

Ijtihad and the companions

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1. Ijtihad and the companions

This article is our reply to Ansar's defences of Hadhrath Ayesha and Mu'awiya - namely that their acts of insurgency and rebellion against Imam 'Ali (as) were based on ijtihad for which they shall be rewarded. We decided to write a separate article to highlight the fallacies and contradictions that dog this concept - one that is central to the beliefs of the followers of the Ahl'ul Sunnah wa al Jamaah.

In Islam all people are equal in the eyes of Allah (swt). As Muslims we are required to live our lives in accordance with the dictates of the Qur'an and Sunnah. If we look at the Muslim countries today we see leaders plundering the nations wealth; they commonly put friends and relatives in to positions of power, they likewise plunder the state's wealth. They commit acts that cause revulsion amongst the public, and yet they are 'above the law' you cannot question their actions. We hate this, we believe they should be brought to task, **accountability** is a key component in Islam. We all must comply with it and we are all responsible if we break it, no matter who you are, who you know, who you are related to. We have the verse in the Qur'an making it clear that we will be judged according to our actions on the Day of Judgement. Furthermore we have the following incident recorded in books of hadith:

"A woman belonging to a high and noble family was arrested in connection with a theft. The case was brought to the Prophet, and it was suggested that she may be spared the punishment of theft. The case was brought to the Prophet, and it was recommended that she may be spared the punishment of theft. The Prophet replied: "The nations that lived before you were destroyed by God because they punished the common man for their offences and their dignitaries go unpunished for their crimes; I swear by him (God) who holds my life in his hand that even of Fatima, the daughter of Muhammad has committed this crime, then I would have amputated her hand".

Human Rights in Islam, by Abul A'la Maudoodi page 35-36, published by the Islamic Foundation, United Kingdom 1976.

This event makes it absolutely clear that:

1. All are accountable for their actions
2. You will be accountable irrespective of nobility

This is the justice of Allah (swt) the justice which Islam proclaims. With this clear evidence how would you feel if legislation were passed stating that you can never question the actions of members of the ruling party, no matter what they do? Would the reasonable person accept such a law? Certainly not, on the contrary this would be a clear violation of the Qur'an and Sunnah. Bearing this in mind it is most unfortunate that the majority sect has formulated an opinion that if the companions perform such violations, they are not in error and hence NOT accountable before Allah (swt), as their actions were due to mistakes in their Ijtihad.

2. The verdict of Ahl'ul Sunnah on the disputes between the companions

This is the Fatwa of the Wahabie scholar *Shaykh Muhammad Al-Saleh Ul-Uthaimin* on this matter:

"We believe that the disputes that took place among the Prophet's companions were the result of sincere interpretations they worked hard to reach. Whoever was right among them would be rewarded twice, and whoever was wrong among them would be rewarded once and his mistake would be forgiven"

The Muslim's Belief, by Shaikh Al Saleh Al Uthaimin, translated by Ar Maneh Hammad al Johani, p 23

2.1 Is this a plausible concept?

What sort of justice is this? If the companions commit any wrongdoing, not only are they unaccountable they are forgiven and rewarded for it! If the beloved daughter of the Prophet (s) is not above the law, then why are the companions?

In every day life we as fallible human's commit mistakes, we act in a way that does not behave a believer, when we make such mistakes, do we believe that these actions will merit praise from Allah (swt)?

Akbar Shah Najeeb Abadhi expresses a rather curious opinion on the matter:

"Allah (swt) is the Protector of the Deen as he states "We are its revealers and its protectors...with this in mind one needs to understand that the differences that existed between the Sahaba were a means by which Allah (swt) protected the Deen. The Prophet (s) said "Differences of opinion are a mercy for you, the differences between Hadhrath Ali (ra) and Hadhrath Mu'awiya (ra) were on account of mistakes in ijtihad, not due to personal grudges. No one was opposed to the Shariah. Whatever Ali (ra) did was on account of his opinion that he was right as was the case with Mu'awiya (ra) as did the other Sahaba who attached themselves to whoever they felt was right...if the dispute between Mu'awiya and 'Ali had not taken place we would have been deprived of many aspects of the Sharia, why did this happen? Because Allah (swt) is the Protector of the Deen and created the dispute between Ali and Mu'awiya and through this He (swt) accomplished the Law of Sharia - for example in every Government, Kingdom, Society good and bad obstacles exists these obstacles were inherent when one analyses the dispute between Ali (ra) and Mu'awiya (ra). Kingdoms come and go, peoples rise and fall, families succeed and fail this is all a part of the cycle of life and history is replete with such events. No time / Government has been free from mischief, bribery, cheating and deception - all these acts were in existence during the dispute between 'Ali (ra) and Mu'awiya (ra) - with these examples before us making a decision during disputes has been made easy for us - we can make the choice about who to follow".

Tareekh-e Islam by Akbar Shah Najeeb Abadhi, Volume 2 page 47

So according to Abadhi:

1. Allah (swt) created the fitna - Allah forbid!
2. It benefited the Deen
3. People can make a choice about who to follow - once they analyse the dispute.

Abadhi states the existence of corruption during the dispute helped later generations to decide whom to follow. This would make sense if the next step would be to condemn those perpetuating such activity. Rather than do so the Ahl'ul Sunnah approach is praise and appreciate both - the corrupt and impeccable are both right, the bribed and upstanding are both right, the Imam and the rebel are both right, and no matter how appalling their actions

were, they will be rewarded for them. Is this logical?

