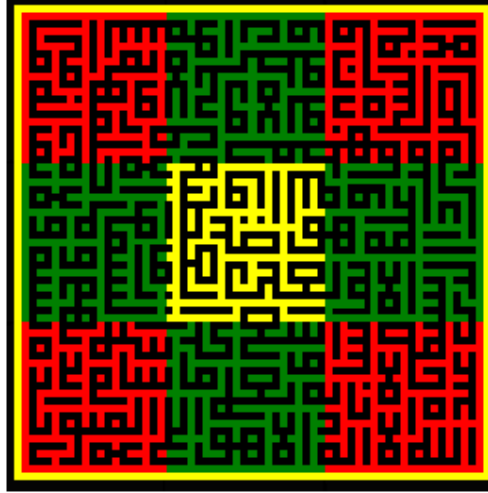


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الْغَيْثُ الْوَبْلُ فِي سِيَرَةِ الْإِمَامِ الْعَدْلِ



**The Abundant Downpour**  
**Regarding the Behavior of the Just *Imam***

By

*Amir'l-Mu'mineen al-Imam'l-Adl li'Muslimeen*

**Muhammad Bello ibn *Shehu* Uthman**

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ وَصَلَّى اللَّهُ عَلَي سَيِّدِنَا مُحَمَّدٍ وَعَلَى آلِهِ وَصَحْبِهِ وَسَلَّمَ تَسْلِيمًا

In the name of Allah the Beneficent the Merciful may Allah bless the generous Prophet. Says the poor needy servant of Allah the Independent<sup>1</sup> – **Muhammad Bello ibn Shehu Uthman ibn Fuduye'**,<sup>2</sup> may Allah forgive all of them by the rank of the sought after intercessor.

All praises are due to Allah the King, the Absolute Real Existent (*al-Haqq*), the Lord of the heavens and the earth and the Lord of the east and the west. I bear witness that there is no deity except Allah, the One who has no partner, and I bear witness that Muhammad is His servant and messenger the possessor of the great success, may Allah bless him, his family and Companions and those who came after with justice and compassion.

To continue: this is an abridgment that encompasses the rights of the ruler (*as-Sultan*) upon the subjects (*ar-ra`iyya*) like obedience to him and giving sincere advice to him. It also comprise what is obligatory upon him with regard to the subjects - like protecting the territories of Islam (*baydat'l-islam*); defending the people of *Iman*; preserving the religion; establishing the ceremonial rites of *Islam*; rendering the decisions for the judiciary; collecting the *zakat*; formulating of the public treasury; expending it in its proper dispensation of the *shari`a*; establishing the punitive punishments of the *shari`a*; examining the good deeds for the benefit of common citizenry; establishing the *jihad*; instituting the spoils of war (*al-ghana'im*) and extracting the fifth (*al-khums*); and finally justice and equity in his government.

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<sup>1</sup> This name of Allah is missing in manuscript B.

<sup>2</sup> He, may Allah be merciful to him, was Abu Ali Muhammad ibn *Shehu* Uthman ibn *Fuduye'* Muhammad ibn Uthman ibn Salih ibn Harun ibn Muhammad Ghurtu ibn Muhammad Jubba ibn Muhammad Sanbu ibn Maasiraan ibn Ayyub ibn Buuba Baba ibn Abu Bakr ibn **Musa Jokolli**. This Musa Jokolli, who fled from the lands of *Futa Toro* into the lands of Hausa was among the sons of the famous reformer **Imam Dhimbu**. Bello's mother was Hawwa, the daughter of the learned *Shaykh* Adam ibn Muhammad Agh.

I have arranged this book into twelve chapters:

**First Chapter:** On the Obligation of Obedience to the Ruler (*as-sultan*)

**Second Chapter:** On the Obligation of Giving Sincere Counsel to Him

**Third Chapter:** On What is Incumbent Upon Him Regarding Protecting the Territories of Islam and Defending<sup>3</sup> the People of *Iman*

**Fourth Chapter:** On What is Necessary for Him Regarding Preserving the Religion in Its Enduring Foundation, Which is Its Belief System

**Fifth Chapter:** On What is Necessary for Him Regarding Establishing the Ceremonial Rites of Islam.

**Sixth Chapter:** On What is Necessary for Him Regarding Rendering Judgment of the Judiciary and Executing the Legal Judgments by Obeying the Government and the Officials.

**Seventh Chapter:** On What is Necessary for Him Regarding Collecting the Obligatory *Zakat* From Its People; Formulating the Wealth of the Public Treasury and Expending That in Its Proper Expenditure According to the *Shari`a*.

**Eighth Chapter:** On What is Necessary for Him Regarding Establishing the Punitive Punishments of the *Shari`a* Based Upon the Conditions of the Citizens.<sup>4</sup>

**Ninth Chapter:** On What is Necessary for Him Regarding Examining the Good Deeds for the Common Citizenry Like Renovating *Masaajid* and Standardizing Weights and Measures.

**Tenth Chapter:** On What is Necessary for Him Regarding Establishing the *Jihad*, With Himself and the Dispatching of His Military and His Taking Prisoners of War (*siraaya*).

**Eleventh Chapter:** On What is Necessary for Him Regarding Examining the Division of the War Spoils, Extracting the Fifth and Expending It Towards Those Deserving.

**Twelfth Chapter:** On What is Obligatory for Him From Justice in His Government and Pursuing the Truth in All of His Affairs.

This is the last of the index of the chapters and they comprise the overall objective of the book. I have named it:

**THE ABUNDANT DOWNPOUR**

**Regarding the Behavior of the Just Leader (*al-Imam'l-`Adil*)**

It is with the assistance of Allah for there is no Lord besides Him.

