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Prominent Texts In The Peace Treaty

The form of the Peace Treaty, whose objective elements are religiously and politically important, is a new proof for the success which al-Hasan achieved. In the meantime it indicates that he had a high politico- religious viewpoint.

In the light of what has been narrated on the authority of al-Hasan such as arrangements and laws that were the best of the political acts during his time, it is an act of truthfulness to admit that al-Hasan had excellent political abilities. If he had been allowed to put his outstanding political abilities into effect, he would have been the most brilliant Muslim politician. Moreover, deprivation of authority and failure in a certain field due to certain conditions are not proofs for showing weakness or criticism. For there are many undoubtful and unquestionable proofs that indicate that al-Hasan had careful consideration, strong arrangements, and high opinions.

Personal abilities play an important role in the practical field even though they are exposed to deprivation and failure. This great man (i.e., al-Hasan) was full of these abilities. Thus he was able to preserve the life of all the community in present and future times. That is because these abilities helped him, peace be on him, to make a plan with conditions in an excellent manner to face his opponents.

From the eloquence of the Peace Treaty and its five items, you understand that al-Hasan did not treat his matter at random, nor did he deal with it part-by-part or section-by-section. Rather he put an idea with coherent parts and regular dimensions. Also you understand that al-Hasan did his best to find the most practical conditions as precautionary steps to maintain his legal right to authority and to preserve his position and the position of his brother, and to facilitate the affairs of his family.

In the Peace Treaty, al-Hasan asked Mu'awiya to give security to his Shi'a (followers) and the Shi'a of his father. Also he asked him to spend one million dirhams on the orphans who belonged to his Shi'a. With this sum of money, al-Hasan wanted to reward them for their steadfastness with him and their loyalty to his father. He wanted to keep them as trustees for his doctrine and as loyal supporters to strengthen his position and the position of his brother on the day when the situation would return to normal.

Through the Peace Treaty, al-Hasan handed authority to Mu'awiya provided that the latter should act according to the Book of Allah, the Sunna (practices) of the Prophet, may Allah bless him and his family, and the Sira (practices) of the Orthodox Caliphs. In this way, al-Hasan was able to reduce the authority of his enemy. In other words he reduced the violations of his enemy through the foregoing conditions. That is because the violations of Mu'awiya cannot be counted and were severe in punishment. This indicates that al-Hasan was the most knowledgeable of all people in Mu'awiya and his moral abilities towards these conditions.

Moreover, the Peace Treaty was the document which the two parties (i.e., al-Hasan and Mu'awiya) signed to conform to the conditions where in. Accordingly, the Peace Treaty was at most the matter of limited material things which one of the two parties (i.e., Mu'awiya) wanted to get. In the meantime it was the matter of limitless spiritual things which the second party (i.e., al-Hasan) obtained.

Through his reconciliation with al-Hasan, peace be on him, Mu'awiya did not intend to get anything but to take the reins of government. However, when al-Hasan handed over authority to Mu'awiya, he intended to safeguard his doctrine from distortion and his Shi'a from destruction, and to underline that the usurped right (to authority) should be returned on the day when Mu'awiya would die.

It is an act of correctness that we do not understand the meaning of the Peace Treaty but through this facet.

To understand clearly the aims of the two parties, we have to analyze their words on the day when they made peace with each other.

1. The Declarations of the two Parties

It is enough for us to mention the words which Mu'awiya said concerning the Peace Treaty with al-Hasan, peace be on him. Many historians have narrated these words on his authority. Among them is b. Kathir, who has reported these words of Mu'awiya: "We are satisfied with it (i.e., the Peace Treaty) (to take the reins of) government.[1]

When Mu'awiya exchanged letters with al-Hasan to pave the way to the Peace Treaty, he said: "It is for you that you are not ruled with wrong, the affairs are not executed without you, and you are not disobeyed in any affair."[2]

It is enough for us to mention the declarations which al-Hasan said to make his Shi'a understand the backgrounds of his reconciliation with Mu'awiya: "You do not know what I have done. By Allah, what I have done for my Shi'a is better than what the sun rises over." Also what he said one day to Bashir al-Hamadani who was among the chiefs of his Shi'a in Kufa: "With my reconciliation I wanted nothing but to drive killing away from you.[3]Also what he said in his speech after peacemaking: "Men, Allah has guided you (to belief) with the foremost one of us, and prevented your blood from shedding with the last one of us. I have made peace with Mu'awiya while I know that it may be a tribulation and a provision till a

time."[4]

These declarations and the many ones similar to them, whether they belonged to a1- Hasan, peace be on him, or to Mu'awiya help us understand the document signed by the two parties. The two parties intended to achieve the aims which we have already mentioned: Mu'awiya intended to achieve his ambition through assuming power, while al-Hasan made a plan to save his Shi'a from killing, to preserve

his religious doctrines that were better than what the sun rose over, and to make peace with Mu'awiya for a fixed time.

