

## The Sources of Shari`a According to "Ahlul Sunnah wal Jama`ah"

If we trace the sources of the legislative system (*Shari`a*) of "Ahlul Sunnah wal Jama`ah," we will find them to be beyond the limits of the Book of Allah and the Sunnah which Allah and His Messenger had outlined. These sources, according to them, in addition to the Book of Allah and the Sunnah, are: the "Sunnah" of the "righteous caliphs," the "Sunnah" of the *sahaba*, the "Sunnah" of the *tabi'in* (the scholars who learned from the *sahaba*), the "Sunnah" of the rulers which they call *sawafi al-umara* (the "Sunnah" of the elite rulers), then comes *qiyas*, analogy, then *istihsan* (highly recommending something), then *ijma`* (consensus), and finally *sadd bab al-tharai`*, closing the door of pretexts.

As you can see, they are ten all in all according to them, all playing havoc with Allah's creed. And so that we may not say anything without a proof, or speak arbitrarily, or so that some people may not accuse us of exaggerating, we have to provide proofs from their own statements and books so that the kind reader will clearly see everything.

We do not argue with "Ahlul Sunnah wal Jama`ah" about the first two references, namely the Book of Allah and the Sunnah, for this is something which accepts no argument; rather, it is what has to be followed as dictated by narration, reason, and consensus, and it conforms with these verses:

**"Whatever the Messenger gives you, take it, and whatever he prohibit you from, abstain therefrom" (Holy Qur'an, 59:7),**

**"Obey Allah and obey the Messenger" (Holy Qur'an, 5:92),**

**"When Allah and His Messenger decree..." (Holy Qur'an, 33:36),**

and many other such clear verses. They all mandate that rulings should conform ONLY to the Book of Allah and the Sunnah of His Messenger. But we argue with them about the other sources which they added.

# 1. The “Sunnah” of the “Righteous Caliphs”

They have sought (in order to justify this addition) the argument one *hadith* contains; it says, “Uphold my Sunnah and the Sunnah of the guided and wise caliphs; uphold it and stubbornly cling thereto.”<sup>1</sup>

In my book *Ma`al Sadiqeen* (with the truthful), I proved that these guided caliphs referred to in this tradition are the Imams of Ahlul Bayt, and I would like to add the following for the benefit of those who did not have a chance to read that book:

Al-Bukhari and Muslim, as well as all scholars who came after them, have recorded saying that the Messenger of Allah confined his successors to twelve, saying, “The caliphs after me shall be twelve: all of them are to be from Quraysh.” This tradition proves that they are meant to be the Imams from Ahlul Bayt, peace be upon them, not the “caliphs,” i.e. rulers, who usurped the caliphate.

One may say, “Whether those implied is meant (by this tradition) are the twelve Imams from Ahlul Bayt, as the Shi`as claim, or the four righteous caliphs as Ahlul Sunnah claim, the sources of the legislative system remain three: the Qur'an, the [Prophet's] Sunnah, and the caliphs' Sunnah.” This statement is accurate only according to “Ahlul Sunnah;” it is inaccurate according to the views of the Shi`as because the Imams from Ahlul Bayt, as we have already stated, never derived any ruling according to their own views or opinions; rather, everything they said was the Sunnah of their grandfather the Messenger of Allah from whom they learned it and kept it in order to refer to it whenever they needed.

As for “Ahlul Sunnah wal Jama`ah,” their books are full of rulings based on the “Sunnah” of Abu Bakr and Umar which they treated as a source of their legislative system, even when in contradiction with the Book of Allah and the Sunnah of His Prophet.

What increases our conviction that Abu Bakr and Umar were not implied in this *hadith* is the fact that Ali refused to rule according to their “Sunnah” when such ruling was presented to him by the *sahaba* as a prerequisite. Had the Messenger of Allah meant by these guided caliphs Abu Bakr and Umar, it would not have been appropriate for Ali to reject their “Sunnah;” therefore, this proves that this *hadith* excludes Abu Bakr and Umar from such guided or “righteous” caliphs.

But “Ahlul Sunnah wal Jama`ah” have always considered by the “righteous caliphs” to be Abu Bakr, Umar, and Uthman, and nobody else, because Ali was not counted by them among such caliphs. His name was added to the list at a later time as we have pointed out, and also because he used to be cursed from the pulpits; so, how could they follow his Sunnah?!