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<sup>3</sup> Here ends folio 2 of manuscript B 18 lines of colophon.

<sup>4</sup> Here ends folio 2 of manuscript A after 25 lines of colophon.

## Introduction

### On the Necessity for *Jama`at* and Entering Under the Oath of Allegiance (*al-bay`at*)

Allah ta`ala says:

{وَاعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعاً وَلَا تَفَرَّقُوا}

“And hold firmly<sup>5</sup> to the rope of Allah all together and do not become divided.”<sup>6</sup> It has been related by Sa`id ibn Mansuur,<sup>7</sup> Abdu ibn Humayd,<sup>8</sup> Ibn Jareer,<sup>9</sup> Ibn al-Mundhir,<sup>10</sup> and at-Tabrani<sup>11</sup> by way of as-Sha`bi<sup>12</sup> on the authority of Ibn Mas`ud<sup>13</sup> about the words of Allah ta`ala: ‘hold firmly to the rope of Allah all together’:

<sup>5</sup> Here ends folio 2 of manuscript B 19 lines of colophon.

<sup>6</sup> *Qur'an* – 3: 103.

<sup>7</sup> He was Abu Uthman **Sa`id ibn Mansuur** ibn Shu`ba al-Khurasani al-Marwazi. He was a renowned traditionist, an *Imam* in knowledge and the *Shaykh* of the Sacred Precinct of Mecca. He was the author of the famous as-Sunnan. He took knowledge in Khurasan, Iraq, Egypt, Syria and the *Hijaz*. He was one of the key students of *Imam* Malik ibn Anas. He was considered reliable, trustworthy and a mine of knowledge. He transmitted knowledge to *Imam* Ahmad ibn Hanbal, ad-Darimi, Abu Dawud, Muslim, Abu Hatim `r-Razi, and many others. Abu Abdallah al-Hakim said: “Sa`id resided in Mecca for some time and it for this reason people attribute him to the city. He was the key transmitter of the narrations of Sufan ibn `Uyaayna and was one the leading *Imams* in the science of prophetic traditions. He composed many texts, whose narrations were agreed upon in the two Saheeh collections of *Imam* al-Bukhari and *Imam* Muslim.” He died in Mecca in the year 227 of the *hijra* at the age of 83.

<sup>8</sup> He was Abu Muhammad **Abdu ibn Humayd** ibn Nasr al-Kissayya. He was born in the year 107 of the *hijra*. He was a traditionist, an *Imam* in knowledge and proof who had traveled extensively in search of prophetic traditions. He took transmission from many scholars such as Abu Dawud, Ibn Qutayba, al-Waqidi, Abu `Asim and many others. Some of his prominent students who narrated from him were Muslim, at-Tirmidhi, al-Bukhari, and many others. He died in the year 249 of the *hijra*.

<sup>9</sup> He was Abu`l-Abass **Wahb ibn Jareer** ibn Haazim ibn Zayd ibn Abdallah ibn Shuja` al-Azadi al-Basri. He was born in the year 130 of the *hijra*. He took the science of prophetic traditions from his father and others. Among his famous students were *Imam* Ahmad ibn Hanbal and Ahmad ibn Sa`id ad-Darimi. Abu Hatim said that Ibn Jareer was upright in the prophetic traditions. Ibn Mu`ayyin said that Wahb ibn Jareer was reliable. He died on the way from pilgrimage and his body was carried and buried in Basra in the year 206 of the *hijra*.

<sup>10</sup> He was Abu Is`haq **Ibrahim ibn al-Mundhir** ibn Abdallah ibn al-Mundhir ibn al-Mughira al-Qurayshi al-Asadi al-Hizami al-Medini. He was a reliable traditionist who heard prophetic traditions from Sufyan ibn `Uyayna and many others. *Imam* al-Bukhari and Ibn Maja transmitted from him directly, while at-Tirmidhi and an-Nisaii` took from him through mediation. He died in the month of *Muharram* in the year 236 of the *hijra*.

<sup>11</sup> He was Abu`l-Qasim **Sulayman ibn Ahmad** ibn Ayyub ibn Muteer at-Tabarani, al-Lakhami as-Shaami. He was born in the month of *Safar* of the 260 of the *hijra*. He was among the greatest of the traditionist and collectors of the prophetic traditions. He was the author of the three famous Mu`ajims: al-Mu`ajim as-Sagheer, al-Mu`ajim al-Awsat and the al-Mu`ajim al-Kabeer. Abu Bakr ibn Abu Ali al-Mu`addal once said: “At-Tabarani was too famous to even try and recount his merits and knowledge. He was extensive in knowledge and the author innumerable books.” Among his works were the three Mu`ajim mentioned above, as-Sunna, at-Tawaalat, at-Tafseer, Dala`il `n-Nubuwwaa, Kitaab `d-Du`a and many others. He died on the 28<sup>th</sup> of *Dhu`l-Qa`ida* in the year 360 of the *hijra* in Asbahaan.

<sup>12</sup> He was `Aamir ibn Shurayhil **as-Sha`bi** ibn Abdi ibn Dhi Kibaar. He was born in the year 21 of the *hijra*. He took transmission from 500 of the Companions, may Allah be pleased with him. Many Scholars took transmission and knowledge from him, such as *Imam* Abu Hanifa, Mughira, Makhuul, `Aasim, Ibn `Awn, al-Hakam, and many others. He resided in Medina for 8 years taking prophetic traditions from Ibn Umar, and learning mathematics of inheritance from al-Harith al-A`war. He was perfect in his memorization and never wrote down anything learned or transmitted. Ibn `Uyayna said: “The scholars of the people are three: Ibn Abass in his time; as-Sha`bi in his time and at-Thawri in his time.” *Imam* as-Sha`abi said: “We are not real jurist. Rather, we heard the prophetic traditions and transmitted them. However, the real jurists are those who when they learn they act upon it.” He also said: “Saying I do not know - is have of knowledge.” He died in the year 104 of the *hijra* at the age of 82.