It is a basic principle of rationality that if two parties have a dispute both can be wrong, but both can not be right. Applying this to the battles of Jamal and Siffeen, will both the murderers and the murdered be in heaven, because both were right? A Judge for example when hearing a dispute between two parties will not rule that both parties are right and should be compensated for their role in the dispute. An even more absurd conclusion would be if the Judge after ruling that one party was right in its claim and awarding it; then turned to the other side pardoned them and then awarded them for their wrongdoing. Is this a rational concept? If a Judge would never behave in such an unjust way, do you honestly believe that the greatest Judge of all, Allah (swt) would act in this way? If we take this to its logical conclusion then no one is entitled to criticise or resolve any disputes. In politics disputes between two opposing parties is common, and can lead to bitter hatred / political assassinations / demands for independent enquiries etc. If we apply the principle of ijthad then political disputes should never be resolved, both parties will claim that they are right and hence are entitled to act 'by any means necessary' to achieve their objective, whether that be via bribery, murder or armed rebellion - even if they are not right, they will be forgiven and rewarded for their actions.

2.2 Why adhere to such a belief?

The reality is that this concept has been developed by the scholars to in effect provide blanket immunity for those companions who committed major wrongs. Whilst the casual reader would be horrified by their actions his childhood beliefs that the companions actions were mistakes for which they would be rewarded have effectively subdued the majority to not think about what they read.

Never has the desire to believe in mistakes in Ijtihad been more important for the followers of the companions than when looks at the battles of Jamal and Siffeen. Here two groups of companions met each other on battlefield and fought one another. The same companions who had sat with the Prophet (s) were killing one another. As these battles are undeniable facts, and uncomfortable reading for scholars whose attitude has been all the companions are just, the concept of Ijtihad has proved to be a 'protection clause' a means of maintaining beliefs in the presence of facts which would otherwise create doubts in those beliefs.

Ibn Khaldun exemplifies this thinking as follows:

"Beware! Do not speak ill of anyone of them. One ought to find some justification for each faction for they deserve to be rated highly by us. They differed on principle and rightly fought the battle. All those who were killed or were slain were fighting in the way of God for upholding truth and justice. Rather, I think that their differences were a blessing for the latter generations so that every one may choose anyone of them as his guide and Imam. Keep this in mind and try to understand the divine wisdom governing the world and the beings".

Tareekhe Islam by Akbar Shah Najeeb Abadhi, Volume 2 page 145. Quoting Muqqadimah, by Ibn Khaldun p. 172

2.3 The ijthad attributed to the companions who rose against Imam 'Ali (as) contradicts the Qur'an, the Sunnah and sheer common sense

It should be pointed out that both Sunni and Shi'a adhere to the concept of ijthad as a legitimate source of Islamic Law. We however assert that ijthad can only be exercised when there is no clear ruling within the Qur'an or Sunnah with regards to a particular matter. Ijthad is therefore essentially the last resort, it cannot be utilised when solutions are evident in the Qur'an and Sunnah, and crucially ijthad can never be exercised when it is in violation of the Qur'an and Sunnah.

The Qur'an is a binding document for all. Muslims are brothers to one another and yet one group rebels against the leader refuses to submit to him, declares war on him a war which leaves thousands dead and this was all done in the interests of truth and justice, for the betterment of Islam. Do we have evidence of such thinking in the Qur'an or hadith?

What gave one party the right to rebel and behave in this way against a Khalifa whom the vast bulk of Muslims deems rightly guided? Do these actions not therefore set a precedent that if you do not agree with a Khalifa you can mount armed rebellion against him? Would the common man ascribe to the view that ousting a Leader over a difference of opinion through armed rebellion is not only good but will be rewarded even if it is wrong?

The common defence to the actions of Imam Ali (as)'s opponents at Jamal and Siffeen is that they wanted the killers of Hadhrath Uthman to be punished. Individuals are entitled to voice their concerns / opinions to those in authority. Concerns are only permitted to go as far as 'silent protest' not armed rebellion. There exists no verse in the Qur'an or hadith that entitles individuals to rebel and fight the khalifa if their demands are not met. If this was the case then all Governments would be held to ransom, a 'its my way or the highway' approach - leaders would be constantly watching over their shoulders wondering when the next opposition rebellion would take place.

The Holy Qur'an states quite categorically:

"And whoever kills a believer intentionally, his recompense shall be hell, he shall abide therein and God's wrath (Ghazibullaho) shall be on him and his curse (lanato), and is prepared for him a great torment" (Surah Nisa, v 93).

With this verse in mind, history testifies that during the battles of Siffeen and Jamal 70,800 Muslims lost their lives. What is the position of the killers here? Does this verse not applicable to them? If these individuals opposed the Khalifa of the time and were responsible for spreading fitna (dissension) and murder, what will be their position on the Day of Judgement?

If for arguments sake, this concept is indeed correct then why should any disputes be resolved in court? After all if there is a dispute between two groups of Muslims, why should they be punished? Can they not advance a defence that they were following the way of the companions and that whoever was right will receive one reward from Allah (swt) and whoever was wrong will get one reward and be forgiven. Should they not be encouraged to continue to fight and kill one another in the same way that the companions did?

Afghanistan is a land that has been plagued by Civil War between Muslim factions? Each party thinks it is right and the other is wrong and hence should bow to them. Would it be correct to say that they all are working sincerely for Islam, and hence will be rewarded, they should continue killing one another as their actions if wrong will just amount to mistakes in Ijtihad for which they will get one reward? Can any rational person accept such a thinking?

