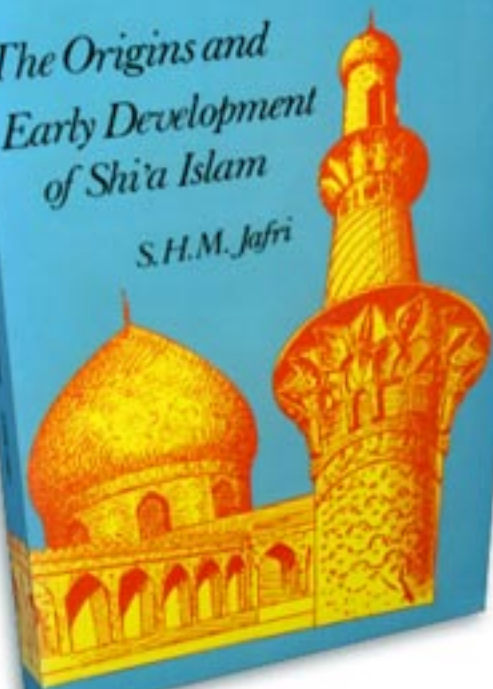


*The Origins and  
Early Development  
of Shi'a Islam*

*S.H.M. Jafri*



# The Origin of Shi'ite Islam and It's Principles

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## INTRODUCTION



BISM - ILLAH - IR - RAHMAN - IR - RAHEEM (In the name of God, the most Compassionate, the Merciful)

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AL- HAMDU L'ILLAH (All praise be to God) Call unto the way of your Lord with wisdom and good exhortation, and reason with them in the best way. Lo! your Lord best knows those . who go astray from His path, and He knows best those who are rightly guided. (Qur'an, 16:125)

It was about two years ago that I received a long letter from an Iraqi student in Egypt. Briefly speaking, the writer of the letter had had an exchange of views with some eminent scholars of al-Azhar. Perhaps they talked about Najaf al-Ashraf, the scholars of that seat of learning and their ways of studies and also about those devoted to the spiritual atmosphere at the mausoleum of Hazrat Ali (a.s.).

There is no doubt, of course, that the educated class of Cairo are all praise for the great seat of learning at Najaf and are also well impressed with the intellectual advancement of its scholars. In spite of all this they do not refrain from saying: "Oh! What a pity! They are Shi'as."

The writer of the letter says that he was very astonished and often used to plead with them, "Gentlemen! The Shi'as are a Muslim sect and a part of the Muslim community." But their reply was, "No, Sir! The Shi'as are not Muslims. What has Shi'ism to do with Islam? It is wrong to count it as a sect among the sects and a religion among the religions of the world; it was a plan devised by the Iranians and a political stunt to overthrow the Umayyad rule and bring about the 'Abbasid Caliphate. What has it to do with the ways prescribed by God?"

After this, this young man writes. "Respected Sir, at present I am young and have no knowledge of religions. I know neither the philosophy of religious growth, nor do I know the history of its flourishing. Consequently I have entertained some doubts."

After writing these words this student of the great college at Cairo desired that I should unveil the truth and rid him of that mental worry. In this connection he also wrote that if his request proved futile and he was misled from the right path, I would stand responsible for that.

Accordingly I considered the reply necessary and wrote to him in a letter answering him according to his intelligence. I must admit, however, that my own worries were more than the doubts of this youth.

I thought to myself: how is it credible that a cultured country like Egypt - the cradle of Islamic learning, the centre of the Arabs, nay, of all the Muslims in such a state of ignorance and hostility among its intelligentsia! It was by chance that a book entitled "Farju 'I-Islam" by the famous writer Ahmad Amin reached my hands. I started wading it but. when I reached the place where he wrote about the Shi'as, I felt that the learned author was not writing a book but building castles in the air. During the present age, even if a man from the distant regions of

China had written such irresponsible things, he could not be easily forgiven.

Anyhow, I now felt satisfied that all that the Iraqi student had written was quite correct and instantly it struck me that if the people used to writing like Ahmad Amin have such a mentality, what can be the condition of the illiterate or half-literate masses; according to the spirit of the times, however, every Muslim of today supports unity and brotherhood among the Muslims and also believes that without such unity our life as well as death will be without meaning.

In truth, if our Muslim brothers were of the reality of the Shi'a religion and also proved to be just, such literature which lays the foundation of mutual enmity and satisfies the cravings of the Imperialist and irreligious forces would be done away with.

Let us study this passage of "Fajru 'l-Islam" and consider its repercussions:

"The truth is that Shi'aism was the refuge of the destroyers of Islam." p. 330.

The writer is not innocent. He knew that the pen of the critics would pursue him and also knew that his aggressive tendency would injure the feelings of a nation which comprises tens of millions of people and is a very great power in the Islamic world.

It was thus quite a surprising event when last year (1349 A.H.), a cultural delegation from Egypt, comprising thirty members, came here and included Ahmad Amin himself. All the members of the delegation came to my residence. It was the month of Ramadan, night time, and the gathering was large. No sooner had I seen Ahmad Amin than "Fajru 'l-Islam" came to my mind, since this book had already been seen by a number of our scholars.

We raised objections, but with respect, in a very mild and soft tone, so that it might not hurt his feelings. On this occasion the strongest explanation that Ahmad Amin offered was a lack of information and a dearth of books. To this we said, "Sir, when someone starts writing on some topic, he first gathers relevant material and then he fully examines the matter, otherwise the writer has no right to touch upon the topic at all."