## حَبْلُ اللَّهِ الْجَمَاعَةُ

“The rope of Allah here means the *jama`at*.”

It has been related Ibn Jareer and Ibn Abi Hatim<sup>14</sup> by way of as-Sha`bi on the authority of Thabit ibn Qataba al-Muriy<sup>15</sup> who said: “I heard Ibn Mas`ud giving the *khutba* saying:

أَيُّهَا النَّاسُ عَلَيْكُمْ بِالطَّاعَةِ وَالْجَمَاعَةِ فَإِنَّهُمَا حَبْلُ اللَّهِ الَّذِي أُمِرَ بِهِ

‘O mankind obligatory upon you is obedience and holding to the *jama`at*. For truly *jama`at* is the rope that Allah ta`ala ordered us to hold firmly to.”

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<sup>13</sup> He was Abu Abd`r-Rahman **Abdallah ibn Mas`ud** ibn Ghaafil ibn Habib ibn Shamkhi ibn Faar ibn Makhzuum ibn Saahila ibn Kaahil ibn al-Harith ibn Tamim al-Hudhali. He was a leader among the *muhajirun*, an erudite jurist and one of the foremost vanguard of the 313 Companions who fought at the Battle of Badr. He was among the protected allies of the Bani Zuhra. He was from among the *nujaba* of the scholars among the Companions who had attained and transmitted much knowledge. Qays ibn Hazim said: “He was extremely dark skinned and very thin.” `Ubaydallah ibn Abdallah ibn `Utba said: “He was very short, thin and extremely dark skinned.” Nuwafi`u, the freedman of Ibn Mas`ud said: “Abdallah was the most generous of men who wore white garments and those fragrant of them who wore perfumes.” He died in the year 32 of the *hijra*.

<sup>14</sup> He was Abu Muhammad **Abd`r-Rahman ibn Abi Hatim** Muhammad ibn Idris ibn al-Mundhir ibn Dawuud ibn Mihran. He was born in the year 240 of the *hijra*. He was a learned traditionist about whom *Imam* ar-Razi said: “He, may Allah be merciful to him, was garbed in light and radiance by Allah. Anyone who looked upon him was made joyous.” He was blessed to take knowledge and the science of prophetic traditions from his erudite father, Abu Hatim Muhammad ibn Idris, who was one of the most learned traditionists of his time. He said about himself: “My father would not permit me to study prophetic traditions until I had first read the entire *Qur`an* with al-Fadl ibn Shadhan ar-Razi. Then I began to transcribe prophetic traditions.” He also took from Abu Zur`at, and as a result became a ocean of knowledge and the knowledgeable of the scholars in the science of the men of prophetic narrations (*ilm`r-rijaal*). He composed books on the subjects of jurisprudence, the disagreements among the Companions, the *Tabi`uun* as well as the disagreements among the scholars of his time. He composed the *al-Jahri wa`l-Ta`deel*, the *ar-Radd `ala `l-Jahamiyya*, a huge *Qur`anic* exegesis in which he placed the majority of his chains of authorities, the *az-Zuhud*, the *al-Kunya*, the *al-Fawa`id`l-Kabeer*, the *Ahl`r-Rayy* and his famous *al-Musnad*. Abu Ya`ala al-Khalili said: “He was ascetic and was counted among the *abdaal*.” It is reported that even his learned father, Abu Hatim Muhammad ibn Idris said about him: “Who is stronger in worship than Abd`r-Rahman?! I do not know of any sins committed by Abd`r-Rahman!” Ibn Abi Hatim died in the month of *Muharram* in the year 327 of the *hijra* in the city of ar-Rayy at the age of 80.

<sup>15</sup> I have not been able to find the biography of this individual. I ask any of the readers if they have come across any information on this scholar to contact us at [mshareef@siyasi.org](mailto:mshareef@siyasi.org) and we will enter the data here giving credit to the person and source from whence he came. Thank you.

It has been related by Ibn Abi Hatim on the authority of Simaak ibn al-Walid al-Hanifi<sup>16</sup> who met Ibn Abass<sup>17</sup> and said: “What do you say regarding the rulers (*salaateen*) over us who act unjustly towards us abuse us and exceeds the limits and infringe upon us regarding our alms, do we prevent them?” He replied:

لَا، أَعْطَاهُمْ، الْجَمَاعَةُ! الْجَمَاعَةُ! أَنَّهُ هُلِكَتِ الْأُمَّةُ الْخَالِيَّةُ بِتَفَرُّقِهَا، أَمَا سَمِعْتَ قَوْلَ اللَّهِ:  
{وَأَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا}

“No. Hand over to them their rights. Adhere to the *jama`at*. Adhere to the *jama`at*. Truly what destroyed the past communities were their mutual divisions. Have you not heard the words of Allah: ‘And hold firmly to the rope of Allah all together and do not become divided’?”