3. An appeal to rationality

Islam is not a religion of confusion, a religion of truth clear unequivocal truth it has clear rules and regulations. In the same way two wrongs don't make a right how can two parties killing each other both be right! They are either both wrong, or one Party is wrong and the other is right. When the Sunni Ulema acknowledge that Ali (as) was right then they are forced to accept that his opponents were wrong, hence the thinking espoused by the famous Sunni scholar from the Indian Subcontinent ***Qazi Thana Ullah Panee Puthee***:

"Those who disputed with him were in the wrong, but we should not think ill of any Sahaba".

The Essential Hanafi Hand Book of Fiqh, page 29 the English Translation of Mala Budda Minhu, by Qazi Thana Ulla - rendered in to English by Maulana Yusuf Talal Ali Al-Amriki, Kitab Bhavan publishers, India

Apportioning blame to Ali (as)'s opponents is a difficult pill to swallow, hence the development of the thought that the mistake was a mistake in Ijtihad religious interpretation for which they would receive one reward from Allah (swt). It cannot be overstated that this was not a small mistake in Ijtihad which might not be of much significance, this was a mistake that lead to social disorder amongst the Muslims, anarchy and ultimately bloodshed on the battlefield, despite the fact that the Prophet (s) had warned the companions during his pilgrimage:

"Do not revert to disbelief after me by striking (cutting) the necks of one another", Sahih al Bukhari Arabic-English Volume 9 hadith number 198

will Allah (swt) reward such acts of insurgency? When the Prophet (s) states that he would punish his daughter if she committed theft, what of those who propagated insurgency and caused the deaths of thousands of fellow Muslims, all because they interpreted Islam differently? Would Allah (swt) hold such individuals accountable for their deeds or would he reward them? Is it justifiable to conclude that these actions should not be questioned because the companions committed them? Does Sharia apply to all? Is there one rule for Muslims and another for the Companions - to the extent that there is blanket immunity for them?

In England until recently there used to be the law of 'diplomatic immunity' whereby ambassadors from foreign lands could not be charged with any offences due to their positions. Media coverage following some horrendous behaviour by such individuals created public outrage the law was repealed and rightly why should these people be above the law? Now think how would you have felt if rather than punish such personages a clause was added stating not only are such persons not going to be prosecuted they will receive an order of merit from the Queen for their actions. Would you support such thinking?

The Battle of Siffeen took place when Mu'awiya refused to leave his post as Governor over Syria, following Ali (as)'s appointment as fourth Khalifa. Despite numerous correspondences to Mu'awiya by the Imam (as), he refused to wrest his authority, hence the Imam was forced to wage a war against Mu'awiya and his adherents. Now we should ask, what was the Ijtihad used by Mu'awiya in this case which justified his actions to the extent that the matter had to be resolved through bloodshed? The Ahl'ul Sunnah scholars state that he wanted the killers of Uthman to be punished, what verse of the Qur'an did he interpret which would justify him to rebel and mount a campaign against the Khalifa if he did not get his way? What Ijtihad did Mu'awiya use which would justify his opposition to Ali(as) and hence grant him a reward from Allah (swt)? Despite this, scholars still try to water the episode down by putting it down to religious interpretation; Ghazzali symbolises this thinking as follows:

"As to the struggle between Mu'awiya and Ali, it was the result of differences of opinion to discover truth by Ijtihad"

Ihya Ulum-id-din, by Imam Ghazzali, Volume 1 page 143, English translation by Maulana Fazlul Karim, Publishers Kitab Bhavan, India.

And what a discovery! A journey of discovery inciting hatred and armed opposition to the Khalifa, resulting in a 110-day battle, which left the field of Siffeen strewn with corpses? On what ground will Mu'awiya receive a reward from Allah (swt)? What precisely were these 'differences'? Let us allow the Wahabie scholar *Al Aqqad* answer this:

"It was not a conflict between two individuals but between two systems, which, on modern phraseology, can be called a conflict between two schools of thought. In fact, the clash between the system of Caliphate (represented by Ali) and the scheme of administration (epitomised by Mu'awiya b. Abi Sufyan"

The life of Caliph Ali, by S. Abul Hasan Nadwi, p 187 quoting Al-Abqariyat al-Islamiyah, by Al Aqqad p 892

So essentially Mu'awiya didn't want to give up his power, this entitled him to rebel against the leader and plague the Ummah with a second civil war! And this was all done for the betterment of Islam, for which Mu'awiya will be awarded on account of him exercising Ijtihad which incidentally was a 'mistake'! Can you really ascribe to such a viewpoint, explaining Siffeen in terms of a mistake for which no one shall be held accountable? It is unlikely that the objective person to support this thinking and yet we see recognised Sunni scholars like Ibn Khaldun doing precisely that:

"The stand taken by Ali in this dispute was undoubtedly correct yet no evil intention can be attributed to Mu'awiya also. He was well intentioned but made a mistake. Thus both groups were justified so far as their motives are concerned, but a peculiarity of the power is that he should wrest it for himself alone from others. It was not possible for Mu'awiya to give up this peculiarity either for himself or for his people. This was a natural trait strengthened by one's own predilections and the support one gets from his family and tribe".

The life of Caliph Ali, by S. Abul Hasan Nadwi, p 145 quoting Muqqadimah, by Ibn Khaldun p 162

So Mu'awiya rebelled against Imam Ali (as) due to his exercise of ijthad, the ijthad being he wanted to stay in power, and for this he will be rewarded! One must ask what benefit did Siffeen have for the Muslims that will reap reward from Allah (swt)?

