

The Rulers And The Jurisprudential Normalization

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-`a`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-Razi says,

`Amr ibn Sa`id ibn al-`a`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 thought 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-Razi 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-Razi has cited the following narration:

It has been narrated on the authority of Muhammad ibn Ishaq al-Musayyabi 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-Musayyabi 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 jurists of the other ages. Malik ibn Anas, the jurist of the ruling authorities, did not recite the *Basmalah* before reciting the verses of the Holy Qur’an while Ishaq al-Musayyabi 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 jurists of al-Madinah violated the Ahl al-Bayt in the issuance of religious rulings, while the majority of the jurists 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 jurists 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-Bayhaqi 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. Nadiyah 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-Bayhaqi: al-Sunan 2:50.
2. Muhammad ibn Idris al-Shafi`iy: Kitab al-Umm 1:108; al-Bayhaqi: al-Sunan al-Kubra 2:49; al-Suyuti: Tarikh al-Khulafa' 200; al-Shawkaniy: Nayl al-Awtar 2:266. (According to this reference book, Sa'id ibn al-Musayyab, a grand Sahabi, said, 'Mu'awiyah ibn Abi-Sufyan was the first to violate the Takbir in the ritual prayers.'))
3. Al-Bayhaqi: al-Sunan al-Kubra 2:50 H. 2240; Siyar A`lam al-Nubala' 5:434.
4. Al-Fakhr al-Razi: 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-Razi: Ahkam al-Basmalah 76; al-Bayhaqi: al-Sunan al-Kubra 2:49.
7. Al-Fakhr al-Razi: Ahkam al-Basmalah 74-75; al-Bayhaqi: 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-Razi: Ahkam al-Basmalah 40 as quoted from al-Bayhaqi: al-Khilafiyat.
11. Abu'l-Futuh al-Razi: 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-Razi: 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-Bayhaqi: 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-Bayhaqi: al-Sunan al-Kubra 8:93.
21. Musnad Ahmad ibn Hanbal 4:100.
22. Dr. Nadiyah 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-Muttaqi al-Hindi: Kanz al-Ummal 13:114 H. 36372; Rawdat al-Wa'idhin 75; Jawahir al-Matalib 75; Nudhum

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