It has been related by Muslim<sup>18</sup> on the authority of Abu Hurayra<sup>19</sup> that the Messenger of Allah, may Allah bless him and grant him peace said:

((إِنَّ اللَّهَ يَرْضَى لَكُمْ ثَلَاثًا وَيَكْرَهُ لَكُمْ ثَلَاثًا فَيَرْضَى لَكُمْ أَنْ تَعْبُدُوهُ وَلَا تُشْرِكُوا بِهِ شَيْئًا، وَأَنْ تَعْتَصِمُوا بِحَبْلِ اللَّهِ جَمِيعًا وَلَا تَفَرَّقُوا، وَيَكْرَهُ لَكُمْ قِيلَ وَقَالَ، وَكَثْرَةَ السُّؤَالِ، وَإِضَاعَةَ الْمَالِ))

“Verily Allah is content with three things from you and He displeased with three things from you. He is pleased that you worship Him and associate nothing with Him, hold firmly to the rope<sup>20</sup> of Allah all together and not be divided, and that act sincerely towards those whom Allah has placed in authority over your affairs. He is displeased with hearsay from you, asking too many questions, and squandering your wealth.”

<sup>16</sup> He was Abu Zumayl **Simaak ibn al-Waleed al-Hanifi** al-Yamaami. He was a traditionist who resided in Kufa. He took transmission from Abdallah ibn Abass, Abdallah ibn Umar and Malik ibn Martud. His prominent students were grandson al-Hassan, Abdu Rabbihi ibn Baariq al-Hanifi, Mis`ar, al-Awzai`, `Ikrama ibn Ammaar and Shu`ba. *Imam* Ahmad ibn Hanbal and Ibn Mu`ayyin said that he was a reliable narrator of prophetic traditions. Abu Hatim and others said: He was trustworthy and that there no objection to what he narrated.

<sup>17</sup> He was Abu`l-Abass **Abdallah ibn Abass** al-Bahr al-Qurayshi al-Hashimi. He was the paternal cousin of the Prophet, may Allah bless him and grant him peace the scholar of the *Umma* the leading jurist of his time and the *Imam* of Quranic exegesis. His mother was Umm `l-Fadl Lubaba bint al-Harith ibn Hazni ibn Buhayr al-Hilali. He was born three years before the *hijra*. He was tall, well built and extremely handsome. He possessed a penetrating intellect and was among the men of spiritual perfection. Hamaad ibn Salma narrated on the authority of Abdallah who said: “I once slept in the house of my maternal aunt, Maymuna, and I placed water for the Prophet, may Allah bless him and grant him peace to make the ritual bath. He then said: ‘Who placed this here?’ They said: ‘Abdallah’. He then said: ‘O Allah teach him interpolation and give him comprehension in the religion.’”

<sup>18</sup> He was Abu`l-Husayn **Muslim ibn al-Hajjaj** ibn Muslim ibn Wardi ibn Kawshadh al-Qushayri an-Naysabuuri, the author of the Saheeh. He was born in the year 204 of the *hijra*. He was from among the most learned of the people of his time and was a virtual encyclopedia of knowledge. Abd`r-Rahman ibn Abi Hatim said: “Muslim was the most reliable of the memorizers of prophetic traditions.” *Imam* Muslim said himself: “I composed foundations of this Saheeh from three hundred thousand prophetic traditions which I heard personally.” He also said; “I did not place anything in this al-Musnad except with clear evidence, and I did not remove anything from it except with clear evidence.” Ahmad ibn Salma said: “I was with Muslim when he composed his Saheeh which took fifteen years where he placed in it twelve thousand prophetic traditions.” *Imam* Muslim died in the month of *Rajab* in the year 261 of the *hijra* in Naysabuuri at the age of fifty and some odd years.

<sup>19</sup> He was **Abu Hurayra** or Abu`l-Aswad Abd`r-Rahman ibn Sakhar ad-Dawsi al-Yamani. He was an *Imam* in the science of *ijithad*, the master of the traditionist. He was present at Khaybar with the Prophet, may Allah bless him and grant him peace and kept close companionship with him for four years. He was the most diligent of the Companions in the memorization of the traditions of the Prophet. *Imam* as-Shafi` said: “Abu Hurayra was the most diligent in preservation of the narrated prophetic traditions of his time.” He died in the year 59 of the *hijra* at the age of 70.

<sup>20</sup> Here ends folio 3 after 23 lines of colophon.

It has been related by Ahmad<sup>21</sup> and Abu<sup>22</sup> Dawuud<sup>23</sup> on the authority of Mu`awiyya ibn Abi Sufyan,<sup>24</sup> that the Messenger of Allah, may Allah bless him and grant him peace said:

((إِنَّ أَهْلَ الْكِتَابَيْنِ افْتَرَقُوا فِي دِينِهِمْ عَلَى ثِنْتَيْنِ وَسَبْعِينَ مِلَّةً، وَإِنَّ هَذِهِ الْأُمَّةَ سَتَفْتَرِقُ عَلَى ثَلَاثٍ وَسَبْعِينَ مِلَّةً - يَعْنِي الْأَهْوَاءَ - كُلُّهَا فِي النَّارِ إِلَّا وَاحِدَةً وَهِيَ الْجَمَاعَةُ))

“The People of the two books became divided in their *deen* into seventy-two different religions (*milla*). This community (*umma*) will be divided into seventy-three different religions, [meaning sects (*al-ahwaa*)]. Each of them will be in the Fire except one. It is the one that adheres to the *jama`at*.”