3.1 The concept is an attempt to cover up history

This entire thinking has been developed to maintain status quo to continue the thought that the Companions are just and they can never make a mistake for which they will be admonished. The Sunni Ulema are fully aware that history cannot vouch for this and hence seek to urge their adherents to blindly accept this as part of their belief.

The Ulema know better and they know that they are seeking to cover up the truth, this is evident from the comments of the Wahabie scholar *Shaykh Naasir al-'Aql*:

"The noble companions are all trustworthy ('udool) and they are the best of this Ummah...It is necessary to withhold from entering into the differences that befell them and to abandon discussing the matter so as not to belittle their rank and position".

The General precepts of Ahlus-Sunnah wal-Jamaa'ah, by Shaikh Naasir al-'Aql, page 34 - 35 English translation by 'Abu 'Aaliyah Surkheel ibn Anwar Sharif, published by Message of Islam

What we should ask is, if the companions are indeed trustworthy then what is there to worry about? If they are indeed all trustworthy then there should be no risk of their rank and position being diminished via discussion over their disputes. To abandon discussing something is clear evidence of seeking to cover up something unpleasant. If there is nothing to hide then why insist on not discussing these matters? If the companions are indeed the best of generations

then we should investigate both their agreements and disagreements for the sake of learning lessons from those differences. Clearly there is a link in the eyes of the Wahabie scholar between the two, if you discuss the disputes, the high-elevated position of the companions are called in to question. Does this not seem somewhat unusual? This is similar to the blind following attributed by Christians to the Bible.

When the contradictions are brought to their attention, the clergy insist that you should not think about that, rather you should blindly accept the Book to be the word of God free of errors. The Roman Catholic Church likewise follow a similar approach, adherents are taught to blindly believe in the infallibility of the Papal Church, and are forbidden to think about the transgressions of the Pope, past and present. Many reverts broke the shackles of such blind following when they embraced Islam, and yet they are being told to blindly accept something that does not tally up with history. Does the mind really feel at ease with such a belief, 'Do not think or investigate history, do not even think about them just believe what we say because we are Ulema?' What is the difference between this approach and that used by the Catholic hierarchy?

3.2 This concept is 'selectively applied' creating clear contradictions

Curiously this concept only applies to the two battles waged during the Caliphate of Imam Ali (as)! During the reign of Hadhrath Abu Bakr, he waged a war against those companions who refused to pay Zakat to him. The Sunni Ulema have **never** deemed their actions as mistakes in Ijtihad. On the contrary a very different opinion is put forward. The late Wahabie scholar *Sayyid Abul A'la Maudoodi*, in his book "**Murtad ki Saza**" (**Punishment of the apostate**), [page 24 - 25 Karachi edition 1954] states that those who did not pay Zakat became apostates because they rebelled against the Khalifa of the time. Curiously when the companions rebel against Ali (as) and wage war against him the same thinking is not applied. Faced with this problem the same Maudoodi in his later work '**Khilafath aur Mulukiyat**' (**Caliphate and Monarchy**) (see note below) reflects orthodox Ahl'ul Sunnah beliefs putting the rebellions down to mistakes in ijthad by the companions. *Khilafath aur Mulukiyath*, by Sayyid Abul A'la Maudoodi

A mistake in Ijtihad is a concept that was formulated specifically to defend those companions who unsheathed their swords against Ali (as). On the one hand the Ahl'ul Sunnah proudly proclaim the importance of sticking to the Jamaah and not rebelling against a leader, and to do so is a major sin, but if the Companions rebel against Ali who to quote the Wahabie scholar Nadwi "**the Ali-i-Sunnat Sect of the Muslims is unanimous in the view that Ali was lawfully entitled to hold the reigns of caliphate**" it is okay it is a mistake for which they will be rewarded!

The life of Caliph Ali, by S. Abul Hasan Nadwi, p 193, quoting Shah Waliyullah 'Izalatul Khifa pages 278-280

In **Sahih al-Bukhari** we learn that Abdullah Ibne Umar dissuades the Ummah from breaking the oath of allegiance to Yazid, basing his argument on a hadith that such persons will be raised as betrayers on the Day of Judgement(see note below). Curiously, this hadith is put forward to support Yazid, the tyrant after the event of Harra when he ordered his army free reign to ransack Madina, this led to the slaughter of the companions and mass rape of the women folk. Those who turn their back on Khalifa Yazeed shall be raised as betrayers on the Day of Judgement for breaking the oath of allegiance; while companions such as Talha and Zubayr who broke the oath of allegiance administered to 'Ali (as) and fought him are not rebels but companions who made mistakes in Ijtihad for which they shall be rewarded. What is worse, rebelling against Yazid or against Hadhrath 'Ali (as)? If those who rebelled against Yazid will be raised as betrayers in the next world why not those who rebelled against Hadhrath 'Ali (as)? *Sahih al Bukhari Arabic - English Volume 9 hadith number 127*

Is this not a clear contradiction, applying a different approach to a different scenario? If

Mu'awiya rebels against Hadhrath 'Ali it is a mistake in his ijtiḥad, if Hadhrath Abu Bakr denies the daughter of the Holy Prophet (s) her inheritance rights in violation of the Qur'an this is not a mistake in ijtiḥad, but rather can be put down to 'minor matters'(1) and a 'misunderstanding'(2)

1. The life of Caliph Ali, by S. Abul Hasan Nadwi, p 75
2. The life of Caliph Ali, by S. Abul Hasan Nadwi, p 175

What sort of rationale is this? Mistakes in ijtiḥad are selectively applied to different scenarios, they can be applied here but not here!