Consider the libraries of the Shi'as. How well stocked they are! Examine our own library. It contains about five thousand volumes and most of the books are written by Sunnis: this is the collection of books in a small city like Najaf; strange how Egypt with its many large libraries is devoid of Shi'a literature!

Of course, these people know nothing about the Shi'as, but never hesitate in writing anything about them that they wish.

It is even stranger that the fellow Sunni brothers of Iraq living in our neighborhood are unaware of the Shi'as! Only a few months ago a promising Shi'a boy of Baghdad wrote in a letter that recently he happened to go to Dalyam (just adjacent to the Baghdad district). Most of the people there are Sunnis. The correspondent became intimate with them and attended their assemblies. Since the people of Dalyam were unusually impressed by the excellent behaviour and high morals of the stranger, they warmly welcomed him. But when they came to know that the person in whom they were taking so much interest was a Shi'a, their wonder had no bounds. "We were under the impression that the people of this sect were deprived of even the smallest light of civilisation and culture - quite wild, totally savage!" Such were their whims and speculations.

At the end of the letter this young boy appealed to my conscience that, through the endeavours of my pen, I should remove the misunderstanding in the minds of such people and introduce a true picture of Shi'aism.

After some time the same youth went to Syria to spend the summer there. From there he went to Egypt.

From Cairo he wrote another letter, telling me that the condition of Egypt was not different from that of Dalyam.

He wrote: "Here also the same views about the Shi'as are common. So, it is requested that you may perform your duty of informing them of the truth. Believe me, the views that the common people of Islam have formed about the Shi'as are intolerably obnoxious."

And this is not all. The false imputations, which are being continuously published in the journals of Egypt, Syria, etc. are no less grievous; those under attack are as innocent as Joseph, but unfortunately ignorance and fanaticism have no remedy.

However, silence in the face of transgression is synonymous with the acceptance of injustice, so I had an obligation to speak out. But it should be made clear that I do not wish to reply to the slanderers of the Shi'as but rather to remove that veil of ignorance from the eyes of the rest of the Muslims so that the truth may be clearly visible to them; moreover it may serve as the last word to the elements hostile to Shi'as and as a true picture of Shi'aism. We hope it may also remove the mutual discord among the Muslims, so that writers like Ahmad Amin may never get another opportunity to indulge in destructive activities. The author of "Fajru 'l-Islam" writes "The truth is that Shi'ism was the refuge of those who wished to destroy Islam through enmity and baseless talk, and it was the place of shelter for those who wanted to introduce their ancestral teachings of Israelite, Christian and Zoroastrian religions into Islam".

Again he writes: "Thus the faith in "raj'at" (the returning) is what the Isra'elites believe in. The Shi'as believe, moreover, that the fire (of hell) is "haram" (unlawful) for them.

The Israelites also say that the fire will not touch them except for a few counted days.

"Christianity's influence appeared likewise in the way in which some of the Shi'as have given the same relationship for the Imam to God as is given for Christ to Him.

They also say that the Imam is the confluence of 'Lahut' and 'Nasut' (where divinity and earthly beings meet). Also, according to their faith the continuance of prophethood and risalat (messengership) is unbreakable. They hold the view that he who is absorbed in 'Lahut' is a prophet. Besides this, transmigration of souls, the physical body of God and 'hulul' (God's entering another body), which are the old beliefs of the Brahmins, philosophers and fireworshippers, appeared one by one in the Shi'a religion . . . ."

For fear of destroying the unity of the Muslim community and inciting hatred I will refrain from replying. Otherwise it would be quite easy to show who those people were who introduced un-Islamic ways into Islam to undermine and divide the Muslim community'.

Of course I should like to ask the author of 'Fajru 'l Islam': Respected Sir, which was that group of Shi'as which had decided to destroy Islam? Was it the first group, which includes the selected companions of the Holy Prophet (s.a.w.), for instance. Salman Muhammadi, Abu Dharr al-Ghifari, al-Miqdad, 'Ammar, Khuzayma, Dhu sh Shahadatain, Abu Tihan, Hudhayfah Yamani, az-Zubayr, al-Fadl ibn al-'Abbas and his respectable brother 'Abdullah, Hashim ibn 'Utbah, al-Marqal, Abu Ayyub al-Ansari, Aban and also his brother Khalid, the sons of Sa'id ibn al-'As, Ibn Ka'b and Anas ibn al-Harith who had heard the Holy Prophet saying: "My son Husayn (a.s.) will be martyred at the place known as Karbala'. So any one of you, present at the time of that tragedy must go to help him." Accordingly Anas drank the cup of martyrdom on the 10th of Muharram, (see "al-Isabah fi ma'rifati' s-sahabah" and "al-Isti'ab fi ma'rifati' s-sahabah". These two books on the lives of the Companions are the most authentic compilations of the Sunni community.)