Now, there is no wonder when we mention the truth as it is and refer to the deviation (from the truth) of many historians who distorted the aims of the two parties and misunderstood their words. You may find that the Peace Treaty itself and the declarations of the two parties have never mentioned a pledge of allegiance, nor Imamate, nor caliphate (succession). So why have some historians claimed that? For example, b. Qutayba al-Dinawari said that al-Hasan pledged allegiance to Mu'awiya for the Imamate.

Before we discuss this matter or those who believe in it, it is better for us to shed light upon the Islamic caliphate which was attributed to Mu'awiya b. Abu Sufyan and the Islamic Law that prevented the people from pledging allegiance to those who were like him. In this connection, we say:

Mu'awiya and the Succession

We have already mentioned that the succession in Islam after the Apostle of Allah, may Allah bless him and his family, should be for those who were similar to him in all his outstanding qualities and that neither the freed prisoner, nor his son, nor those who became Muslims after the Conquest of Mecca had the right to succeed the Prophet as `Umar b. al-Khattab said. Also we have previously said that the caliphate (succession) after the Prophet, may Allah bless him and his family, would last for thirty years, and then a biting king would take it. (The Sunnis have a corrected tradition).

We have also said that the Imamate was concluded through the textual nomination (as the Shi'a and the Mu'tazilites believe) and that the victory and force made the unlawful thing lawful. Therefore it is not correct to take the Caliphate by force. Also it is not correct to impose it on the Muslims by force.

Besides the person who succeeded the Prophet, may Allah bless him and his family, had no right to oppose his (the Prophet's) rules openly and secretly, while Mu'awiya had violated them openly and secretly when he committed ugly deeds such as adding the adulterer to his lineage, performing Friday prayer on Wednesday, and breaking the pledge he made with Allah.

Moreover, from the time of Mu'awiya till this time, the learned people in the Islamic community have not regarded Mu'awiya's authority over the Muslims as succession, in the full sense of the word. They have not regarded him as successor after the Apostle of Allah, may Allah bless him and his family. Noteworthy the Umayyad nominal successors and their followers volunteered to propagate that for one

thousand months. That was the period of their dynasty in Islam. During this period of time, they spent bribes generously, and fabricated traditions and stories according to their plans and desires. Still Mu'awiya was a mere worldly king and nominal caliph.

After Mu'awiya had taken the reins of government, Sa'd b. Abu Waqqas came to him and said: "oh King, as- salamu `alayka!" Mu'awiya smiled at him and said: "Abu Ishaq, what prevent you from saying: `Commander of the faithful'?" Sa'd said: "Do you say this cheerfully? By Allah, I dislike to call you the Commander of the faithful as I called him (i.e., 'Ali) with it."[5]

In a long speech, b. `Abbas said to Abu Musa al Ash'ari: "Mu'awiya has no quality to be a successor."[6]

To oppose Mu'awiya's succession, Abu Hurayra has narrated the following on the authority of the Apostle of Allah, may Allah bless him and his family, "The successor (Khilafa) is in Medina and the king is in Syria (Sham)."[7]

Ibn Abu Shayba has narrated: "Sufayna, the servant of the Apostle of Allah (may Allah bless him and his family), was asked about the worthiness of the banu (sons) of `Umayya of the succession (Khilafa), so he said: `The banu of al-Zarqa' (i.e., the Umayyads) have told lies.

Rather they are kings from the evil kings. Mu'awiya is the first of them.'"[8]

`A'isha was astonished to hear that Mu'awiya claimed that he was the successor (Khalifa). He heard of that, so he said: "How wonderful! `A'isha claims that I am inappropriate for the Caliphate. May Allah forgive her. Why does she oppose that?"[9]

Abu Bakra (Ziyad's half brother, on his mother's side) attended the meeting of Mu'awiya. The latter said to him: "Abu Bakra, tell us." Abu Bakra (as b. Sa'd narrated) said: "I heard the Apostle of Allah, may Allah bless him and his family saying: `The succession (Khilafa) will (last for) thirty (years), then the king (will come).'" `Abd al-Rahman b. Abu Bakra said: "I was with my father, so Mu'awiya ordered us to be pushed in the back till we were taken out."[10]

Mu'awiya asked Sa'sa'a b. Sawhan al-`Abdi: "Which of the caliphs do you regard me?"