This type of inconsistent approach is no different to the different way the West deals with dictatorships. The US for example imposes sanctions and isolation against Burma for its human rights violations, but not against China, when *Madelaine Albright* the, Secretary of State was asked why this was the case on one occasion in 1998 she answered unequivocally '*Different strokes for different folks*'. Do the followers of the companions not follow the same approach when analysing the wars between the companions?

3.3 A 'Baghi' (rebel) can never claim ijtiḥad as a defence for his actions

The Holy Prophet (s) had told Hadhrath Ali (as):

"O Ali! Soon a rebellious group will fight against you, you will be on the truth whoever does not support you on that day will not be from us"

Kanz al Ummal, by Ali Muttaqi al Hind quoting Ibn Asakir, hadith number 32970

Let us now analyse who this rebellious group are. The late Wahaby scholar *Sayyid Abu'l Ala Maudoodi* in his '**Tafhim ul Qur'an**' collates the opinions of the Ahl'ul Sunnah Ulema about a 'baghi'. He writes:

"Ibne Khumman in Hidayah's commentary Fathul Kadheer states that the scholars have declared that a baghi is he who disobeys the rightful Imam. Imam Shaafi in Kitab ul Umm states 'Baghi' is he who fights the Adil Imam. Imam Malik declared that it is a duty to fight the one who rebels against the Adil Imam [al Mudawanna]"
Tafhim ul Qur'an by Sayyid Abu'l Ala Maudoodi, Volume 5 page 80

This point needs to be taken into account. In addition one should also think about this verse of the Qur'an:

"O you who believe! Obey Allah and his Apostle and those in authority among you".

This verse provides no room for manoeuvre obedience to those in authority is on par with obedience to Allah (swt) and the Prophet (s). This means that disobeying the Leader amounts to disobeying Allah (swt) and his Prophet (s). The verse is absolutely clear how can anyone interpret this verse as entitling someone to rebel against a leader. Anyone who does so is a rebel.

Now the question we ask is these questions:

1. Does Imam Ali (as) not come within this verse?
2. Was he not 'those in authority'?
3. Is he not the fourth rightly guided khalifa?
4. Did Mu'awiya obey him?

Under the definitions of Ahl'ul Sunnah his disobedience of Imam Ali (as) makes him a rebel. If this is not clear enough we also have the hadith of Rasulullah (s) about Hadhrath Amar bin Yasir (ra).

Umm Salama narrated that Allah's messenger (may peace be upon him) said: "A band of rebels would kill Ammar"

Sahih Muslim, English version, v4, chapter MCCV, Tradition #6970

Ibn Sa'd also records that the Prophet (s) said to Amar **"You will be killed by a rebellious group"**.

Tabaqat, by Ibn Sa'd Volume 3 page 252

Can there be anything more explicit than this hadith? Amar was martyred during the Battle of Siffeen by the forces of Mu'awiya.

In his discussion of Siffeen *Maudoodi* writes as follows:

"There were some companions who were reluctant to participate in Jihad as they were unsure which party was that of truth and which party was that of falsehood. After Amar Ibne Yasirs death the matter became clear. It is on this basis that Abu Bakr bin Jasas writes in Ahkam ul Qur'an, Volume 3 page 492: 'Ali ibne Abi Talib (ra) fought a rebellious group accompanying him were recognised Sahaba who had participated in Badr, they were in the right. The Prophet told Amar that a 'baghi group will kill you' this hadith is Mutawatir and Sahih, so much so that when Abdullah bin Umar bin Aas said this to Mu'awiya he did not refute it". Allamah Ibne Abdul Barr in al Istiab Volume 2 page 424 records the hadith 'a baghi group will kill Amar, this is a Mutawatir / Sahih tradition. Allamah Hafidh Ibne Hajar in Isaba writes on Volume 2 page 502 'After Amar's murder it became clear that the truth was with 'Ali and on this the Ahl'ul Sunnah became united when previously there were differing opinions".

Al Khilfath aur Mulukiyath - by Sayyid Abu'l Ala Maudoodi, pages 136-138

The Sahaba Abul Hasan Ashari expressed a clear opinion namely that **"Mu'awiya and Amr bin Aas fought against the rightful Imam, Ali fought the rebels, he was with the truth and the truth was with him"**.

Ma Qa la Ishabal Inabathay fi Mukhathilathai Sahabathay (Urdu) by Sayyid Lal Shah Bukhari quoting Al Mihal wa al Nihal by Allamah Shahrastani Volume 1 page 103

Many Sunni scholars have likewise deemed Mu'awiya a rebel who fought the rightful Imam. Tumheed ai Abi Shakhoor Ahl'ul Sunnah by Ameer M. Muazzim page 182

The modern day Sunni scholar *Muhammad S. El-Awa* Associate Professor of Comparative Law at the University of Riyadh makes the point even more explicit. He writes that following the killing of Hadhrath Uthman:

"... 'Ali b. Abi Talib assumed the Caliphate by virtue of oath of fealty sworn to him by the Muslims in Madinah. There is no doubt that 'Ali did not confirm Mu'awiya's governorship which ended when Uthman was murdered. Thus although Mu'awiya had ceased to be the de jure (lawful) ruler of Damascus, he remained in de facto (actual) possession of that position. In taking this stand - that of refusing to take the oath of fealty to 'Ali in expectation of the enforcement of Qisas upon the murderers of 'Uthman, and refusing to implement 'Ali's orders in Damascus - Mu'awiya and his Damascene followers became dissidents and rebels against the Caliph 'Ali"