If we were to attempt to compile a list of the Shi'a companions and begin to prove their Shi'ism, it would require a complete and voluminous book. And the fact is that the noble efforts of the Shi'a 'ulema have made it unnecessary to do so: the brilliant masterpiece, "ad-Darajat 'r rafi'h fi tabaqatu 'sh-Shi'a" written by Sayyid 'Ali Khan (the author of "as-Salafah" and the standard dictionary "Tarazu 'l-Lughan" describes the eminent personalities of the Banu Hashim family like Hamza and 'Aqil Sa'id Khudri, Qays ibn Sa'id ibn 'Ubadah, Burayda, Bura' ibn Malik, Khabab ibn al-Irth, Refa'a ibn Malik, Amir ibn Wa'ila, Hind ibn Abi Hala, Ju'da ibn Hubayra, Makhzumi and his mother Umm Hani Bint Abi Talib and Bilal ibn Riyah the

mu'adhdhin (caller to prayer) etc.

But I believe that, from the books on the lives of the Sahaba like "Isaba", "Asadu 'l-ghaba" and "Isti'ab" we have collected the names of about three hundred distinguished companions and it is possible some scholarly person may compile a longer list than this.

Were these persons desirous of ruining Islam? If the Imam of the Shi'as, 'Ali ibn Abi Talib (a.s.), of whom the "Thaqalayn" (the book of God and the Ahle Bayt) are the witnesses, had not used his sharp-edged sword in the battles of "Badr" "Uhud", "Hunayn" and "Ahzab" Islam would not have flourished or attained an imposing height. Abdu 'l-Hamid Mu'tazali begins his poem of praise : "Ila innama al-Islam law la hisamahu..." (if his sword had not been there, Islam ...)

Yes, if "Zulfiqar" (Hazrat 'Ali's sword) had not been there, if the lion of God had not taken the lead, as he did before and after the hijrat, if there had been no sincere help from Hadrat Abu Talib the illustrious father of 'Ali (a.s.) and if Hazrat 'Ali Murtada (a.s.) had not offered extraordinary support in the holy lands of Mecca and Medina, the rebellious group of the Quraysh and the blood-thirsty wolves of Arabia would have nipped Islam in the bud.

Muslims pay little respect for Abu Talib's (a.s.) services in that they do not seem prepared to call him a Muslim. On the contrary when they talk of Abu Sufyan, the root cause of all the troubles of the Holy Prophet (s.a.w.) they are prompt in endowing him with Islam, although everyone knows that he had very reluctantly and unwillingly aligned himself with the Muslims. When Hazrat 'Uthman got the Caliphate, it was Abu Sufyan, who cried out, "Sons of Umayyah! Just catch hold of the caliphate as you would a ball. I swear by him by whom Abu Sufyan can swear that there is neither heaven nor hell!"

In short, according to the verdict of the Sunni majority, Abu Sufyan is a Muslim and as to Abu Talib the great supporter of Islam (whose beliefs are apparent from these lines: "In my knowledge the religion of Muhammad (s.a.w.) is the best of all religions in the world") he is labelled as a non-Muslim! Was Abu Talib (a.s.) either so helpless or of such a weak intellect that he knew that Muhammad's (s.a.w.) religion was the best of all religions and did not follow it for fear of the people? It should be clearly understood that he was at the center of all Mecca's forces and strengths.

Now let us again examine the story of the subversion of Islam. Now were these people (about whom we have just been talking) the persons who subverted Islam, or it was the later group, which is known as the "tabi'in" (the followers), in which are included Ahnaf ibn Qays, Suwayd ibn Ghufalah, Atiyah, Ufi, Hakam ibn Atibah, salim ibn Abi Ju'd, 'Ali Abi Ju'd, Hasan ibn Salah, Sa'id ibn Jubayr, Sa'id ibn Musayab, Asbagh ibn Nabatah, Sulayman ibn Mohran, and Yahya ibn Ya'mar 'Adwani? After them come the personalities of the "tab'inu 't-tabi'in" (the followers of

the followers) who laid the foundation of Islamic teachings such as Abu 'l-Aswad Du'ali, the originator of syntax, Khalil ibn Ahmad, the founder of lexicography and the science of rhyme in poetry, Abu Muslim Ma'adh ibn Muslim Al-Hira', the founder of grammar, whose Shi'ism has been admitted even by Siyuti (Al-Muzhir, volume II) and as-Sakit Ya'qub ibn Is'haq, the master of Arabic literature. Also, in the group of commentators is the distinguished name of 'Abdullah ibne 'Abbas, who tops the list and whose Shi'ism is beyond doubt. Next come the names of Jabir ibn 'Abdullah al-Ansari, Abi' ibn Ka'b, Sa'id ibn Musayyab and Muhammad ibn 'Umar Waqidi, who was the first to collect and arrange the Qur'anic sciences. (Ibn Nadim and others have acknowledged that they were Shi'as. "ar-Raghib" is the name of the commentary of Waqidi).

Among those who laid the foundations of the teaching of "Hadith" is Abu Rafi', who was the freed slave of the Holy Prophet (s.a.w.) and the author of the book, "al-Ahkam wa 's-sunan wa 'l-qadaya". He had a special relationship with Amir al-mu'minin (a.s.); during the caliphate of the Holy Imam (a.s.) he was in charge of the Treasury at Kufa, his sons also were both remarkable personalities. 'Ali ibn Rafi' was the secretary of Amir al-Mu'minin (a.s.) He was the first person after his father who began writing on "fiqh" (jurisprudence) and his brother, 'Abdullah ibn Rafi' took the lead in the writing of history and the recording of events in the Muslim community.