Sa'sa'a said: "What do you think of the caliph who have ruled the people by force, subjugated them with haughtiness, and assumed power through false ways (such as) telling lies and cunning? Indeed, by Allah, you had neither a sword nor a spear at (the Battle of) Badr. You and your father were in the war and the trade. You were from those who provoked (the people) against the Apostle of Allah, may Allah bless him and his family. Indeed, you are a freed prisoner and the son of a freed prisoner. The Apostle of Allah, may Allah bless him and his family, released you. So is the succession to authority appropriate for the freed prisoner?"[11]

Al-Mughira b. Shu'ba came to Mu'awiya, then he left him and said to his son: "I have come from the most evil of all people."[12]

Mu'awiya's governor Samra cursed him on the day when he removed him from the authority of Basrah. He (Samra) said: "My Allah curse Mu'awiya, by Allah, if I had obeyed Allah as I obeyed him (Mu'awiya), He (Allah) would have never tortured me." 13

Al-Hasan al-Basri said: "Mu'awiya had four qualities. If he had only one of them, it would have been a grave sin: he controlled this community with the foolish, so he assumed power without asking its advise, while among it was the rest of the Companions (of the Prophet) and the virtuous. He appointed his son as successor, while he was drunkard, wore silk, played on the mandolins. He claimed that Ziyad was (his brother), while the Apostle of Allah, may Allah bless him and his family, said: "The child is for bed and the prostitute is stoned.'"14 Moreover, he killed Hujr, woe unto him from Hujr and the Companions of Hujr!"

After the Peace Treaty, the Mu'tazilites refused to pledge allegiance to Mu'awiya. They isolated themselves from both al-Hasan and Mu'awiya. For this reason they called themselves the Mu'tazilites.15

Then the days of Mu'awiya passed, so the jurists of the Four Schools have regarded him as an example of the oppressive ruler.16

Also he became the aggressor against whom fighting was obligatory according to the idea of Abu Hanifa al-Nu'man b. Thabit.17

So I (i.e., the author) wonder: where is the succession (Khilafa)?

Al-Mu'tazid al-`Abbasi came (to power). He propagated again the deeds of Mu'awiya, his great disasters, what was said concerning him, and what was narrated regarding him. He summoned the Muslims to curse him through the royal decree which was announced to the people in the year 284 A.H.18

Having mentioned the succession of al-Hasan b. 'Ali, peace be on them, al-Ghazali said: "The Caliphate reached the people who assumed it without worthiness.19

The most wonderful words said concerning Mu'awiya in the sixth century A.H., were those of the chief of Basrah: "Mu'awiya was like the false dirham."20

Ibn Kathir declared that Mu'awiya was not the successor according to the previous tradition (of the Prophet): "We have already mentioned that the succession after him (i.e., the Prophets peace be on him, would (last) for thirty years, then a king (would come). Surely, the thirty years were over in (the beginning) of the succession of al Hasan b. 'Ali, so the days of Mu'awiya were the beginning (of the authority) of the king."21

After al-Dimyari (died 808 A.H.) had mentioned the period of the succession of al-Hasan, peace be on him, he said: "It (i.e., the period of the succession of al-Hasan) was the end of what the Apostle of Allah, may Allah bless him and his family, said concerning the period of the succession, then it (the Caliphate)

would be (assumed by) a biting king, then it would be tyranny and corruption in the earth, that occurred as the Apostle of Allah, may Allah bless him and his. family, said."22

At last, Muhammad b. `Aqil wrote his valuable book `al-Nasa'ih al-Kafiya liman yatawalld Mu'awiya.' Indeed, the book is the decisive idea concerning the matter of Mu'awiya. The book was printed twice. Please, see the book.

The Islamic Law refuses such a kind of succession. Mu'awiya clearly disobeyed the Prophet, may Allah bless him and his family. The learned people blamed him for that. Therefore we think that there is no need to go on discussing the subject: Mu'awiya and the Succession.

Like the other Muslim leaders, al-Hasan himself, after he had handed over the authority to Mu'awiya, was clear in denying Mu'awiya's succession. In his speech on the day when he held a meeting in Kufa, al-Hasan said: "Mu'awiya has claimed that I have seen him worthy of the succession, and I have not seen myself worthy of it. Mu'awiya has told lies. We are the worthiest of all people of the Book of Allah, the Great and Almighty, as His Apostle said." (We will mention his speech in chapter 18.)