If we read what is narrated by Jalalud-Din al-Suyuti in his book *Tarikh al-Khulafa*, we will see all this to be the truth. Quoting the caliph's chamberlain, al-Suyuti says, “I saw Umar ibn Abd al-Aziz once delivering a sermon in which he said, `What the Messenger of Allah and both his companions [Abu Bakr and Umar] brought is the religion which we follow and to which we refer, and we defer anything besides

that.”<sup>2</sup>

The truth of the matter is that most companions as well as Umayyad and Abbaside rulers were of the view that what Abu Bakr, Umar, and Uthman had regulated was a creed from which they could derive their beliefs and to which they would always refer. Since all these three caliphs deliberately obstructed the Sunnah of the Messenger of Allah, as we have come to know from the previous chapters, what remain of the Sunnah are injunctions they have regulated in addition to whatever the said rulers decreed.

## 2. The “Sunnah” of the Sahaba En Masse

We find quite a few proofs and testimonials regarding “Ahlul Sunnah wal Jama`ah” following the “Sunnah” of the general masses of the *sahaba* without any exception.

They derive their argument from a false tradition with which we dealt in detail in our book *Ma`a al-Sadiqin*. That “tradition” states: “My *sahaba* are like the stars: whoever you follow, you shall be guided.” This “tradition” is used by Ibn al-Qayyim al-Jawziyyah to prove that it is alright to accept the view of any companion of the Prophet.<sup>3</sup> This fact is also admitted by Shaykh Abu Zuhrah who says, “We have found all of them (meaning Sunni jurists) to be of the view that a companion's verdict is always accepted.” He adds the following in another place:

Deriving arguments from what the companions had said, or from the verdicts which they had themselves issued, is the general trend of the mass of jurists, but the Shi`as<sup>4</sup> hold a contrary view. Ibn Abu al-Qayyim al-Jawziyyah, however, has supported the view of the general public by citing about forty-six texts, all being strong arguments...

We say to Shaykh Abu Zuhrah: How can these texts which contradict the Book of Allah and the Sunnah of His Messenger be labelled as “strong”? In fact, all the texts produced by Ibn al-Qayyim are as weak as spider's cobweb, and you yourself, Shaykh, undermined them when you said:

But we found al-Shawkani saying, “In truth, what a companion says cannot be used as a proof because Allah, Glorified and Exalted is He, did not send this nation anyone besides Prophet Muhammad, and we have only one single Prophet, and the companions and all those who came after them are equally obligated to follow his *Shari`a* in as far as the Book of Allah and the Sunnah are concerned. Anyone who argues that a religious ruling can be derived from any source other than these two, is, in fact, making a claim regarding the religion of Allah which he cannot prove, establishing a “Shari`a” which Allah never enjoined.<sup>5</sup>

So salutations to al-Shawkani who said the truth and was not influenced by the sect. His statement, then, is in full agreement with the stand taken by the Imams of guidance from the pure Progeny of the Prophet. May Allah be pleased with him, and may He please him if his actions agreed with his

statements.

### 3. The “Sunnah” of the Tabi`in or “Ulema al-Athar”

Likewise, we find “Ahlul Sunnah wal Jama`ah” deriving their arguments from the views expressed by the *tabi`in* whom they call “ulema al-athar,” scholars who followed in the footsteps of the *sahaba*, such as al-Awza`i, Sufyan al-Thawri, Hasan al-Basri, Ibn Ayeenah, and many others. And they all agree about deriving rulings from and following the *ijtihad* of the Imams of the four sects despite the latter being among those who followed the *tabi`in*.

This is so despite the fact that the companions themselves admit having committed quite a few errors, and that they do not do according to what they know. For example, here is Abu Bakr giving the following answer upon being asked a question, “I shall give you my answer; if I am right, it is by the Grace of Allah, but if I err, it is either my fault or that of Satan.” Umar once said to his fellows, “I may enjoin you to do something which may not be good for you, and I may prohibit you from doing the things that may be good for you.”<sup>6</sup>

If such is the extent of their knowledge, and since they follow only conjecture while

**“... surely conjecture will not avail anything against the truth; surely Allah is cognizant of what they do” (Holy Qur’an, 10:36),**

how can any Muslim who knows what Islam is all about consider their actions and statements a “Sunnah” to be followed and a source of *Shari`a*? After having quoted their own statements, let me ask you the following: Does the “tradition” saying “My *sahaba* are like the stars: whoever you follow, you shall be guided” still hold any water?!

If such is the case of the *sahaba* who had attended meetings where the Prophet was present, and who learned from him, make such statements, what is the *status quo* of those who came after them, who learned from them, and who actively participated in the dissension?

If the Imams who invented the four sects express their own personal views with regard to Allah’s creed, declaring and admitting that there is always a possibility of error in what they rule, while one of them says, “This is what I think to be correct, yet someone else’s view may actually be correct,” why did they require the Muslims to emulate them?!