On the political system of the Islamic State, by Muhammad s. El-Awa, page 50 American Trust Publications

The hadith and verdicts of Ahl'ul Sunnah are quite clear that Mu'awiya and his cronies were rebels. This fact is so clear that Abdullah ibne Umar regretted until his dying days his decision to steer away from fighting at Siffeen. Ibn Barr in al Istiab narrates that Un Habeeb ibne Abi Sabith (ra) heard Abdullah ibne Umar say:

"I regret that I did not join Ali and fight the rebellious group". Abi Barr bin Abi Jaham (ra) narrates that he heard Abdullah ibne Umar say "I never regretted anything in my life other than the fact that I did not fight the rebels".

al Istiab, by Ibn Barr Volume 3 page 83

Ibn Sa'd narrates that **"Hasan bin Thabit said that Abdullah ibn Umar stated on his deathbed "The biggest regret I have in my life is that I did not fight the rebellious group"**.

Tabaqat, by Ibn Sa'd Volume 4 page 187

4. Defending the indefensible

Despite such clear evidence - namely the verdicts of the Qur'an, the Sunnah, the Sahaba and the Ahl'ul Sunnah Ulema themselves, the majority school still maintain the belief that all the companions should be revered and committed mistakes in ijtihad. In doing so they fall deeper into the quagmire of contradiction, inconsistency and absurdity. The perfect example of contradiction is evident if one analyses the rulings of the Wahabie scholar *Shaykh Naasir al-'Aql* whilst setting out the creed of the Ahl'ul Sunna wa al Jamaah. He proudly proclaims in the preface:

"They are called the Jamaa'ah because they are the ones who gather upon the truth and do not split-up in their Religion; they gather upon the legitimate rulers and do not rebel against them; and they follow the consensus (ijma') of the Pious Predecessors of this ummah".

The General precepts of Ahlus-Sunnah wal-Jamaa'ah, by Shaikh Naasir al-'Aql, page 12 English translation by 'Abu 'Aaliyah Surkheel ibn Anwar Sharif, published by Message of Islam

Perhaps the Shaykh should also answer this question 'was Imam Ali (as) a legitimate ruler?' Clearly he was, he is deemed the fourth rightly guided Khalifa in the eyes of Ahl ul Sunna. To rebel against the legitimate leader according to *Al' Aql* takes you out of the Jamaa'ah. Did prominent companions not break ranks and rebel against Imam Ali?

Al' Aql illuminates this delicate issue yet further:

"It is not permissible to revolt against the Muslim ruler except in cases where he manifests clear unbelief (kufr buwaah), for which there is decisive proof from Allah concerning it".

The General precepts of Ahlus-Sunnah wal-Jamaa'ah, by Shaikh Naasir al-'Aql, page 34 English translation by 'Abu 'Aaliyah Surkheel ibn Anwar Sharif, published by Message of Islam

Perhaps *Al' Aql* should also shed light on whether the companions followed this example, after all according to the Wahabies guidance is by adhering to their way. Did Imam 'Ali (Allah forbid) display any signs of clear unbelief that justified revolt? No Muslim would have the audacity to state this, so on what basis did the companions feel justified to rebel against Imam 'Ali. When *Al' Aql* makes this ruling to legitimise his paymasters the Saud family then it should be applied in all circumstances. He makes it clear rebellion is not permissible does this ruling not apply to the companions who rebelled against Imam 'Ali (as) or does it refer to everyone except those who fought Imam 'Ali (as)?

Al' Aql is a learned man who is fully aware about the rebellions against Imam 'Ali and the fact that this is in contradiction to what he stipulates as the way of the Ahl'ul Sunna. Rather than raise doubts about the companions he then proceeds to completely rewrite history, stating:

"...the Khawaarji were the first people to split from the ummah with the sword and split from the Jamaa'ah of the Muslims and its leader".

The General precepts of Ahlus-Sunnah wal-Jamaa'ah, by Shaikh Naasir al-'Aql, page 44 English translation by 'Abu 'Aaliyah Surkheel ibn Anwar Sharif, published by Message of Islam

This is a remarkable revision of history since the first group to split from the Jamaa'ah and raised their swords against the Leader were not the Khawaarji. Has the 'learned scholar' had amnesia as to the previous two battles against Imam 'Ali? This being an undeniable fact then why is *Al-Aql* seeking to deny history? This is because it is necessary to define these battles as 'differences' rather than 'splitting' so as to maintain the belief that the companions had exercised ijtihad when breaking ranks with Imam 'Ali (as) and fighting him. If *al-Aql* were in fact to apply the verdicts written from his own pen; to the letter - the entire house of '**ijtihad of the companions**' built by him and his predecessors will fall down. The Arabic for splitting is 'iftiraaq' and is defined by *Al Aql* as:

"...Fragmentation, which is disunity, separation, cutting off. It is also derived from the term divergence and aberration. From it comes (the expression): Departure from the fundamental, or from the united body".