In another speech, after the Peace Treaty, al-Hasan said in the presence of Mu'awiya: "The caliph is not he who believes in oppression, stops the laws, and regards the life in this world as father and mother. However, that is a king who obtains supreme authority to enjoy it, hastens towards its pleasure, and pays no attention to its final consequence. So he is as Allah, the Great and Almighty, said: `And I do not know of this may be a trial for you and a provision till a time.' "23

2. Ideas on the Pledge of Allegiance

In his book `Usul al-Kafi, p. 61', Muhammad b. Ya'qub al Kulayni, may Allah have mercy on him, has narrated: "Indeed al Hasan stipulated that he should not call Mu'awiya Commander of the faithful (Amir al-mu'minin)."

In his book ` `Ilal al-Shard' p. 81', Muhammad b. 'Ali b. Babawayh said: "Indeed al-Hasan stipulated that he should not testify that he called Mu'awiya the Commander of the faithful."

These two reports are cautious of recognizing the correctness of the succession of Mu'awiya and of the pledge of allegiance to him. Therefore al-Hasan handed over government to Mu'awiya, not the succession to authority.

As for the words of al-Dinawari in his book `al-Imama wa al Siyasa' that al-Hasan pledged allegiance to Mu'awiya for the Imamate, they oppose, first of all, Mu'awiya's abilities which we have already mentioned to show the relationship between him and the succession and the competence of the pledge of allegiance over the Muslims. Also these words oppose the declarations of al-Hasan who refused the succession of Mu'awiya, whether in his previous sermons or in his clear reservations in these two reports.

Concerning the matters of al-Hasan and Mu'awiya, al-Dinawari indicates plain partiality that was inappropriate for such a historian who lived in the third century when there was neither Mu'awiya nor his bribes nor his claims. However, these words resulted from the emotional motives that urged most of our historians. So al-Dinawari said again: "Neither al-Hasan nor al-Husayn saw evil or misfortune throughout Mu'awiya's lifetime." I (i.e., the author) say: Which evil is more horrible than usurping the throne unjustly? Again I wonder: are these the criteria of al-Dinawari?

If we want to look for an excuse for those who hastened to mention the pledge of allegiance (to Mu'awiya), we will say that they were affected by the propagation which was still heard. In the history of Islam there is no matter more prominent than transferring authority from the grandson of the Prophet to a freed prisoner from the freed prisoners who were known for their near history. For this reason, love controlled those who denied the Peace Treaty to the extent that they elaborated its annotations and footnotes. So they distorted what happened and forged that which did not happen. They used their imagination to give ideas of the pledge of allegiance to Mu'awiya.

Through these fabricated ideas, the Umayyads were able to take the reins of government after the event of peacemaking.

That is because the Peace Treaty was the pillar on which their claims for the worthiness of the claimed succession was based. For this reason the Muslims thought that Umayyads were not worthy of the succession nor was the succession appropriate for them.

Concerning that the Muslims depend on the words of Sufayna the servant of the Apostle of Allah, may Allah bless him and his family: "The banu (sons) of al-Zarqa' have told lies. Rather they are kings. Mu'awiya is the first of them."

Then the superficial knowledge of our Muslim historians of the history of Islam played an important role in this respect. So they regarded this made- up story as an actual fact. Very few of them refrained from curiosity in speech. Moreover, some of them exceeded the fact, so they mixed the ideas to the extent that they said that al Hasan recognized openly the pledge of allegiance to Mu'awiya. These mixed ideas made some of them go into fabrication and loss that are inappropriate for the manhood of the Muslim person who writes about a grandson of his great Prophet, may Allah bless him and his family. Besides these mixed ideas endangered historical honesty. Accordingly, some of such kinds of historians have claimed that al Hasan sold the succession to authority for money.

Now, we are in no need to answer the claims of the liars.

If we want to understand the reconciliation which the two parties (i.e., al-Hasan and Mu'awiya) accepted, first we must depend on the meaning of the pledge of allegiance and the meaning of the Imamate as they are, and then we must depend on the reports of the event and the declarations of those who are specialists in the matter.

There are many proofs for this fact, so it leaves no room for doubt.

In the past the people resorted to the sayings of the old historians to understand the past events, namely they resorted to the historians who were contemporary with those events or came after them in a short period of time. This way led the later generations to different ideas and various parties. That happened in Muslim society and religion.

