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

Translation by:
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In the name of Allah the Beneficent the Merciful may Allah bless the generous Prophet. Says the poor needy servant of Allah the Independent – Muhammad Bello ibn Shehu Uthman ibn Fuduye, 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`iya) 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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1 This name of Allah is missing in manuscript B.

2 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 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.

**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 *Jihaad*, 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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3 Here ends folio 2 of manuscript B 18 lines of colophon.

4 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:

وَأَعْثَمْنَا بِحَتْلِ اللهِ جَمِيعًا وَلاَ تَفَرَّقُواْ

“And hold firmly5 to the rope of Allah all together and do not become divided.”6 It has been related by Sa‘id ibn Mansuur,7 Abdu ibn Humayd,8 Ibn Jareer,9 Ibn al-Mundhir,10 and at-Tabrani11 by way of as-Sha‘bi12 on the authority of Ibn Mas‘ud13 about the words of Allah ta’ala: ‘hold firmly to the rope of Allah all together’:

5 Here ends folio 2 of manuscript B 19 lines of colophon.
6 Qur’an – 3: 103.
7 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-Sunan. 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 Uyyaayna and was one the leading Imams in the science of prophetic traditions. He composed many texts, whose narrations were agreed upon in the two Sahieh collections of Imam al-Bukhari and Imam Muslim.” He died in Mecca in the year 227 of the hijra at the age of 83.
8 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.
9 He was Abu Is’hq Wahab ibn Jareer ibn Hazim 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 Wahab 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.
10 He was Abu Is’hq 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 Uyyaayna and many others. Imam al-Bukhari and Ibn Maja transmitted from him directly, while at-Tirmidhi and an-Nisaai‘ took from him through mediation. He died in the month of Muharram in the year 236 of the hijra.
11 He was Abu’l-Qasim Sulayman ibn Ahmad ibn Ayyub ibn Muteer at-Tabarani, al-Lakhami as-Sha‘ma. He was born in the month of Safar of the 260 of the hijra. He was among the greatest of the traditionists 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‘ajims mentioned above, as-Sunan, at-Tafseer, Dala’il ’n-Numaawaa. Kitab ‘d-Du‘a‘ and many others. He died on the 28th of Dhu‘l-Qa‘ida in the year 560 of the hijra in Asbahaa.
12 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, Makhnuul, ‘Asim, 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 Uyyaayna 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‘bi 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.
الْجَمَاعَةُ ﷲِِ حَبْلُ

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

It has been related Ibn Jareer and Ibn Abi Hatim14 by way of as-Sha’bi on the authority of Thabit ibn Qataba al-Muriy15 who said: “I heard Ibn Mas’ud giving the *khutba* saying:

أَيُّهَا النَّاسُ عَلَيْكُمْ بِالْجَمَاعَةِ وَإِلَيْهِمَا حَبْلُ ﷲِّ الَّذِي أَمَرَ يَٰهَا

‘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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13 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 Tamiimi al-Hudhali. He was a leader among the *muhajiruun*, 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 *nusaba* 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 ‘Uthba 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*.

14 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 Shadlian 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.

15 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@siiasi.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-Hanifi16 who met Ibn Abass17 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:

\[
\text{لا، أعطهم الجماعة! أنَّها هلكت الأئمة الخالِياتِ بَنْفَرْقَهَا، أَمَا سَمَعْتُ قُولِ اللَّهِ:}
\]
\[
\text{وَاعْتَصِمُوا بِخَلْقِ اللهِ جَمِيعًا وَلَا تَفَرَّقوُوا}
\]

“No. Hand over to them their rights. Adhere to the jama`at. Adhere to the jama`at. Truly what destroyed the pass 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 Muslim18 on the authority of Abu Hurayra19 that the Messenger of Allah, may Allah bless him and grant him peace said:

\[
\text{إِنَّ اللَّهَ يُؤْمِنُ بِتَفَرِّقِهَا وَلَا تَعْبُدُوهُ أَنْ لَكُمْ فِي رَضْيَةِهِ ثَلاَثَةٌ}
\]
\[
\text{وَيَكْرَهُ ثَلاَثَةٌ لَكُمْ يَرْضَى اللَّهَ إِنَّ وَأَنَّ إضَاعَةَ السَّؤَالِ، وَكَثْرَةَ وَقَالَ، قِيلَ لَكُمْ}
\]

“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 rope20 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.”

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16 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 Ha tim and others said: He was trustworthy and that there no objection to what he narrated.

17 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.’”

18 He was Abu'l-Husayn Muslim ibn al-Hajjaj ibn Muslim ibn Wardi ibn Kawshadh al-Qushayri an-Naysaburi, 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 Naysabuur at the age of fifty and some odd years.

19 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`i 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.