Abu Hashim ibn Muhammad ibn Hanafiya was the first to write about the nature of Islamic beliefs. Many fine books on this topic have been written by him. We may examine also the works of 'Isa ibn Rawzah who lived up to the time of Abu Ja'far (Imam Baqir). It should be noted that the above persons lived before Wasil ibn 'Ata and Abu Hanifah, and that Siyuti's opinion is correct that the latter were the earliest writers on the philosophy of Islamic beliefs.

Next we may reflect upon two eminent Shi'as, Qays an-Nasir and Muhammad ibn 'Ali Ahwal, (known as Mu'min at-Ta'q"), Hisham ibn al-Hakam and an-Nawbakht. The latter was an exalted family who continued serving the cause of Islam for more than a hundred years. Among their works, "Faslu 'l-yaqut", is of extraordinary importance. Also among the pupils of Hisham Ahwal, and an-Nasir, the names of Abu Ja'far Sakak Baghdadi, Abu Malik Zuhak Khazrami, Hisham ibn Salim and Yunus ibn Ya'qub deserve special mention. These were the persons who undertook masterly debates with sages of other religions and provided irreputable arguments on topics like the unity of God and the Imamate.

If all their scholastic subjects of discussion, particularly the debates of Hisham ibn Hakam, were collected together, it would make an excellent book. Similarly, if we included all the Shi'a philosophers and scholars, a great number of voluminous compilations will be required.

I request therefore that the author of "fajru 'l-Islam" tell me whether these men wanted to ruin



the religion of God, or whether they were so conscientious that they worked day and night to record historical facts and events and collect together reports of matters relating to the life, miracles, battles, and the purity of character of the Holy Prophet (s.a.w.)

One of the finest scholars in this connection is Aban ibn 'Uthman al-Ahmar Tabi'i (died 140 A.H.). He was a pupil of Imam Ja'far Sadiq (a.s.). After him Hisham ibn Muhammad, ibn sa'ib Kalbi, Muhammad ibn Is'haq Matalabi and Abu Makhnaf Azdi continued in this particular field of knowledge. All the writers of the later age depended upon them as source material in historical matters.

If we examine a list of historians, we will find that all the distinguished writers were Shi'as; for instance, the compiler of Kitab al-Mahasin, Ahmad ibn Muhammad ibn Khalid Barqi, Nasr ibn Muzahim Manqari, Ibrahim ibn Muhammad ibn Sa'd Thaqafi, 'Abdu 'l-'Aziz Juludi Basri Imami, Ahmad ibn Ya'qub (whose book Tarikhu 'l-Ya'qubi has been published in Europe), Muhammad ibn Zakariya, Abu 'Abdillah Hakim, al-Ma'sudi, author of "Muruj adhdhahab" Muhammad ibn 'Ali ibn Taba'taba' the author of "Adabu 's-sultaniyah" and hundreds of other scholars like them, who cannot be included here.

Among the men of letters, the Shi'as are also in a majority. The literary men are of different groups. The first group is that of the companions. All the famous men of letters belonging to this class are attached to Shi'ism. Nabigha Ju'di, for instance, took part in the battle of Siffin on the side of 'Ali (a.s.) and the "Rajaz" (rousing verses) that he composed for the occasion are very well known; 'Urwah ibn Zayd al-Khayl was also with the Holy Imam (a.s.) in the battle of Siffin (see al-Aghani). some people acknowledge that Lubayd ibn Rabi'ah 'Amiri was of the Shi'a faith; Abu Tufayl 'Amir ibn Wa'ilah, Abu 'l-Aswad Du'uli, and Ka'b ibn Zuhayr, the author of "Banat Sa'id" are likewise but a few of the Shia' men of letters we have room to mention here.

The second group is contemporary with the Tabi'in. In this class al-Farazdaq, Kumayt, Kathir, Sayyid Humayri and Qays ibn Dharih . have a very prominent place.

The third group belongs to the second century of the hijrah: Abu Nawas, Abu Tamam, Bahtari, Da'bil Khuza'i, Dik al-Jin, 'Abd as-Salam, Abu sh-Shaysh, Husayn ibn Duhak ibn Rumi, Mansur an-Namri, Ashja' asalmi, Muhammad ibn Wahib and Sari' al-Ghawani. Morevoer, during the reign of the 'Abbasid rulers all the prominent literary figures, excluding Marwan ibn Abi Hafsah and his progeny were Shi'as:

Similarly among the celebrated poets and men of letters of the fourth hijra century were many Shi'as : Mutanabbi Maghrib ibn Hani Andalusi, ibn at-Ta'awidhi, Husayn Hajjaj (the author of "al-Majnun"), Mahyar Daylami, Abu Fads Hamdani, (about whom it has been said that poetry began and ended with him); we may cite also Kashajum, Nashi' saghir, Nashi' Kabir, Abu Bakr

Khwarizmi, Badi' Hamadani, Tughrai, Ja'far Shams al-Khilafah, , Ammarah al-Yamani, Wida'i Zahi, ibn Basam Baghdadi, Sibte ibn Ta'awidhi, Salami, Nami who were all Shi'as.

The fact is that the Shi'as attained such an exalted rank in the field of literature that experts had to say: 'Is there any literary man who is not a Shi'a?' It is worth noting that in praising some piece of composition, there was a common saying that such and such a man writes like the Shi'as. Some people have written that Mutanabbi and Abu 'l-'ula' were also Shi'as (please refer to where some of their verses are quoted).