That is because the authorities of this history were under the influence of the ideas and the parties which they were unable to avoid during their times. At that time it was difficult for a certain author to avoid, in what he wrote, the emotional effects that took part in forming his literary works and in managing his social acts and interests. From here the sorrowful sensible worry appeared in many matters of Islamic history.

It is an act of truthfulness to say that the story of the pledge of allegiance with which the matter of al-Hasan was defamed was the result of that influence under which the historians had written their ideas. So they were either partial in writing down this story as a real truth to gain an immediate interest or they were ignorant of the reality.

Thus they thought that the declaration of handing over the authority in the text of the Peace of Treaty would permit them or help them enlarge the claim of the yielding to the pledge of allegiance. However, the historians did not know that the succession, as a Divine office, was not liable to any bargaining or handing over. Also the times could not change it through peacemaking or arbitration.

To understand clearly `handing over the authority' which has been mentioned in the first item in the Peace Treaty, we must depend on our method to conclude seriousness from the joking of the historians. So we must study this brief explanation through the two parties themselves.

3. Handing over the Authority

From what we have already mentioned, we have understood that Mu'awiya said to his son Yazid concerning the members of the House (Ahl al-Bayt), peace be on them: "Indeed the right is their right."

Also we have known that Mu'awiya wrote to al-Hasan to pave the way to peacemaking: "The matters are not settled without you, and you are not disobeyed in a certain matter."

Also we have understood that Mu'awiya said after the Peace Treaty: "We have accepted it for authority."

Also we have known that Mu'awiya addressed the people from the pulpit of Kufa on the day when he arrived in it: "I have not fought against you to make you pray, nor to fast,, nor to make the pilgrimage, nor to pay Zakat (alms). Rather I have fought against you so that I might have power over you."

Also we have understood that al-Hasan b. 'Ali denied the succession to authority before Mu'awiya, so the latter kept silent and did not answer the former.

Therefore we must know that when Mu'awiya accepted the Peace Treaty for authority, he denied it to be succession for himself. That was when he said: "I have not fought against you to make you pray, nor to pay Zakat (alms)." Here Mu'awiya indicated that he was not the successor of religion. However, he was a king in the life in this world. He was indifferent to performing prayers and paying Zakat.

Rather he intended to plot against the people. Mu'awiya said to al-Hasan "The matters are not settled without you." Also he said to his son Yazid: "The right is their right." Thus he recognized the high position of al-Hasan and his authority which was not disobeyed in a certain matter. That was the position of the succession to authority. At that time it was necessary for Mu'awiya to keep silent when al-Hasan denied his succession clearly and accused him of lying when he claimed it for himself without worthiness.

Accordingly, where is the handing over of the succession to authority which the historians claimed?

There is another thing that indicates clearly that Mu'awiya was not the successor. That was when he smiled at Sa'd b. Abu Waqqas on the day when the latter came to the former and said to him: "King, Assalamu `alayka!," and did not say: "Commander of the faithful." The deep meaning of this phrase indicates clearly that Mu'awiya wanted to admit his error when he wanted to take the authority as war booty, not as means between the Muslims and their Prophet, may Allah bless him and his family.

For this reason Mu'awiya was worthy of the words of Sa'd, whom Mu'awiya was unable to trick, when he said to him: "By Allah, I dislike to call Mu'awiya the Commander of the faithful as I called him (i.e., 'Ali) with that." He meant that Mu'awiya was inappropriate for this title that grew on the prohibited blood, the black discords, and the corrupt times.

In accordance with this explanation, Sa'd understood that al-Hasan handed government to Mu'awiya and nothing else. This should be understood according to the language of the Qur'an (i.e., the Arabic language) on the succession or the language of the two contracting parties (i.e., al-Hasan and Mu'awiya) in the Peace Treaty. When the great Muslim researcher, Sayyid Amir 'Ali al-Hindi, may Allah have mercy on him, studied the Peace Treaty, he called it `the abdication from authority.'[24]

Some of what al-Hasan, peace be on him, said to those who blamed him for making peace with Mu'awiya is: "Abu `Amir, don't say that I have humiliated the believers. Rather I had hated to kill them for the authority."[25]

Also al-Hasan said to another companion of his: "I have made these (the Umayyads) quarrel with each other over the authority of the world, of which I am in no need.'"[26]

In this way we see that the two parties (i.e., al-Hasan and Mu'awiya) agreed on that the battle for which they advanced against each other with their two armies was for the authority. This means that the peace which they concluded in their treaty was for the authority. For they made peace today with each other for what they differed over yesterday. In the viewpoint that was standing between the two parties, through these declarations or on the day when they made peace with each other, there is no mentioning of the

succession to authority whether concerning handing it over or receiving it.