20 Here ends folio 3 after 23 lines of colophon.
It has been related by Ahmad\textsuperscript{21} and Abu\textsuperscript{22} Dawudu\textsuperscript{23} on the authority of Mu`awiyya ibn Abi Sufyan,\textsuperscript{24} that the Messenger of Allah, may Allah bless him and grant him peace said:

\textit{سَتَفْتَ الأُمﱠةَ هَذِهِ وَإِنﱠ مِلﱠةً، وَسَبْعِينَ ثِنْتَيْنِ عَلَى دِينِھِمْ فِى افْتَرَقُوا الْكِتَابَيْنِ أَھْلَ إِنﱠ ثَلاَثٍ عَلَى رِقِمِ مِلﱠةٍ وَسَبْعِينَ - الأَھْوَاءَ، يَعْنِى - الْجَمَاعَةُ وَھِىَ واحِدَةً إِلاﱠ النَّارِ فِى كُلﱡھَا} (*surah 5, verse 33*).

“The People of the two books became divided in their 	extit{deen} into seventy-two different religions (\textit{milla}). This community (\textit{umma}) will be divided into seventy-three different religions, [meaning sects (\textit{al-ahwaa})]. Each of them will be in the Fire except one. It is the one that adheres to the \textit{jama`at}.”
Section: On the Oath of Allegiance (al-bay'a):

It has been related by al-Haakim25 who verified its soundness, on the authority of Ibn Umar,26 that the Messenger of Allah, may Allah bless him and grant him peace said:

((من خرج من الجماعة فلما جاء فخرج ريقة الإسلام من عنقه حتى يراجع ومن مات وليس عليه إمام جماعة فإن موتته مننة جاهلية))

“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.”

It has been related in the Saheeh27:

((من خلع يدًا من طاعة الله يوذم القيامة لا حجة له ومن مات وليس في عنقه ريقة ماتت جاهلية))

“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,28 an-Nisaii,30 and al-Bayhaqi31 on the authority of al-Harith al-As’ari32 who said that the Messenger of Allah, may Allah bless him and grant him peace said:

25 He was al-Haakim Abu Abdallah, Muhammad ibn Abdallah ibn Muhammad ibn Hamduwayhi al-Bayi` ad-Dabyi an-Naysaburi. He was born on Monday the 3rd of Shawwal 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, the Ma`arifa `Uluum'l-Hadeeth, the Muzkaa `l-Akhbaar, the al-Madkhal ila `Ilm’s-Saheeh and others. He died on the 8th of Safar in the year 405 of the hijra.

26 He was Abu Abd’r-Rahman Abdallah ibn Umar ibn al-Khattab ibn Nufayl ibn Abd’l-Uzza ibn Riyah ibn Qurt 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.

27 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.”

28 Muslim related this prophetic tradition on the authority of Abdullahi ibn Umar.

29 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 his 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-Fadail 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 maqaam 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`i 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
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-jihaad) 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 33 said in 34 his Buhjat’n-Nufuus:

"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: "

that there is no one in this world like you." 

30 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.

31 He was Abu Bakr Ahmad ibn al-Husayn ibn Ali ibn Musa al-Bayhaqi al-Khusrawjardi al-Khurasani. He was born in Sha`ban 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 il-Ma’ani, as-Sunan il-Kabeer, at-Targheeb wa’t-Tarheeb, Dalaa’il an-Nubuwaa, az-Zuhud, Fadaa’il ash-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 10th of Jumad ‘l-Ulaa in the year 458 of the hijra.

32 He was Abu Malik al-Harith ibn al-Harith al-Ash’ari as-Shami.

33 He was Abu Bakr Ahmad ibn al-Harith al-Asy’ari as-Shami.

34 Here ends folio 2 of manuscript B 18 lines of colophon.

35 The Buhjat ’n-Nu’uus 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).’36 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)37 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 Aqaba38 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:

الْجَنﱠةُ

"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:

حمد * نذكُ * نبأعُك

"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 Allah39 `azza wa

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36 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.
37 Here ends folio 4 after 25 lines of colophon.
38 Here ends folio 2 of manuscript B 19 lines of colophon.
39 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:

الثالثة لا يكلمون الله ولا ينتظرون إليه يوم القيامة ولا يركبون وله عذاب أليم (وعد فيهم رجالة)

“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 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 jihaad 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:

بِالْقُرْآنِ يَنْتَزِعُ لاَ مَا بِالسُّلْطَانِ ﷺ يَنْتَزِعُ

“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 or sinful. He also ordered us to preserve the oath of allegiance; He said:

وَإِنْ كَانَ أَسْوَدُ ذَٰلِكَ رَجُلٌ مَّعْنَىٰ خَيْشُومٌ فَأَسْمَعُ وَأَطِيعُ وَإِنَّ ضَرْبَ ظَهْرِ رَجُلٍ أَعْطُوْهُ مَالَهُ

“Even if it be a black man whose head is like a raisin and a swollen noise, 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 حَقُوقُهُمْ وَأَطِلَبْ مِنَ اللَّهِ حَقُوقَهُمْ عَنِ الْمَالِ

“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, and suppressing the will of the enemies; while

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

41 Here ends folio 2 of manuscript B 19 lines of colophon.

42 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 jihaad 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.”

43 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.