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<sup>21</sup> He was Abu Abdallah **Ahmad ibn Muhammad ibn Hanbal** ibn Hilal ibn Asad ibn Idris ibn Abdallah ibn Hayyan ibn Abdallah ibn Anas ibn `Awf ibn Qaasit ibn Maazin ibn Shayban ibn Duhli ibn Tha`alba ibn `Ukaaba ibn Sa`b ibn Ali ibn Bakr ad-Duhli as-Shaybani al-Marwazi al-Baghdadi. He was an *Imam* in reality, a *Shaykh al-Islam* in truth and was one of the four absolute *Mujtahid Imams*. So much has been written about him and even that falls short of his real estimation and rank among the scholars of the *Sunna* and the *awliyya*. So I will not make the text too long by enumerating them here. He died in the year 241 of the *hijra*.

<sup>22</sup> Here ends folio 2 of manuscript B 18 lines of colophon.

<sup>23</sup> He was Abu Dawud **Sulayman ibn Dawud** at-Tayalisi al-Jaarudi al-Faarisi al-Asadi az-Zubayri. He was born in the year 202 of the *hijra*. He was the freedman of the clan of az-Zubayr ibn al-`Awwam and resided in the city of Basra. Al-Khateeb Abu Bakr said: “It is said that Abu Dawud composed his text called the as-Sunnan early on and showed it to Ahmad ibn Hanbal who praised it and upheld its excellence.” Ibn Sa`d said that he was extremely reliable and had collected innumerable prophetic traditions. Abu Bakr ibn Dasat said: I heard Abu Dawud say: ‘I have transcribed of the Messenger of Allah, may Allah bless him and grant him peace five hundred thousand traditions. I have extracted from them and placed in this book (the Sunnan) four thousand traditions, of which I have mentioned those that are sound, resemble them and are close to them. However, sufficient for humanity in their religion from these are four prophetic traditions. The first, his saying, may Allah bless him and grant him peace: ‘Every action is by its intention’. The second is: ‘Apart of the excellent Islam of a person is leaving what does not concern him.’ The third is: ‘A believer will never be a true believer until is pleased for his brother what he is pleased for himself. And the fourth is: ‘The permissible is clear and forbidden is clear...’. Ahmad ibn Muhammad Yaseen said: ‘Abu Dawud was among the leaders in Islam of the preservers of prophetic traditions of the Messenger of Allah, may Allah bless him and grant him peace. His knowledge, his legal analysis and his chains of authority were among the highest levels due to his asceticism, uprightness and scrupulous piety. He was a literal knight in the science of prophetic traditions. He died in Basra on the 10<sup>th</sup> of *Shawwal* 275 of the *hijra* when he was seventy-two years old.

<sup>24</sup> He was *Amir 'l-Mu'mineen* **Abu Abd'r-Rahman Mu`awiya ibn Abu Sufyan Sakhar ibn Harb** ibn Umayya ibn Abdu Shams ibn Abd'l-Manaf ibn Qusay ibn Kilab al-Qurayshi al-Ummawi al-Makki. He mother was Hind bint `Utba ibn Rabi`a ibn Abd Shams ibn Abd'l-Manaf ibn Qusay. He accepted Islam before his father in the year Hudaybiyya, but out of fear of Abu Sufyan he concealed his Islam until the opening of Mecca. He was the brother of the Mother of the Believers, Umm Habiba. He was very tall, pale skin and handsome. He used to dye his beard until it looked gold in color. The *khilaafa* was turned over to him by *Amir'l-Mu'mineen* al-Hassan ibn Ali ibn Abi Talib, when he signed a truce with Mu`awiyya. Mu`awiyya died in the month of *Rajab* in the year 60 of the *hijra*.



## Section: On the Oath of Allegiance (*al-bay`a*):

It has been related by al-Haakim<sup>25</sup> who verified its soundness, on the authority of Ibn Umar,<sup>26</sup> that the Messenger of Allah, may Allah bless him and grant him peace said:

((مَنْ خَرَجَ مِنَ الْجَمَاعَةِ قَيْدَ شِبْرٍ فَقَدْ خَلَعَ رِبْقَةَ الْإِسْلَامِ مِنْ عُنُقِهِ حَتَّى يُرَاجِعَ وَمَنْ مَاتَ وَلَيْسَ عَلَيْهِ إِمَامٌ جَمَاعَةٍ فَإِنْ مَوْتَهُ مَوْتَهُ جَاهِلِيَّةٍ))

“Whoever withdraws from the *jama`at* even a hand span, has removed the noose of Islam from his neck until he returns (to the *jama`at*). Whoever dies and he does not have over him a leader (*imam*) of a *jama`at*, then his death is the death of *jahiliyya*<sup>27</sup>.”

It has been related in the Saheeh<sup>28</sup>

((مَنْ خَلَعَ يَدًا مِنْ طَاعَةٍ لَقِيَ اللَّهَ يَوْمَ الْقِيَامَةِ لَا حُجَّةَ لَهُ وَمَنْ مَاتَ وَلَيْسَ فِي عُنُقِهِ بَيْعَةٌ مَاتَ مِيتَةً جَاهِلِيَّةٍ))

“Whoever removes his hand from obedience will meet Allah on the Day of Judgment without any proof. Whoever dies and there is not on his neck an oath of allegiance (*bay`at*) dies the death of *jahiliyya*.”