Shi'a poets of the Quraysh family such as Fadl ibn 'Abbas (whose life history is given in "al-Aghani"), Abu Dihbai Jamhi, Wahib ibn Rabi'ah and the literary scholars such as Sharif Radi, Murtada, Sharif Abu'l Hasan , Ali 'Alawin Jumani son of Sharif Muhammad ibn Ja'far ibn Muhammad ibn Zayd ibn 'Ali ibn al-Husayn (a.s.) are also worthy of attention.

Sharif Jumani used to say "I am a poet; my father was a poet; my grandfather was a poet". Muhammad ibn al-'Alawi was an eminent man of letters. Writing about him Abu 'l-Faraj Isfahani has made available to us the valuable pearls of wisdom that he left behind. For further details it is worth while studying "Nasmatu 's-sahr min tashayyu' wa shi'r". In this esteemed masterpiece of Sharif Yamani, there is not only a fair account of the 'Alawim of letters, but there is also an account of the Shi'a poets of the Amawi dynasty. For instance Zamakhshari writes in his book "Rabi 'al-abrar" about 'Abdu 'r-Rahman ibn Hakam, Khalid ibn Sa'id ibn 'As and Marwan ibn Muhammad Saruji Amwi; these verses -are quoted from the latter:

"Oh descendents of Hashim ibn 'Abd Munaf! wherever I am be I am yours.

"You are ,God's chosen ones, and Ja'far Tayyar belongs to your own family.

"Ali, the Lion of God, Hamzah the uncle of the Prophet and al-Hasan and al-Husayn are the members of your own family.

"Yes, though I am of Amawi lineage, yet I have no concern with Banu Umayyah."

Similarly, the name of Abu Warda, the well-known author on Najdi and 'Iraqi schools of thought, is also worthy of mention. A part from these there are also many other notables of this lineage, but since this book is being written without preparation it is difficult to give details of all of them.

When we study the history of great kings, distinguished politicians, statesmen and viziers, we find the Shi'as likewise in prominence also. Besides the Fatimid and Bawayhid rulers, other kings like the Al Hamdan, Banu Mazid, Banu Wasif, 'Imran ibn Shahid, Muqallid ibn Musayyab,

'Aqili and Qarwash ibn Musayyab were all Shi'as. Also the faith in Shi'ism of Wajihu' d-dawlah Dhu 'l-qarnayn Taghlabi and Tamim ibn Mu'izin the ruler of Marakish is not a secret thing.

If we now consider the early Muslim viziers (ministers) we find that nearly all of them are Shi'as.

Ishaq Katib, for example, was perhaps the first person for whom the appellation of Vizier was formally used. Abu Salmah Khilal al-Kufi was the vizier of the first 'Abbasid Caliph. In view of his administrative capability Saffah entrusted him with all the affairs of the State.

Abu Salmah was known as the 'Wazir Al Muhammad and it was because of his love for Al Muhammad that he was martyred on the order of the same Saffah.

Abu 'Abdillah Ya'qub ibn Dawud was the Vizier of al-Mahdi al-'Abbasi; the Caliph confided the entire administration of the state to him. This verse, "Oh Banu Umayyah! Get up! And arise from your deep slumber! Ya'qub ibn Dawud is the Caliph", refers to him. He too was to later suffer captivity for his Shi'a belief.

Al Nawbakht and Banu Sahl are well known as the families of the viziers. Fadl ibn Sahl and Hasan ibn Sahl were the viziers of Ma'mun ar-Rashid. Similarly from Banu al-Furat, Hasan ibn 'Ali was thrice made the vizier of the Caliph Muqtadar. Abu 'l-Fadl Ja'far, Abu 'l-Fath Fadl ibn Ja'far and , Amid Muhammad ibn Husayn and his eldest son Dhu'l-kifayatayn Abu'l-Fath 'Ali ibn Muhammad were the viziers of Rukn ad-dawlah.

Banu Tahir Khyza'i was likewise entrusted with minis tership by. Ma'mun. Other viziers were Mahlabi, Abu Dalf 'Ajalli, Sahib ibn 'Ibad, the great politician Maghribi and Abu 'Abdillah Husayn ibn Zakariya, who is known by the epithet "Shi'i".

There are others besides them, such as Ibrahim Suli, Talaya' ibn Zarik, Afdal, the commander-in-chief of Egypt and his son Ja'far ibn Muhammad ibn Fatit, Abu'l Mu'ali Habat-ullah, Vizier of Mustazhir and Mu'yad Muhammad ibn Abd al -Karim Qummi, who first became the vizier of Nasir and was later offered ministership by Mustazhir.

During the time of "Baramakah" Hasan ibn Sulayman was the Chief Secretary. He was also widely known as "Shi'i".

Among other Shi'as entrusted with administrative posts we may mention the author of "al-Awraq", (Suli) Yahya ibn Salamah Hasfaki and ibn Nadim (the author of "alFihrist"), Abu Ja'far ibn Yusuf and his brother Abu Muhammad Qasim (whose panegyrics and elegies upon the Ahlu 'l-bayt have no parallel: see "al-Awraq") were "mu'tamad 'umumi (general secretaries) during

the time of Ma'mun, and even for a considerable time after the latter's death. Similarly the names of Ibrahim Uysuf and his son, the master of the Arabic language and author of "al-Mu'jam", Abu 'Abdillah Muhammad ibn 'Imran Marzbani, are also worth remembering, Sam'ani has made mention of their Shi'ism. Viewed in the same perspective there are hundreds of persons whose administrative abilities, political sagacity and national services would need volumes and volumes to be recorded.