### 4. The “Sunnah” of the Rulers

This is referred to by “Ahlul Sunnah wal Jama`ah” as “sawafi al-umaraa,” the “Sunnah” of the elite among the rulers. They rely in their argument on the Qur’anic verse saying,

**“Obey Allah and obey the Messenger and those in authority from you” (Holy Qur’an, 4:59).<sup>7</sup>**

“Those in authority,” according to them, are the rulers even if they rule by sheer brutal force, even if they are oppressors. They think that their rulers were brought to authority by Allah in order to fare with the lives of His servants as they pleased; so, obedience to them is obligatory, and so is following their “Sunnah.”

Ibn Hazm al-Zahiri responded to “Ahlul Sunnah wal Jama`ah” with a strong rebuttal in which he said, “Based on what you say, rulers have the right to discard any parts of the *Shari`a* which Allah and His Messenger enjoined, and they also have the right to add to it, for there is no difference between adding or deleting therefrom. All this is apostasy committed by anyone who permits it without any contention.”<sup>8</sup>

Al-Dhahabi responded to Ibn Hazm by saying, “This is a faulty statement and a terrible mistake, for the nation, with the exception of Dawood ibn Ali and those who followed him, is of the consensus that the rulers have the right to resort to their own views, and to the principle of *ijtihad* only in the absence of a revealed text.

They say that they are not permitted to express their views or to resort to *ijtihad*, when they are aware of the existence of a revealed text. This shows that they have the right to add to the *Shari`a* an addition which the *Shari`a* itself commends while they are not permitted to discard whatever they desire of its injunctions.”

We say to al-Dhahabi: How can you talk about the nation's “consensus” while excluding Dawood ibn Ali and whoever follows him? And why don't you identify those who follow him? And why did you not also exclude the Shi`as and the Imams from Ahlul Bayt ? Do you regard the latter as being outside the folds of the Islamic nation?! Or is your habit of flattering the rulers lets you permit them to add to the *Shari`a* so that they may add more to the amounts of money they pay you, and to enhance your fame?!

And did the rulers who ruled the Muslims in the name of Islam know the Qur'anic texts and the Prophet's *ahadith* well enough so that they may not go beyond them? If both caliphs, namely Abu Bakr and Umar, deliberately contradicted the Qur'anic texts and the *hadith*, as proven above, how can anyone who succeeded them obligate himself to follow such texts which were altered, adulterated, bypassed, and regarded as a thing of the past?

When the jurists from “Ahlul Sunnah wal Jama`ah” issue verdicts permitting the rulers to express whatever views they like about Allah's creed, it is not strange to find al-Dhahabi following their example. In *Tabaqat al-Fuqaha*, Sa`id ibn Jubayr is quoted saying, “I asked Abdullah ibn Umar about supplicating loudly; he said, `Do you want to say that Ibn Umar says that Ibn Umar says such-and-such [i.e. that he quotes himself]?’ I said, `Yes, and we accept what you say and will be satisfied with it.’ Ibn Umar then said, `This is what the rulers say [that it is alright to raise the voice while supplicating]; rather, Allah and His Messenger and those who quote them say so.’<sup>14</sup>

Sa`id ibn Jubayr has said, “Raja ibn Haywah used to be regarded as the most knowledgeable *faqih* in Syria, but if you provoke him, you will find him Syrian in his views quoting Abd al-Malik ibn Marwan

saying such-and-such.”<sup>9</sup>

Also in Ibn Sa`d's *Tabaqat*, al-Musayyab ibn Rafi` is quoted saying, “Whenever something related to jurisdiction, which was not supported either by the Book of Allah or the Sunnah, is mentioned, it will be labelled *sawafi al-umara* (what elite rulers have determined), so it will be discussed by the scholars, and whatever they agree about by way of consensus is regarded as accurate.”<sup>10</sup>

All we can say is to quote the following verse:

***“Had the truth followed their own desires, surely the heavens and the earth and all those therein would have perished. Nay! We have brought them the Reminder (Qur’an), but from their Reminder do they turn aside” (Holy Qur’an, 23:71)***

## **5. The Rest of Sources of Legislation According to Ahlul Sunnah**

Among these we would like to mention *qiyas* (analogy), *istihsan* (deeming something as good or appealing), *istishab* (emulating or legislating something said or done by a *sahabi*), and the closing of the door of pretexts; as for *ijma`* (consensus), it is very famous among them and very well known.