It has been related by al-Bukhari in his at-Tarikh,<sup>29</sup> an-Nisaai,<sup>30</sup> and al-Bayhaqi<sup>31</sup> on the authority of al-Harith al-Ash`ari<sup>32</sup> who said that the Messenger of Allah, may Allah bless him and grant him peace said:

<sup>25</sup> He was **al-Hakim** Abu Abdallah, Muhammad ibn Abdallah ibn Muhammad ibn Hamduwayhi al-Bayi` ad-Dabyi an-Naysaburi. He was born on Monday the 3<sup>rd</sup> of *Rabi`l-Awwal* in the year 321 of the *hijra*. He was the *Imam* of the people of prophetic tradition of his time and the most knowledgeable and exact of them in this science. He composed many texts, narrated many prophetic traditions, verified, sanctioned and extracted the mistakes in many traditions. He was like a collection of oceans in knowledge even when he was a young age. He composed the Tarikh`n-Naysaburiyeen, the al-Ikleeel, the Mustadrak as-Saheehayn, the Ma`arifa`Uluum`l-Hadeeth, the Muzkaa`l-Akhbaar, the al-Madkhal Ila`Ilm`s-Saheeh and others. He died on the 8<sup>th</sup> of *Safar* in the year 405 of the *hijra*.

<sup>26</sup> He was Abu Abd`r-Rahman **Abdallah ibn Umar** ibn al-Khattab ibn Nufayl ibn Abd`l-`Uzza ibn Riyah ibn Qart ibn Rizaah ibn `Adi al-Qurayshi al-`Adawi. He was the *Shaykh al-Islam* of his time. He accepted Islam when he was young and were among those who gave the oath of allegiance underneath the tree. He died in Mecca in the year 74 while he was 84 years old.

<sup>27</sup> According to the Lisan`l-Arab: “*Jahiliyya* is a period in time without Islam . . . It was the condition in which the Arabs were before Islam where they were ignorant of Allah, His messenger, the ceremonial rites of Islam, full of boasting, arrogance, tyranny and other blameworthy traits.”

<sup>28</sup> Muslim related this prophetic tradition on the authority of Abdullahi ibn Umar.

<sup>29</sup> He was Abu Abdallah **Muhammad ibn Isma`il** ibn Ibrahim ibn al-Mughira, known as al-Bukhari. He was born in the month of *Shawwal* in the year 194 of the *hijra*. Although he lost he eyesight when he was very young, Allah ta`ala blessed him to regain it and he subsequently became the most superior of people in the science of prophetic traditions. He was called *Amir`l-Mu`mineen* in the field of prophetic traditions. He authored many works, among them, the Tarikh, Adab`l-Mufrad and the renowned Jaami`as-Saheeh. The later became the highest and most sound written text that has fallen into the hands of Muslims after the *Qur`an*. He himself said about that: “I never placed a prophetic tradition in it without first taking a complete ritual bath and performing two *raka`ats*.” He also said: “I composed the Saheeh in sixteen years and made it a proof between me and Allah ta`ala. An-Najm ibn al-Fadayl said: “I once saw the Prophet, may Allah bless him and grant him peace in my sleep while he was walking and Muhammad ibn Isma`il was walking behind him. Each time the Prophet, may Allah bless him and grant him peace lifted his foot from a spot, Muhammad ibn Isma`il would place his foot in that same spot.” Al-Hassan ibn Muhammad said: “I never saw any comparable to Muhammad ibn Isma`il. Even Muslim ibn al-Hajjaj didn`t reach to the standard of Muhammad ibn Isma`il.” Abu Zayd al-Marwazi once said: “Once I was sleeping in the precincts of the Ka`ba facing the area between the Yemeni corner and the *maqam* of Ibrahim, when I saw the Prophet, may Allah bless him and grant him peace who then said to me: ‘O Abu Zayd, how long will you study the book of as-Shafi` and not study my book?’ I said: ‘O Messenger of Allah, what is your book?’ He said: ‘The Jaami` of Muhammad ibn Isma`il’.” *Imam* Muslim ibn al-Hajjaj once said to *Imam* al-Bukhari: “I bear witness

((أَمْرُكُمْ بِخَمْسٍ أَمَرَني اللهُ بِهِنَّ الْجَمَاعَةُ وَالسَّمْعُ وَالطَّاعَةُ وَالْهَجْرَةُ وَالْجِهَادُ فِي سَبِيلِ اللهِ فَمَنْ فَارَقَ الْجَمَاعَةَ قِيدَ شِبْرٍ فَقَدْ خَلَعَ رَبْعَةَ الْإِسْلَامِ مِنْ عُنُقِهِ إِلَّا أَنْ يَرْجِعَ))

“I command you to five things which Allah commanded me to do. These are adhere to *jama`at*, hearing, obedience, emigration (*al-hijra*) and military struggle (*al-jihad*) in the way of Allah. Whoever separates from the *jama`at* even a hand span has removed the noose of Islam from his neck except if he returns.”

What is pertinent from this is that it is not permissible (*laa yajuuz*) for anyone to remain indifferent failing to have upon his neck the oath of allegiance (*bay`a*). This is because every oath of allegiance is as Ibn Abi Jamra<sup>33</sup> said in<sup>34</sup> his *Buhjat`n-Nufuus*.<sup>35</sup>

إِنَّمَا هِيَ تَجْدِيدٌ لِبَيْعَةِ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ وَتَأْكِدٌ لَهَا، وَبَيْعَةُ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ بَيْعَةٌ لِلَّهِ لِقَوْلِهِ تَعَالَى: {إِنَّ الَّذِينَ يُبَايِعُونَكَ إِنَّمَا يُبَايِعُونَ اللَّهَ يَدُ اللَّهِ فَوْقَ أَيْدِيهِمْ}

“Verily the oath of allegiance is a renewal of the oath of allegiance to the Prophet, may Allah bless him and grant him peace and an affirmation and confirmation of this original oath. The oath of allegiance of the Prophet, may Allah bless him and grant him peace is an oath of allegiance to Allah based upon His words: “Verily those who give the oath of allegiance to you have given the oath of allegiance to Allah. Allah’s hand is over their hands.”