My late father had tried to collect the life histories of different groups of Shi'as. He classified thirty groups into alphabetical order in ten volumes, under the titles "'Ulama (scholars), philosophers, kings, viziers, astronomers and physicians, etc." The name of this collection is "al-Husun al-Mani'ah fi Tabaqat ash-Shi'a". This voluminous book despite its nature is not complete.

At this stage we would also like to ask the author of "Fajru 'l-Islam" whether, in his opinion, these persons who had established the teachings of Islam and provided the basis for true knowledge and learning, wanted to ruin our sacred religion.

And again the question arises whether he and his teacher Dr. Taha Husayn are true supporters of the Islamic religion. If that is the case, we can bid farewell to Islam, or rather we may quote the words of a poet, if one calls Hatim Ta'i a stingy person "it is better to die than to live oneself with such a narrow outlook on life."

In fact it was not my aim to write at such length but the pen moved on regardless. We hope that the present-day or future writers might learn something from it and they may at least be careful in the manner of their writing and may express their thoughts only after researching into their subject.

Islam's greatest sage Hadrat 'Ali ibn Abi Talib (a.s.) says: "A wise man's tongue is subordinate to his heart, and the heart of an ignorant person is obedient to his tongue."

Ahmad Amin's opinion that "the belief in Raj'ah" (the return) came from Judaism among the Shi'as" is extremely deplorable. I wish they would make it clear whether "raj'ah" is the main element of Shi'ism, whether it is one of the fundamental beliefs of their religion, so that they may justify their criticism. If one's knowledge is of this nature, is it not proper for him to hold his tongue and preserve his dignity?

The fact is that faith in "raj'ah" is not one of the fundamentals of Shi'ism. Of course recognising its validity is considered necessary, just as in other Islamic groups one should affirm the events of the unseen and the signs of doomsday: we may mention for instance, the coming of Christ and the appearance of the Dajjal, which all the sects believe in. These are not counted among

the principles of Islam nor is their denial the cause of expulsion from Islam, nor belief in them proof of one's being a Muslim. The same argument view holds good for faith in "raj'ah".

Indeed even if it is demonstrated that it relates to the roots of the faith of the Shi'as, we should ask whether concurrence with any Jewish belief is the result of Jewish influence. The Muslims believe in the oneness of God.

The Jews also worship one God. As a result of these shared views, can anyone have the courage to talk of the influence of Judaism? It would be interesting to see what these people who indulge in taunts and emotional slander have to say in this matter.

"God Almighty will give life to a group of people for the second time." Is it an impossibility? Has this story never been mentioned in the Book of God? "Consider, oh Muhammad, Those of a past age who left their homes in their thousands, fearing death, and God Said to them: Die, and then be brought back to life." (2:243) Has the following holy verse never been read by anybody? "And the day on which We shall raise a group from every "ummah" (27:83). If it means the day of judgement, then on that day not a group from every ummah but all the ummahs (peoples) will be restored to life.

This is not a new affair. The 'ulema of the majority community have been making this matter a target of attack since the very beginning. It has been noted, in this connection that when they do not find any grounds for criticising the veracity of an eminent Shi'a reporter of hadith, they begin taunting the Shi'as about "raj'ah" as if they were accusing someone of idol-worshipping or polytheism. Relative to this problem in question is the well known story of Mu'min at-Taqa and Abu Hanifah. We believe, however, that this matter does not merit further argument.

We consider it sufficient to have established the moral perversion of certain misguided persons.

The author of "Fajru 'l-Islam" says: "The fire of gehennam will not be allowed to burn the Shi'as, except for a few among them and then only for a time." Only God knows from which Shi'a book this view has been taken. I wish the learned writer had some better evidence and could provide the necessary proof for this view.

The Shi'a books clearly says: "Paradise is the reward for the obedient servant of God even if he is an Abyssinian slave, and hell is for the wicked even if he is one of the Sayyids of Quraysh. Traditions on the above subject have been related by the Holy Imams (a.s.) and they are so many in number that they can hardly be counted. If the above mentioned author is referring to the intercession of the Prophet (s.a.w.) or the Imams (a.s.) then of course the question of intercession is another matter which all the Muslims believe in. This matter will be dealt with in

more detail in another book.

Suffice it to say that belief in such a matter is hardly a reason to say that Shi'ism has been taken from Judaism just because the latter shows this belief.

Abu Hanifah agrees in some questions of marriage (nikah) with the Zoroastrians, but would it be appropriate to say that the Imam of the Hanafis had based his 'fiqh' (jurisprudence) on Zoroastrianism? And for further proof, advantage could be taken of his being a man of Iranian descent. In short, these are all baseless ways and means through which the desires of certain Shi'ahs men for mutual confusion and discord among the various Muslim sects are fulfilled.

The alleged influences of Christianity in the Shi'a religion is another taunt, which is hardly less painful. Honesty should demand that Ahmad Amin research his material more carefully. he erroneously considered sects like the Khatibiyyah, the Gharabiyyah, the Alawiyyah, the Mukhmasah, the Bazi'iyyah and the Ghullat as Shi'as, although, like the Qaramitah, they are apostate groups having no real link with the Shi'as. The Imania Shi'as and their religious leaders are absolutely aloof from these schools of thought; the aforesaid sects are hardly like Christians, but they go so far as to believe that the Imam is himself god in the the form of an incarnation. Their faculty concepts have a striking resemblance to the faith and beliefs of mystics. It appears from the statements of well-known mystics like Hallaj, Gilani, Rafa'i and Badawi, etc. which they thought that they had reached a stage which was higher than divinity and godhead itself Those who believe in 'wahdat al-wujud' (pantheism) also have the same conceptions.