The General precepts of Ahlus-Sunnah wal-Jamaa'ah, by Shaikh Naasir al-'Aql, page 42 English translation by 'Abu 'Aaliyah Surkheel ibn Anwar Sharif, published by Message of Islam

Now that *Al Aql* has defined splitting let us delve further into its significance:

"...opposing Ahlu-Sunnah wal-Jamaa'ah in any of the fundamental precepts of belief ('aqeedah) is deemed as splitting (iftiraaq) and separating from the Jamaa'ah...and opposing the united body of Muslims and their leader, in what is from the (issues of) welfare is deemed as splitting and separating from the Jammah".

The General precepts of Ahlus-Sunnah wal-Jamaa'ah, by Shaikh Naasir al-'Aql, page 43 English translation by 'Abu 'Aaliyah Surkheel ibn Anwar Sharif, published by Message of Islam

So opposing any of the fundamental beliefs of the Ahl'ul Sunnah constitutes splitting from the Jamaa'ah. One of those fundamental beliefs stated by *Al Aql* here and earlier (see footnote 22) is that it is not permissible to rise up against your Leaders. Taking this to its logical conclusion if anyone breaches this, they have broken a fundamental precept of the belief of Ahlul-Sunnah and have therefore split from the Jamaa'ah. Applying *Al-Aql's* own definition of splitting, the very first people to split and draw swords against their Leader were the prominent companions such as Talha, Zubayr and Hadrath Ayesha at Jamal. Thereafter Mu'awiya did likewise at Siffeen. The Khawarij in rebelling and raising their swords against Hadrath Ali (as) were hence only following the precedents established by the companions.

Do these actions not therefore suggest that the path of the Salaf (pious predecessors) is not to remain in the ranks of the majority but is in fact to break from it, rebel and fight the legitimate ruler? Those who rebelled against 'Ali (as) cannot be defined as the earliest examples of Ahl'ul Sunnah since they split from the Jamaah and fought the Rightly Guided Khalifa. They acted in opposition to what *Al Aql* states is the way of the Jamaa'ah.

Why does *Al-Aql* not wish to apply splitting to the first two groups? To do so will mean that he will be unable to maintain the assertion that the companions had made mistakes in ijtihaad. This is because *Al-Aql* himself states that:

"Splitting is never due to ijtihaad and good intentions and its proponent is never rewarded, rather he is censured and sinful in all cases. Therefore splitting does not occur except due to innovations, or following whims and desires, or due to the blameworthy type of imitation (taqleed madhmoom)".

The General precepts of Ahlus-Sunnah wal-Jamaa'ah, by Shaikh Naasir al-'Aql, page 47 English translation by 'Abu 'Aaliyah Surkheel ibn Anwar Sharif, published by Message of Islam

What more can we say? If one objectively goes through *al-Aql's* verdicts it is evident that the companions were indeed guilty of splitting from the Jamaa'ah. As he comments, splitting is a sin and will not be rewarded, the defence of ijtihaad can never be raised. If as *al-Aql* states you can **never** raise a defence of ijtihaad when splitting from the aqeedah of Ahl'ul Sunnah - rebelling against a Leader being one such tenet, on what basis do the Ahl'ul Sunnah scholars maintain that the actions of the companions in splitting from the Imam, rebelling against him and fighting him were mistakes in ijtihaad for which they will be rewarded? Is this not a contradiction in belief?

Perhaps the Wahabys should answer each one of these questions in the following order:

1. Can you split from your Leader?
2. Does rebelling against a Leader constitute splitting from the Jamaa'ah?
3. Can you justify splitting from the Leader by relying on Ijtihaad for which you will be rewarded?

4. Where does that leave the companions who split and fought battles against Hadhrath Ali (as)?

The first three questions will automatically be a resounding 'No'. Once the fourth question is posed one will automatically witness confusion appear on their faces followed by an explanation of mistakes in ijtehad, an explanation that curiously contradicts / negates the first three answers. It is at that point that the rational minded person will be able to conclude the obvious contradiction that dogs this concept.

5. Rising against Ahl'ul bayt can never be deemed a mistake in ijtihad

The Prophet (s) had made an explicit instruction during the farewell pilgrimage, namely **"I am leaving you two weighty things, if you follow them you will never go astray, they are the Qur'an and my Ahlul'bayt".**

Sahih al-Tirmidhi, v5, page 662-663

This meant that in all circumstances it was incumbent upon Muslims to attach themselves to the Family of the Prophet (s). At no point did he (s) ever say that it would be permissible to fight them, at no time did he state those that fought them would be rewarded because they exercised ijtihad. On the contrary, Hadhrath 'Abu Bakr narrates:

"I saw the Messenger of God pitch a tent in which he placed 'Ali, Fatima, Hasan, and Husayn. He then declared: 'O Muslims, I am at war against anyone who wars against the people of this tent, and am at peace with those who show peace toward them. I am a friend to those who befriend them. He who shows love toward them shall be one of a happy ancestry and good birth. Nor would anyone hate them except that he is of miserable ancestry and evil birth".

