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Second Part

First Introduction: The Rise Of Ijtihad

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 `ā'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-ādab*, 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 Prophet54... 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.

Analysis And Conclusion

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."

Second Introduction

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-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.

Umar And The Sahabah

(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 dinar2 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.

Continuation Of The Two Trends After The Holy Prophet: Crisis And Solution

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-`□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).

The Identification Of Advantage And The Sacred Texts

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 prayers50 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 `Ā'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." `Ā'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.

Models Of The Perpetuity Of The Two Trends

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 `Azib 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 restored[21] 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 `[illegible]'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 him[31] 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 `Amir.

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 `ʿ'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.”[115]572

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.”[117]574

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-[illegible]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; [illegible]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-[illegible]man.

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-'[illegible]miliy: 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 Ahl Al-Bayt's Attitude To The Trend Of Ijtihad

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

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

Is it that Allah ordered them to differ and they obeyed Him? Or He prohibited them from it but they

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

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

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

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

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

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

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

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

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

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

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

because he knows his own ignorance.

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

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

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

"The bases of the occurrence of evils are those desires which are acted upon and the orders that are innovated. They are against the Book of Allah. People co-operate with each other about them even though it is against the Religion of Allah. If wrong had been pure and unmixed it would not be hidden from those who are in search of it. And if right had been pure without admixture of wrong those who bear hatred towards it would have been silenced.

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

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

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

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

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

Similarly, `Abd al-Rahman's attempt to restrict the Ijtihad to the deeds of Abu-Bakr and `Umar and ban the other Sahabah from practicing it failed, too. This is because the door of *Ra'y* and *Ta'wil* was wide

open and thus it was unfeasible to close it causing each and every individual to demand with having his personal views accepted in the same way as the personal views of Abu-Bakr and `Umar were accepted.

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

However, the most important issue in this regard is that the political and religious plan that was constituted by Abu-Bakr and `Umar in support of restricting the legislative circle to them in particular and depriving anyone else of issuing any decision concerning to this—this plan was aimed at making the sayings of Abu-Bakr and `Umar as sacred as the Holy Sunnah although the reality rejected this restriction totally causing their plan to take a path other than what they had expected.

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

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

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

"`Ali is the most knowledgeable."

"`Ali is the most acquainted with the religious rulings."

"`Ali is the most conversant with the judicial questions of the Muslim jurisprudence."[5]

"The right is following `Ali wherever he would go."[6]

In addition, the events of the so-called Shura Committee demonstrate clearly the features of the two trends; the trend of the Opinionists specified the acceptance of and the adherence to their trend as stipulation of holding the caliphate while the trend of thorough compliance with the sacred texts, represented by Imam `Ali and his faithful adherents, rejected this stipulation and called for thorough

observance of the Holy Qur'an and Sunnah even if this situation would cause them to lose the practical leadership of the Muslim community.

Interpretations And Opinions

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

"I will say my own opinion in this question. If it is true, this will be the guidance of Allah; but if it is not, this will be my fault as well as the whisper of Satan. Yet, Allah and His Messenger are released from my misinterpretation. The Kalalah, in my conception, is anything other than the father and the son."[7]

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

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

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

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

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

Hence, *Ra'y* can be defined as prudence and thinking through one of the means to which the Legislation

(*Shari`ah*) has directed in the field of the inference of a ruling about which there is no sacred text. *Ijtihad* also includes the inference of a ruling from presumptive texts as well as the aforesaid *Ijtihad bil-Ra'y* (Exerting efforts through resting upon opinion).

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

Dr. al-Rudayniy says,

`Umar ibn al-Khattab, the lofty 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 `’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 him[35] so firmly[36] while they disagreed with each other on more than one occasion and one issue?

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

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

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

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

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

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

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

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

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

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

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

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

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

“Muhammad is no more than a messenger: many Were the messenger that passed away before him. If he died or were slain, will ye then Turn back on your heels? If any did turn back on his heels, not the least harm will he do to Allah; but Allah (***on the other hand***) ***will swiftly reward those who*** (***serve Him***) ***with gratitude.*** (***Holy Qur’an: 3/144***)***”***

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

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

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

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

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

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

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

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

The most acceptable probability in this regard is that all the texts in which the names of the caliphs or their 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-`□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`iy*,

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

Ahmad Amin, in *Fajr al–Islam* says,

“It seems to me that `Umar acted upon Opinionism in its largest meaning. Since Opinionism is generally

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

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

Dr. 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-Amudiy 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 'Aridat 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-Athar 2:231 (In this reference book, it is written that `A'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-[illegible]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.

The Extension Of The Two Trends After `Umar Ibn Al-Khattab

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 `Asim: 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.

The Perpetuity Of Opinionism And Ijtihad During The Reign Of Mu`awiyah

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 Qays4 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-`[illegible]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`awiyah[16] 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.

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–`[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.

Practical Examples On The Sahabah's Violation Of The Hadith

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-Athar*; 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 `[illegible]'ishah 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 `[illegible]'ishah 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 `[illegible]'ishah 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 `[illegible]'ishah, 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 `ishah is unacceptable, because `ishah herself gave in marriage her nieces.”

According to the narration of al-Maruziy, Ahmad ibn Hanbal further said, “This Hadith is inauthentic, because `ishah 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 `ishah 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: `ishah’s violation of the Hadith is not manifest. Even if we claim so, the act of `ishah 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-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-`*[illegible]*d* (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 Qurʾan 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 [illegible]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.

Conclusion

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 Surahs[43] 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.

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