But the Imamia Shi'as who number millions in Iraq, Iran and the subcontinent of India and Afghanistan are, as Shi'a, free from such beliefs, and regard these conceptions as infidelity and digression from the right path. Their religion is pure 'tawhid' (Oneness of God). Neither do they believe that God resembles any created being, nor do they tolerate that His perfect attributes be considered defective or comparable to creation's attributes; rather they consider any concept which is the negation of His eternal existence and attributes utterly wrong.

The metaphysical beliefs of the shi'as are carefully explained in numerous books. The smaller "at-Tajrid" of Khwajah Nasiru 'd-dinn at-Tusi, or the monumental "Kitab al-Asfar" of Sadru 'd-din ash-Shirazi, both merit study in this subject. There are thousands of other books in which the theories of metempsychosis, divine union and re-incarnation are proved erroneous.

However the author of "Fajru 'l-Islam", by levelling utterly false charges against the Shi'as, has not done any useful service to the religion of Islam and its ummat (nation). Since we have shown in some detail that the book "Fajru 'l-Islam" is full of false claims and accusations unsupported by evidence we will pass on to consider other areas- of misunderstanding. (We

have mentioned this book and its author as an example, so that the world may know how ignorant the masses must be if the 'ulema' and authors of the majority community are as we have described.)

The difficulty is that those who write about the Shi'as, take such unlikely authors as ibn Khaldun and Ahmad ibn 'Abdi Rabbih Andalusi as their source. Moreover the present day writers in their show of liberality regard Professor Wellhausen and Professor Dozy as authorities. But no one takes the trouble of referring to the scholarly works of the Shi'as. The result is that when a Shi'a goes through the books of these scholars he finds in them the same sort of absurdities about himself to which Raghīb Isfahani has referred to in his book "al-Muhadirat". The author writes: "In the court of Ja'far ibn Sulayman a Muslim was giving evidence about someone's infidelity. When he was asked what he knew about the defendant, he said, "This man is Mu'tazili. he is Nasibi; he is Harwari; he is Jabri; he is Rafzi; he rails at 'Ali ibn Khattab, 'Umar ibn Abi Qahafah, 'Uthman ibn Abi Talib, and Abu Bakr ibn 'Affan. Also he abuses Hajjaj, who pulled down Kufah on Abu Sufyan, and on the day of Qata'if (the day of Tafur 'Ashura') fought against Husayn ibn Mu'awiyah". Hearing this Ja'far said, "Damn you! I do not know for which branch of learning I should envy you - historical, religious or geographical knowledge!"

As regards 'Abdullah ibn Saba, whose name has been associated with the Shi'as, if one studies any Shi'a book one will find that he is held in contempt; rather the mildest works about him that are to be found in the books written by Shi'a authors are: "'Abdullah ibn Saba - curses be upon him". We should mention that some people hold the view that 'Abdullah ibn saba, like Majnun, 'Amiri, and Abu Hilal, were in fact only fictitious heroes of story and legend.

During the middle period of the Umayyah and 'Abbasid rule, self-indulgence, sport and play, had reached the middle period of the Umayyah and 'Abbasid rule, self-indulgence, sport and play, had reached such a height that story-telling had become a part of the life of the residents of the palace. It was in such an atmosphere that the stories were contrived.

Our original aim was to dwell on this subject. But considering the repeated attacks on the authors of the present age, we thought it necessary to introduce briefly the beliefs and faiths, important principles and the articles of practice of the Shi'as. It should be noted that in the Shi'a religion the door of "Ijtihad" (endeavor to arrive at a conclusion regarding any religious problem) is always open, and so long as there is no violation of "ijma'" (consensus), the Book (the Holy Quran), sunnah, and intellectual reasoning, every "mujtahid" (religious scholar of exceptional merit) is free in his opinion; anyone who violates these limits and draws his own conclusion will be considered misguided; the opinion of such a man will be regarded as purely personal, individual and unfit to be followed.

In these pages it is not possible to deal with all matters in detail, so only those fundamentals of

Shi'ism will be explained in which there is no room for disagreement.

Not much attention will be paid to arguments and proofs as this is appropriate only for larger volumes. Our only aim is that all the Muslims, individually and collectively, may know the real beliefs of the Shi'as and, by refraining from attributing false beliefs to their brothers, may not do injustice to themselves. Rather than considering Shi'ahs as evil spirits, demons, jinn, beasts and monsters, they should regard them as a special branch of their society, since by the grace of God the Shi'as of Hadrat 'Ali (a.s.) are adorned with a true Islamic character, knowledge of and belief in the Holy Quran and Sunnah, blessings of faith, and kind manners, and live according to principles which are based on reasoning and certain proofs.