Then, in these declarations, we find them (i.e., al-Hasan and Mu'awiya) agreed on preferring one of them to the other for the position without which the matters would not be decided. It was the position that permitted al-Hasan to say the following words concerning Mu'awiya, namely, it was as if that al-Hasan appointed Mu'awiya to an office while the latter was at that time present at the meeting of the former: "He (i.e., Mu'awiya) is more knowledgeable in his affair and more thankful (to us) for appointing him to this matter."[27] He meant the matter of the authority.

I (i.e., the author) wonder: Do you see the great difference between this position of al-Hasan and what the pedantic ones imagined when they explained handing over the authority as handing over the succession to authority (Khilafa)?

We think that this idea was a mistake which an author made with intention. Then the authors learned it from him without intention. In such a way many mistakes have been made in history. These mistakes have distorted the facts of history, changed some of its splendor, and doubled the efforts of the researchers. Then if you take care of your subject through checking its references, you will find that it belongs to one origin, and then if you check the origin, you will find it belongs to one origin.

As for the nominal succession, we don't oppose it even it was taken by Mu'awiya and those who claimed it for themselves or took it by weapon or inherited it from those who claimed and took it.

If it is true that the community permitted Mu'awiya to derive the succession to authority from the claim and the power of the weapon, then there will be no doubt in the term.

According to this idea, no wonder when Mu'awiya was the successor of the influence and authority, and al-Hasan b. 'Ali was the successor of the Prophet and the partner of the Qur'an.

No wonder when what has been mentioned in some texts, if we suppose that the narration is correct and safe from distortion, is the practical usage of the word (al-Khilafa) in its new meaning!

4. The Fate of the Succession to Authority after Mu'awiya

Mu'awiya sent letters to al-Hasan to pave the way to make peace with him. In these letters the fate of the Succession to authority was clearly limited. For example, Mu'awiya asked al-Hasan to hand over the authority for his lifetime. Thus he said: "The authority will be for you after me."[28] "You are the worthiest of all people of it."

In this way the text has been mentioned in the Peace Treaty.

In such a way the people understood the reconciliation, namely, they understood it as taking the authority by force throughout the lifetime of Mu'awiya who was about thirty years older than al-Hasan. It was expected that Mu'awiya would die before al-Hasan. In this way the truth would return to its proper

place. It is noteworthy that al-Hasan was still at the beginning of his middle age or at the end of his youth.

However, the evil plans had certain considerations that did not depend on the criteria. The plain item concerning the worthiness of al-Hasan of the succession to authority after Mu'awiya was the most prominent of all items of the Peace Treaty. The people knew that for ten years. However, the hostile propagation covered it. Besides the historians distorted it. Thus some of them said: "Mu'awiya had no right to appoint anyone (to the succession to authority)." The others were so kind that they formed it according to their own ideas when they said: "The succession to authority after Mu'awiya would be a Muslim consultative committee."

As for the truthful historians, they have narrated it (the Peace Treaty) as it is. The professional historians have forgotten that distorting the fact in the text does not avail them in changing the reality during the practical stage. That is because it was impossible for the Muslims, whether through the consultative committee or the like, to ignore the grandson of the Apostle of Allah, may Allah bless him and his family. Of course, that would have happened if al-Hasan had remained alive on the day when Mu'awiya died and the Muslims had been free to elect the successor or to exchange views freely. Accordingly, the authentic narration and the distorted one, rather the three claimed forms of the one narration would have been practically limited if al-Hasan had remained alive.

Therefore to evade the historical honesty was for nothing but for the cooperation with the ruling authority to pave the way to pledge allegiance to Yazid.

The skillful historian has abolished the textual nomination of al Hasan and changed it into the consultative committee. He had adopted the best way of fabrication and distortion. However, he forgot that he added nothing to the aims which he wished for his friend (i.e., Mu'awiya) who abolished them both. That is because the consultative committee which the historian meant does not concern the election of the successor to authority, rather it concerns the affairs which the caliph or the head of the Muslims manages. Such was the first legislation of the consultative committee on the day when Allah, the Glorified, said: "And take counsel with them in the affair." For this reason Allah praised the Muslims when He said: "And their rule is to take counsel among themselves."

