn Mansur*. 5 volumes. Revised by Sa`d ibn `Abdullah □l Hamid. Riyadh: Dar al-`Aysamiy Publishers, 1st Edition, Ah 1414.

393) Sharaf al-Din, Sayyid `Abd al-Husayn al-Musawiy. *Al-Muraja`at*. Revised by Husayn al-Radiy. Islamic Association, 2nd Edition, AH 1402/1982.

394) Sharaf al-Din, Sayyid `Abd al-Husayn al-Musawiy. *Al-Nass wa'l-Ijtihad*. Revised by Abu-Mujtaba. Qumm: Sayyid al-Shuhada' Press, 1st Edition, AH 1404.

URL del envío:

https://www.al-islam.org/es/prohibition-recording-hadith-causes-and-effects-sayyid-ali-al-shahristani

Enlaces

[1] https://www.al-islam.org/es/user/login?destination=node/28424%23comment-form

[2] https://www.al-islam.org/es/user/register?destination=node/28424%23comment-form

[3] https://www.al-islam.org/es/person/sayyid-ali-al-shahristani

[4] https://www.al-islam.org/es/taxonomy/term/2034

[5] https://www.al-islam.org/es/person/badr-shahin

[6] https://www.al-islam.org/es/library/early-islamic-history

[7] https://www.al-islam.org/es/library/hadith-sciences

[8] https://www.al-islam.org/es/taxonomy/term/2227

[9] https://www.al-islam.org/es/taxonomy/term/1419

[10] http://www.shahrestani.org

[11] mailto:shahrestani@imamreza.net