Abu Ja'far Ahmad al-Muhibb al-Tabari, Al-Riyad al-nadira (Cairo, n.d.), Volume 2, page 199

Is there anything more explicit than this instruction? Those who fight them are fighting the Prophet (s). Can fighting the Prophet (s) ever be deemed as a mistake in ijtihad for which the perpetrators will be rewarded? By Hadhrath 'Abu Bakr's own admission fighting the Ahlul'bayt is on par with fighting the Prophet (s) so how can ijtihad be used as a defence for those that fought Hadhrath 'Ali (as)? There are adherents of the Wahaby school of thought that may seek to place the onus on Hadhrath Ali (as) by alleging that he initiated the war, and hence his opponents were not at war against him per se, rather they were defending themselves. To this our reply is clear, whoever takes a stand against Hadhrath Ali (as) is taking a stand against the Prophet (s). If Imam Ali (as) declares war on a group the Prophet (s) is likewise at war with such individuals, there is no room to excuse their behaviour on account of mistaken ijtihad. In this there is no doubt, the Prophet (s) made this point absolutely clear with these words:

"Allah's Messenger (peace and blessings of Allah be upon him) said regarding 'Ali, Fatima, Hasan and Husayn (Allah be pleased with them all): I am at peace with those with whom you make peace and I am at war with those whom you make war"

Sunan Ibn-I-Majah, English translation by Muhammad Tufail Ansari, Volume 1 page 81

Fada'il al-Sahaba, by Ahmad Ibn Hanbal, v2, p767, Tradition #1350

al-Mustadrak, by al-Hakim, v3, p149

Majma' al-Zawa'id, by al-Haythami, v9, p169

al-Kabir, by Tabarani, v3, p30, also in al-Awsat

Jamius Saghir, by al-Ibani, v2, p17

Tarikh, by al-Khateeb al-Baghdadi, v7, p137

Sawai'q al-Muhriqah, by Ibn Hajar al-Haythami, Ch. 11, section 1, p221

Talkhis, by al-Dhahabi, v3, p149

Dhakha'ir al-Uqba, by al-Muhib al-Tabari, p25

Mishkat al-Masabih, by Khatib al-Tabrizi, English Version, Tradition #6145

5.1 The Sahaba never proclaimed that they had mad mistakes in ijtihad

This is a very interesting point. There exists no statement from history in which any Sahaba who fought Imam Ali (as) declared that they had exercised ijtihad that was wrong but they would be rewarded for it. Their advocates have only formulated this - years after their departure. If this was true do you not think that they would have advanced this argument to justify their stance? Remember that an advocate in law can only prepare a defence for his client

on the basis of legislative tools, s/he is not free to present a defence outside that. The legal statutes in Islamic Jurisprudence are the Qur'an and Sunnah and as we have conclusively proven in this article there exists no evidence in these documents to support the assertion that individuals can rebel against a Leader claiming immunity on grounds of ijtiḥad.

Rasulullah foretold that a rebellious group would kill Amar, did he say that the group would be exercising ijtiḥad for which they would be rewarded? He (s) also warned Hadhrath Ayesha that the dogs of Hawab would bark at her (see note below), did he add to the prediction that she would be exercising ijtiḥad for which she would be rewarded? If the Prophet (s) and the companions never declared this, on what basis have the Sunni Ulema reached this conclusion? Rather than support this viewpoint, Hadhrath Ayesha's own damning confession proves clearly that she did not believe that Allah (swt) would forgive her for her opposition to Ali (as). History of al-Tabari vol. XVI, pp. 49-50, and p. 68

In the renowned Ahl'ul Sunnah work - "**Mawaddathul Qurba**" we read the following:

"Hadhrath Ayesha narrates the Prophet said 'Allah asked me 'Whoever doesn't accept Ali's khilafath and rebels and fights him is a kaffir and will perish in the fire' Someone asked her 'Why did you rebel and fight him?' She replied 'I forgot this Hadith on the Day of the Battle of Jamal, I remembered it again when I returned to Basra and I asked for Allah's forgiveness, I don't think that I will be forgiven for this sin'"

Mawaddatul al Qurba page 32 by Sayyid 'Ali Hamdani, Chapter "Mawaddathul Saum"

5.2 The Shi'a viewpoint

Alhamdulillah, there is no such confusion for the Shi'a. We believe firmly in Justice, and that no one is beyond reproach of the law. The fact that individuals saw the Prophet (s) does not therefore provide them with any immunity with regards to their future conduct. Why should actions of personalities whose conduct violated the Qur'an and Sunnah and caused fitna in the Ummah be explained in terms of mistakes for which they shall be rewarded?

There is no evidence of such protection in the Qur'an and we find hadith that confirm that the companions will make changes and be punished accordingly. This is what we read *Sahih al-Bukhari*:

"Some men from my companions will come to my Lake-Fount and they will be driven away from it, and I will say, 'O Lord, my companions!' It will be said, 'You have no knowledge of what they innovated after you left: they turned apostate as renegades (reverted from true Islam)'"

Sahih al Bukhari English-Arabic edition Volume 8 hadith number 586

This is an authentic hadith confirming that some of the companions will become apostates, where does that leave the belief that all the companions are just and trustworthy?

There is no doubt that the companions deserve respect having sat in the presence of the Prophet (s). It is however sad that when we see history and the tragic events that took place, the Ahl'ul Sunnah scholars assert that such individuals should be forgiven for their mistakes on account of whom they are and not according to what they did!

The Book of God is the guiding principle for us and yet scholars have abandoned its applicability when faced with the actions of the companions. *Ibne Jauzi* was indeed correct when he wrote:

"Some people blindly follow their leaders, which is absolutely wrong, because we should follow the principle not the leader. When Harith bin Hauta asked Hadhrath Ali whether Talha and Zubayr could be in the wrong he replied 'Harith you have been deceived, remember the truth is not recognised through people, rather people

are recognised by the truth"

The ijtiḥād of the Sahāba is a concept dogged by inconsistency, contradiction and violates the dictates of the Qur'an, Sunnah and rationality. This is clear to see for any objective reader, the words of Imam Ali (as) indeed ring clear ***"Truth will always overcome falsehood"***.

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