The verse is clear in negating leadership which the people made or rather it does not impose it on the people.

This historian and the other historians used their imagination when they thought that the matter of election depended on the Book (i.e., the Qur'an). For this reason `A'isha, the Prophet's wife, summoned the people to the consultative committee she did not attribute it to Allah, the Great and Almighty. Rather she attributed it to `Umar b. al Khattab. Besides if she had found a way to ascribe it to Allah, she would have followed it, for that would have supported her proof very much. So when she entered Basrah, she said: "I think that you should look for those who had killed `Uthman to kill them as they had killed him."[29]

At last many definite contexts do not accept this text (i.e., the subject of the study) but the authentic narration which we have mentioned in the second item in the form of the Peace Treaty. That is because:

1. The letters of Mu'awiya to al-Hasan, peace be on him, have indicated that as we have said before.

2. It is appropriate for the conditions which al-Hasan himself had made as we have mentioned in the Blank Page.

3. It is the most famous report, for it has been narrated many times.

4. The second item with the clear text was very famous throughout the lifetime of al-Hasan, peace be on him, to the extent that it became the proof in many sermons and speeches.

For example, Sulayman b. Sirt referred to it in what he had mentioned to al-Hasan after the Peace Treaty. Jariya b. Qaddama had mentioned it to Mu'awiya to denote that it was a well- known decree concerning the right of al-Hasan to the authority after him. Al-Ahnaf b. Qays had mentioned it as an axiomatic thing when he delivered a speech to refute the pledge of allegiance to Yazid. At that time, through this speech, he addressed Mu'awiya himself before a large gathering.

He (i.e., al-Ahnaf b. Qays) said: "You have known that you had not conquered Iraq by force, nor had you overcome it. However, you have made pledges with al-Hasan b. 'Ali before Allah to hand over the authority to him after you. So if you fulfill (your pledges), then you are appropriate for fulfillment. If you break (your pledges), then you will do wrong to (al-Hasan). By Allah, behind al-Hasan there are quick horses, strong arms, and sharp swords. Indeed if you approach him in a single span of perfidy, you will find behind him a span of the outstretched arms of victory. You know that the Iraqis have not loved you since they hated you."[30] There are many examples similar to this one.

5. The Rest of the Items

You may see, till now, that our study on the prominent points in the items of the Peace Treaty have not exceed two items, namely the first and the second items.

As for the third item, in chapter 14, we discussed with Mu'awiya about its subject. So see that chapter. Also we have discussed the Blank Page which Mu'awiya had sent to al-Hasan, peace be on him to write on it whatever he wanted of conditions. In chapter 16, the speech about this Page is the context that indicates that the reports of the Peace Treaty are in the interest of al-Hasan more than they are in the interest of his opponents.

In accordance with this, the third item means nothing but that it prevents Mu'awiya absolutely from cursing the Commander of the faithful (i.e., Imam 'Ali), peace be on him, whether al-Hasan is present or absent. What some historians added to it, such as that the Commander of the faithful should not be cursed when al Hasan was present or heard that,[31] is not taken into consideration, nor is it appropriate for the essence of the Peace Treaty. That is because the two parties (i.e., al-Hasan and Mu'awiya) were

making real peace and permanent mutual understanding.

As for the fourth item, it was, in fact, a connected exception of the material things which should be handed to Mu'awiya according to the Peace Treaty. This means that the Peace Treaty gave Mu'awiya whatever he wanted of property with the exception of the sums of money which have been mentioned in this item. Al-Hasan chose to take these sums of money for himself, his brother, and his Shi'a (followers). These sums of money were from his rights. He disposed them according to the authorization of Allah, the Most High. He chose these sums of money from the legal land taxes, namely from the land taxes of Dar Abjard.32 For he did not want to subject himself to suspicions.

I (i.e., the author) say: This explanation is different from that of those who unjustly treated the position of al-Hasan b. 'Ali, peace be on them, when they misunderstood the reality of these sums of money. So they regarded them as a cost of the succession to authority, al Hasan as a seller, and Mu'awiya as a buyer. It is better for such narrow- minded people not to discuss the matters that show the reader their narrow-mindedness, so they wrong themselves before they wrong their subjects.

We have already mentioned the meaning of the succession to authority and Mu'awiya's abilities. Thus it is enough for us to say that this prattle is impossible. So there is no need to repeat it again.

As for the fifth item, it will be explained in the chapters that follow.