He also said a little before these words: “As for the reality of the meaning of the oath of allegiance (*al-bay`at*) is in the verb ‘to make a contract’ (*bi`a*) taken from the noun ‘transactions’ (*al-buyu`*). This is based on what he, upon him be peace said:

((بَايَعُونِي))

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that there is no one in this world like you.” *Imam* al-Bukhari died on a Saturday night, the last night of *Ramadhan* just at the time of the *ishaa* prayer. He was buried on the *Eid* after the *dhuhr* prayer in the year 256 of the *hijra*. He lived to be 62 years old, short of thirteen days.

<sup>30</sup> He was Abu Abd`r-Rahman **Ahmad ibn Shu`ayb** ibn Ali ibn Sinan ibn Bahr an-Nisaai` al-Khurasani. He was *Shaykh al-Islam*, the famous traditionist and author of the *as-Sunnan*. He was born in the year 215 of the *hijra*. He was a sea of knowledge in the sciences with comprehension, meticulousness and deep insight into the science of the narrators and proficient in the composing of beneficial text.

<sup>31</sup> He was **Abu Bakr Ahmad ibn al-Husayn** ibn Ali ibn Musa al-Bayhaqi al-Khusrawjardi al-Khurasani. He was born in *Sha`baan* in the year 384 of the *hijra*. He was *Shaykh al-Islam* a jurist and famous traditionist. Abd`l-Ghaafir ibn Isma`il said in his *Tarikh*: “Al-Bayhaqi lived in accordance with the lives of the upright scholars. He was content with little, was extremely concise in his asceticism and was scrupulous in his piety.” He composed innumerable works: among them his *Shu`ab`l-Imaan*, *as-Sunan`l-Kabeer*, *at-Targheeb wa`l-Tarheeb*, *Dalaa`il an-Nubuwwa*, *az-Zuhud*, *Fadaa`il`s-Sahaaba* and many more. Abu al-Ma`ali once said: “If al-Bayhaqi wanted to establish a *madh`hab* for himself that he could give *ijtihaad* in, he could have, due to the extensiveness of his knowledge and his awareness of the differences of opinion.” He died on the 10<sup>th</sup> of *Jumad`l-Ulaa* in the year 458 of the *hijra* at the age of 74.

<sup>32</sup> He was Abu Malik al-Harith ibn al-Harith al-Ash`ari as-Shami.

<sup>33</sup> He was Abu Bakr Muhammad ibn Ahmad ibn Abd`l-Malik ibn Musa ibn Abd`l-Malik ibn Waleed **Ibn Abi Jamra** al-Ummawi al-Andalusi al-Mursi al-Maliki. He was the freedman of the al-Ummawi ethnicity. He was a traditionist, *Imam* in knowledge who was long lived. He studied with his father Abd`l-Malik; Abu Bakr ibn Abi Ja`far and Hisham ibn Ahmad. He received license to transmit from *Shaykh* Abu `Amr ad-Dani as well as Abu Umar ibn Abd`l-Barr. He died in the year 533 of the *hijra*.

<sup>34</sup> Here ends folio 2 of manuscript B 18 lines of colophon.

<sup>35</sup> The *Buhjat`n-Nufuus* is an excellent abridgement of the *al-Jaami` as-Saheeh* of *Imam* al-Bukhari in which the author narrated nearly three hundred prophetic traditions.

“Pledge allegiance to me (*baaya`uunii*).” He did not say: ‘Make a covenant with me (*‘aahiduunii*).’<sup>36</sup> This is the textual evidence that comprises the meaning of something from the attributes of bondage (*ar-riqq*), as we will soon explain, Allah willing. Since the oath of allegiance is from a form of transaction (*al-buyu`*), then there arises the need to clarify what is its sale (*al-mabi`*) and what it comprises and its value (*thaman*)<sup>37</sup> and what it comprises.

As for the sale (*al-mabi`*) in this context, it is relinquishing what is for the self by choice and then giving the matter over to the one who receives the oath of allegiance. The one to whom the oath of allegiance is given with regard to the one who gives the oath of allegiance is commensurate with what Allah `azza wa jalla has ordered. This is a kind of bondage because the master owns the person of the slave and there remains no choice for the slave or the right of disposal. The reason for this is that when one controls a person then he also controls all of the advantages of that person. Thus, it resembles a form of bondage in the ability of the one given the oath to object, criticize and implement. However, it excludes the one giving the oath being seized as a slave. Furthermore, the wealth of the one controlled by the oath of allegiance remains in his hands. This is unlike the wealth of the slave, which belongs to his master. Thus, the oath of allegiance only resembles bondage in what we mentioned and in no other fashion.

As for the value (*thaman*) of this sale (*al-mabi`*), it is Paradise with the condition that there is fulfillment on all sides. The Messenger of Allah, may Allah bless him and grant him peace said during the oath of allegiance given at Aqaba<sup>38</sup> when the Companions, may Allah be pleased with them asked him what would be for them in recompense for their oath of allegiance; he said:

((الْجَنَّةُ))

“Paradise.” They responded: “In that case, we are content. We will not break the oath of allegiance.” The lawgiver, upon him be peace was the one who named it the transaction (*al-bi`a*) the value (*thaman*) and the object which is valued (*al-mathmuun*). Likewise, everyone who takes an oath of allegiance after that, for that is his value, if there does not occur any breach in the agreement.