Abu Hanifah in particular gained a reputation for following analogy and rejecting *ahadith*. Malik gained a reputation for referring to what the people of Medina did, and for closing the door of pretexts. Imam al-Shafi`i gained a reputation for referring to the verdicts issued by the companions whom he categorizes into different levels and degrees, putting on top of their list the ten *sahabis* who were given (by the Prophet) the glad tidings of going to Paradise, followed by the early immigrants (*Muhajirun*), then by the supporters (*Ansar*), then by those who accepted Islam after the conquest of Mecca, namely the free men among them.<sup>11</sup> Imam Ahmad ibn Hanbal gained a reputation for rejecting *ijtihad* and distancing himself from issuing verdicts (*fatwas*) and accepting any companion whosoever he might have been.

Al-Khateeb al-Baghdadi has narrated about him saying that a man once asked him about something whether it is permitted or prohibited. Ahmad said to him, “Ask, may Allah grant you good health, someone else.”

The man said, “But I wish to know your own view, O Father of Abdullah!” Ahmad said, “Ask, may Allah grant you good health, someone else. Ask Abu Thawr.”<sup>12</sup> Al-Maroozi quoted him saying, “As for *hadith*, we have relieved ourselves from its headache. As for queries, I have made up my mind not to answer anyone who asks me about anything.”<sup>13</sup>

There is no doubt that Ahmad ibn Hanbal is the one who inspired the idea that all *sahaba*, barring none, are just; hence, his sect greatly influenced “Ahlul Sunnah wal Jama`ah.” Al-Khateeb, for example, has mentioned in Vol. 2 of his book *Tarikh Baghdad*, relying on the authority of Muhammad ibn Abd al-Rahman, the money changer, saying, “I said to Ahmad ibn Hanbal, ‘If the companions of the Messenger of Allah disputed among themselves about a particular issue, should we look into what each one of them

says so that we may know which view is right and follow it?' He said to me, 'No companion of the Prophet should be preferred over another.' I said, 'Then what is the solution?' He said, 'You may follow whoever among them you like.'

We say: Is it permissible to follow someone who cannot distinguish truth from falsehood? It is very strange to see Ahmad, who avoids issuing verdicts, issuing a verdict permitting the following of whoever companion you like and without even looking into their statements to know the truth!

Having thus briefly surveyed the sources of Islamic legislative system (*Shari`a*) according to both the Shi`as and "Ahlul Sunnah wal Jama`ah," it becomes quite clear for us without any confusion that the Shi`as are the ones who truly uphold the Sunnah of the Prophet and who do not accept any alternative for it, so much so that the Prophet's Sunnah became their motto according to the testimony of their opponents. As for "Ahlul Sunnah wal Jama`ah," they follow the "Sunnah" of any companion or *tabi`i* (a follower of a companion who was contemporary to the Prophet) and any ruler. Their books and statements testify against them, and they suffice for a testimony, and we will, *Insha-Allah*, discuss in a following chapter their deeds so that you may come to know that such deeds have nothing to do with the Sunnah of the Prophet.

I would like to leave the reader to himself to deduct the conclusion as to who the followers of the Sunnah really are, and who the innovators are.

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1. This tradition is recorded by al-Tirmidhi, Ibn Majah, al-Bayhaqi, and Ahmad ibn Hanbal.

2. Al-Suyuti, *Tarikh al-Khulafa*, p. 160.

3. *Ibid*.

4. This is another proof provided by Shaykh Abu Zuhrah testifying to the fact which we have already stated: Shi`as do not accept to add to the Shari`a to include anything besides what the Glorious Book of Allah and the Prophet's Sunnah contain.

5. This is stated on p. 102 of Shaykh Abu Zuhrah's book.

6. *Tarikh Baghdad*. Vol. 14, p. 81. We say to these folks: If such is the extent of your knowledge, then why did you put yourselves ahead of the person who has with him the knowledge of the early generations and that of the last ones, depriving the nation of his guidance and light and leaving it groping in dissension, ignorance, and misguidance?!

7. In our book *Ma`al-Sadiqin*, we proved, through convincing arguments, that "those in authority from among you" are the Imams of guidance from among the pure Progeny and not meant to be the rulers who usurp power by force. It is impossible that Allah, Glory to Him, orders us to obey the oppressors, the promiscuous, or the apostates.

8. This is stated on p. 17 of Ibn Hazm's summary of *Ibtal al-Qiyas* (falsification of analogy).

9. *Tabaqat al-Fuqaha*, in the biography of Sa`id ibn Jubayr.

10. See Ibn Sa`d, *Tabaqat*, Vol. 6, p. 179.

11. Imam al-Shafi`i, *Al-Manaqib*, Vol. 1, p. 443.

12. *Tarikh Baghdad*, Vol. 2, p. 66.x

13. This is recorded on p. 57 of *Manaqib Imam Ahmad ibn Hanbal*.

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