1. Ibn Kathir, al-Kamil fi al-Ta'rikh, vol. 6, p. 220.
2. Ibn Abd al-Hadid, Sharh Nahj al-Balagha, vol. 4, p. 13.
3. Ibn Qutayba al-Dinawari, al-Imama wa al-Siyasa, p. 203.
4. Al-Ya'qubi, Ta'rikh, vol. 2, p. 192.
5. Ibn al-Athir, al-Kamil fi al-Ta'rikh, vol. 3, p. 163. Muhammad b. `Aqil, al-Nasa'ih al-Kafiya, p. 158.
6. Al-Mas'udi, Hamish b. al-Athir, vol. 6, p. 7.
7. Ibn Kathir, al-Bidaya wa al-Nihaya, vol. 6, p. 321.
8. Muhammad b. `Aqil, al-Nasa' ih al-Kafiya (Iran), p. 153.
9. Ibn Abu al-Hadid, Sharh Nahj al-Balagha, vol. 4, p. 5.
10. Muhammad b. `Aqil, al-Nasa'ih al-Kafiya, p. 159.
11. Al-Mas'udi, Hamish b. al-Athir, vol. 6, p. 7.
12. Al-Mas'udi, Muruj al-Dhahab, vol. 2, p. 342. Ibn Abu al-Hadid, Sharh Nahj al-Balagha, vol. 2. p. 357.
13. Muhammad b. `Aqil, al-Nasa'ih al-Kafiya, p. 9.
14. Al-Tabari, Ta'rikh, vol. b, p. 157.
15. Muhammad b. Ahmad (died 377 A.H.), al-Tanbih wa al-Radd 'ala Ahl al-Ahwa' wa al-Buda', p. 28.
16. That is because they have agreed on that it is permitted for the oppressive ruler to assume judgeship according to the act of the Companions who permitted Mu'awiya assume judgeship.
17. Abu Hanifa said: "Do you know why the Syrians hate us?" "No," they answered. He said: "That is because we think that if we had joined the Camp of 'Ali b. Abu Talib may Allah honor him, we would have help him against Mu'awiya and fought the latter for the former. For this reason they hate us." See, Muhammad b. `Aqil, al-Nasa'ih al-Kafiya, p. 36, in what he has narrated on the authority of Abu Shaker in his book `al-Tamhid fi Bayan al Tawhid.
18. Al-Tabari, Ta'rikh, vol. 11, p. 355.
19. Farid Wajdi, Da'irat Ma'arif al-Qarn al-`Ishrin, vol. 3, p. 231.
20. Dr. Mustafa Jawad, Abu Ja`far al-Naqib (Baghdad), p. 41.
21. Ibn Kathir, al-Bidaya wa al-Nihaya, vol. 8, p. 19.

22. Al-Dimyari, Hayht al-Hayawan al-Kubra, vol. 1, p. 58.
23. Al-Bayhaqi, al-Mahasin wa al-Masawi', vol. 2, p. 63. Other authors have mentioned this speech.
24. Amir 'Ali al-Hindi, Mukhtasar Ta'rikh al-'Arab wa al-Tamaddin al-Islami, p. 61.
25. Ibn Kathir, al-Bidaya wa al-Nihaya, vol. 8, p. 19. ' Sayyid Muhsin al-Amin al-'Amili, A'yan al-Shi'a, vol. 4, p. 52. Al Hakim, al-Mustadrak.
26. Ahmad Shahab al-Din al-'Asqalani, al-Isaba fi Tamyiz al-Shahaba, vol. 2, p. 12.
27. Al-Bayhaqi, al-Mahasin wa al-Masawi', vol. 1, p. 64.
28. Ibn Abu al-Hadid, Sharh Nahj al-Balagha, vol. 4, p. 13.
29. Farid Wajdi, Da'irat Ma'arif al-Qarn al-`Ishrin, vol.4, p.535.
30. You find all this sermon and the references concerning it in chapter 20 when we will mention the way that facilitated the pledge of allegiance to Yazid.
31. Ibn al-Athir, al-Kamil fi al-Ta'rikh, vol. 3, p. 162. After that he said: "Then he (i.e., Mu'awiya) did not fulfill it, either."
32. In his book (al-Kamil fi al-Ta'rikh, vol. 3, p. 162), Ibn al-Athir said: "As for the land taxes of Dar Abjard, the people of Basrah stopped them." They said: "These land taxes are ours. We do not give them to anyone." Also he said: "They stopped them according to Mu'awiya's order."

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