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## 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.”<sup>1</sup>

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.”<sup>2</sup>

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.”<sup>3</sup>

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 Hijrah) 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.”<sup>4</sup>

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 jurists 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*).”<sup>5</sup>

In the course of presenting the evidences provided by those who deny considering the Sahabah's opinions as sources of the Islamic legislation, Dr. Dīb al-Baghā 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.”<sup>6</sup>

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."<sup>7</sup>

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."<sup>8</sup>

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.<sup>9</sup>

Commenting on the incident, Ibn Hajar confesses that `Umar's opinion in the issue is very famous.<sup>10</sup>

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.”<sup>12</sup>

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-`Umary 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.”<sup>13</sup>

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<sup>14</sup> 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.<sup>15</sup>

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.<sup>16</sup>

It is also narrated that Ya`liyy 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`liyy.

`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.)"<sup>17</sup>

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.<sup>18</sup>

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 unintentionally, 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."<sup>19</sup>

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."<sup>20</sup>

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,<sup>21</sup> 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;<sup>22</sup> 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."<sup>23</sup>

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.”<sup>24</sup>

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.”<sup>25</sup>

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.<sup>26</sup> Dr. Nadiyah 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.”<sup>27</sup>

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."<sup>28</sup>

`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)***"<sup>29</sup>

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."<sup>30</sup>

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."<sup>31</sup>

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.<sup>32</sup>

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.”<sup>33</sup>

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."<sup>34</sup>

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."<sup>35</sup>

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.”<sup>36</sup>

## **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.’<sup>37</sup>

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.’<sup>38</sup> 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.’<sup>39</sup>

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.<sup>40</sup> 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.’<sup>41</sup>

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.’<sup>42</sup>

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.<sup>43</sup> 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.<sup>44</sup>

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."<sup>45</sup>

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`."<sup>46</sup>

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 were merchandising in the mart of al-Baqi`," said Ubayy to `Umar.

"This is completely true," answered `Umar.<sup>47</sup>

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.<sup>48</sup>

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."<sup>49</sup>

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.<sup>50</sup>

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.<sup>51</sup>

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.

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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-Darimi 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-Iman 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-Qumiliy: 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-Darimi 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. Nadiyah 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-Qumiliy: 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-Bukhariy 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 `Umar 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-Bayhaqi: al-Sunan al-Kubra 7:69; al-Qurtubiy: Tafsir 14:125-6.
46. Al-Suyuti: al-Durr al-Manthur 4:179; al-Muttaqi al-Hindi: 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-Suyuti: al-Durr al-Manthur 3:269.
48. Al-Suyuti: al-Durr al-Manthur 6:79; al-Hakim al-Nisapuriy: al-Mustadrak `Ala'l-Sahihayn 2:245 H. 2891; al-Muttaqi al-Hindi: Kanz al-Ummal 2:568 H. 4745.
49. Tafsir al-Qur'an al-`Adhim 4:314; al-Muttaqi al-Hindi: 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).

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