As for the conditions of the parts of the oath of allegiance, it is divided into three parts: [1] terminology (*qawl*) [2] action (*fi`l*) and [3] belief (*i`tiqaad*). As for the terminology (*al-qawl`*), it is designated as oath of allegiance (*al-baya`*) and is audibly stated before the actual acceptance of the hand. It is permissible in that to make a single pronouncement once which will suffice for the entire *jama`at* in the beginning of the affair if they all do it consecutively at the same time. As for the action (*al-`amal*), it is acceptance of the hand after the pronouncement from each one, as Umar, may Allah be pleased with him did with Abu Bakr, may Allah be pleased with him at the Saqifa of the Ansaar when he said:

مَدَّ يَدَكَ نَبَايَعُكَ

“Extend your hand so that we can give you the oath of allegiance, (*madda yaddaka nubaayi`uka*).” Then Abu Bakr extended his hand and Umar gave the oath of allegiance to him once and then was followed by everyone present. As for the beliefs (*al-`itiqaad*), it is that it should be done following the command of Allah<sup>39</sup> `azza wa

<sup>36</sup> This statement by *Shaykh* Ibn Abi Jamra is the strongest proof and evidence that there is a clear distinction between the oath of allegiance given to a *Sultan* and the spiritual covenant (*al-`ahd*) made with a teaching *Shaykh*.

<sup>37</sup> Here ends folio 4 after 25 lines of colophon.

<sup>38</sup> Here ends folio 2 of manuscript B 19 lines of colophon.

<sup>39</sup> Here ends folio 5 after 24 lines of colophon.

jalla and His Messenger, may Allah bless him and grant him peace. This is for two reasons. [1] It is among the general obligations that the *shari`a* requires and it means nothing else but that. This is based on the words of the Messenger of Allah, upon him be peace.<sup>40</sup>

((ثَلَاثَةٌ لَا يُكَلِّمُهُمُ اللَّهُ وَلَا يَنْظُرُ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ وَلَا يُزَكِّيهِمْ وَلَهُمْ عَذَابٌ أَلِيمٌ [وَعَدَّ فِيهِمْ] رَجُلًا بَايَعَ رَجُلًا لَا يَبَايِعُهُ إِلَّا لِلدُّنْيَا فَإِنْ وَفَى لَهُ وَإِلَّا لَمْ يُعْطِهِ لَمْ يُؤْفَ لَهُ))

“There are three people that Allah will not speak to nor look at on the Day of Judgment, nor will He purify them and they will have a grievous punishment.” He included among them: “. . . a man who gave the oath of allegiance to a man and does not give his oath except for some worldly affair. If he attains it he fulfills his oath and if not he breaks his oath.” [2] The<sup>41</sup> foundation of the oath of allegiance is that it be purely for the sake of Allah and to unify the word of the Muslims. With the unification of their word comes the defense and protection of the *deen* and the *jihad* against the enemies of Islam. However when the oath of allegiance is given for worldly reasons and its vanities and to attain its portion of the lower self then the purpose of the oath of allegiance is lost and it results in the opposite affect like the shedding of blood among the Muslims and the consequence of disorder and damage in the *deen*.”

He also said in the above text: “As for the advantages of the oath of allegiance it is to unify the word of the Muslims because when their affair revolves around unison then their affairs become unified and their advantages are made greater. The reason for this is that it causes damage to the enemies of Islam and assist in establishing the legal judgments of Allah and His limits. Based upon this he upon him be peace said:

((يَنْتَرِغُ اللَّهُ بِالسُّلْطَانِ مَا لَا يَنْتَرِغُ بِالْقُرْآنِ))

“Allah removes with the ruler (*as-sultan*) what He does not remove with the *Qur'an*.” He also ordered us to fight against the enemies under every governor whether righteous are sinful.<sup>42</sup> He also ordered us to preserve the oath of allegiance. He said:

((وَإِنْ كَانَ أَسْوَدَ دَا زَبِيْبَيْنِ مَنْفُوخِ الْخَيْسُومِ فَاسْمَعْ وَأَطِيعْ وَإِنْ ضَرَبَ الظَّهْرَ وَآخَذَ الْمَالَ))

“Even if it be a black man whose head is like a raisin and a swollen nose, still listen and obey; even if he strikes your back and seize your wealth.” It was said: “O Messenger of Allah what is your opinion if there is appointed over us *amirs* who demand their rights and fail to give us our rights.” He upon him be peace said:

((أَعْطُوهُمْ حُقُوقَهُمْ وَأَطِئُوا حُقُوقَكُمْ مِنَ اللَّهِ فَإِنَّ اللَّهَ سَأَلَهُمْ عَن مَا أَسْتَرَّ عَاهُمْ))

“Give their rights over to them and demand your rights from Allah. Truly Allah will question them about those they were responsible for.”

There are many prophetic traditions that establish the same meaning. That is for what is in them from the regulation which guarantee the honor of Islam, manifesting the legal judgments,<sup>43</sup> and suppressing the will of the enemies; while

<sup>40</sup> This prophetic traditions was related by Ahmad, al-Bukhari, and at-Tirmidhi on the authority of Abu Hurayra.

<sup>41</sup> Here ends folio 2 of manuscript B 19 lines of colophon.

<sup>42</sup> This was related ad-Darimi on the authority of Abu Hurayra that the Messenger of Allah, may Allah bless him and grant him peace said: “Praying is obligatory upon with every Muslim whether he righteous or sinful, and even if he has committed a major sin; and *jihad* is obligatory upon with every *Amir* whether he be righteous or sinful and even if he committed a major sin. Making the prayer over the deceased of every Muslim is obligatory upon you whether the person was righteous or sinful and even if he committed a major sin.”

<sup>43</sup> Here ends folio 2 of manuscript B 18 lines of colophon.

dispersion and disunity necessitates the opposite of this. This is the end of the introduction.

# SANKORE'



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