**Muhammad Husayn Al-Kashifi 'I-Ghita' Najaf al-Ashraf Jamadi 'I-awwal 1350 A.H. (1931 A. D.)**

#### PART I :The Origins of the Shi'ahs

Shi'ism is not a new religion. It begins with the beginning of Islam. The embodiment of the code of religion, that is, the seal of the Prophets (s.a.w.) planted the tree of Shi'ism together with Islam; with his own hands, he watered it and looked after it. The plant grew up to be a green tree which began blooming in the life-time of the Holy Prophet (s.a.w.). But it had not yet born fruit, when the light of prophethood was put out.

We are not alone in advancing this claim. Even the eminent scholars from among Sunnis agree with us. For instance, 'Allamah Siyuti in his famous commentary "ad-Durru l-Manthur" Says in connection with God's words "Hum khayru l-bariyah" (they are the best of created beings) (Surah: The Clear Proof: Ayat 7):

"Ibn 'Asakir quotes Jabir ibn Adbillah as saying: "We were present in the company of the Holy Prophet (s.a.w.) when 'Ali (a.s.) came towards us. Seeing 'Ali (a.s.) the Prophet (s.a.w.) said: "I swear by God the Almighty, who is the Master of my life, that he ('Ali (a.s.)) and his Shi'ahs shall be successful on the day of judgement."

Ibn 'Adi reports from ibn 'Abbas that when the verse "Inna l-ladhina amanu wa 'amilu 's-salihah"



(Verily these are those who believed and did good deeds) was revealed, the Holy Prophet (s-a.) said to 'Ali ibn Abi Talib (a.s.):

"It refers to you and your Shi'as; God will be pleased with them and they with Him on the Day of Judgement."

Ibn Mardawa'ih quotes Hadrat 'Ali (a.s.) himself as saying: "The Holy Prophet (s.a.w.) said to me: 'Oh 'Ali, Did you not hear what God said: 'Inna 'l-ladhina amanu wa 'amilu 's-salihah ula'ika hum khayru 'l-bariyyah.' Verily it means you and your Shi'as. The promise between your people and me shall be fulfilled at the fountain of Kawthar; there, when all the nations shall be present to account for their actions, your people will be called forward, your faces, hands and feet shining with light'." These three hadith are to be found in as-Suyuti's "ad-Durr al-manthur".

Ibn Hajar has also reported some of these traditions in his as-Sawa'iq from Darqutni- He quotes Umm Salamah as saying: "Oh Ali, You and your shi'as shall attain Paradise." Ibn Athir writes in connection with the word "qumh." that the Holy Prophet (s.a.w.) said to Hadrat 'Ali (a-s.): "When people come into the presence of God, your Shi'as will be there content with God and He with them, and your enemies shall be subjected to God's wrath and their hands shall be tied to their necks." The Holy Prophet (s.a.w.) demonstrated this by putting his hands behind his neck, and said: "See, they shall be tied up in this way."

Probably this tradition has been reported by Ibn Hajar also in his as-Sawa'iq" and other 'ulama' have also reported it in different ways, showing that it is among the well known hadith.

In az-Zamakhshari's "Rabi' al-Abraq" the following statement of the Holy Prophet (s.a.w.) has been recorded:

"Oh 'Ali, On the Day of Judgement the skirt of God's mercy will be in my hand and my skirt will be in your hand and your skirt will be beheld by your descendants and the Shi'as of your descendants will be hanging on to their skirt. Then you will see where we will be taken (i.e. Paradise)." For further satisfaction, it will be useful to study Ahmad ibn Hanbal's "al-Musnad" and an-NaSa'i's "Khasa'is" etc., which contain a number of such traditions.

These traditions show that the Prophet of Islam (s.a.w.) spoke a number of times about the Shi'as of 'Ali (a.s.) and pointed out that on the Day of Judgement they, in particular, shall be safe and successful, God being pleased with them and they with Him.

Everyone who believes that the Holy Prophet (s.a.w.) was the embodiment of truthfulness and that the verse which begins "ma yantiqu 'an il-hawa . . ." (He does not speak of himself unless 'why' is revealed to him) refers to the Prophet himself, realise that these hadith must be true. Those people

however who understand the above hadith as referring to all the companions of the prophet, have failed to recognise their real inner meaning.

We find that during the days of the Holy Prophet (s.a.w.) a group of outstanding companions was attached to Hadrat 'Ali (a.s.). Not only did every man in this group acknowledge the Holy Imam (a.s.) to be his spiritual leader, the real transmitter of the Holy Prophet's teachings, but they also acknowledged him as the true interpreter and commentator of the orders and secrets of the Prophet (s.a.w.). It is this group which is popularly known as the Shi'a. Even the lexicographers support this truth. If you refer to the famous dictionaries "an-Nihayah" and "Lisan ul-'Arab", you will find the meaning of "shi'a" as "one who loves and follows 'Ali (a.s.) and his descendants."

If however we are to understand that "shi'a" means any person who loves 'Ali (a.s.) or is not his enemy, then the use of this word would be inappropriate, because only loving, or at least, not being an enemy of him, does not mean that a person is a Shi'a; if however, he has the characteristic of persistent following and obedience then the word Shi'a would apply; this is crystal clear to those who have an understanding of Arabic and a notion of the relationship between word, meaning and context.

In view of these realities, it is unlikely that any sensible man, after studying the appropriate traditions, could draw the conclusion that the word shi'a means the Muslims in general, but will understand that it refers to a particular class which has a special attachment to 'Ali (a.s.).

Hopefully, after this explanation, no fair-minded man will try to conclude that the above quoted traditions do not prove the existence of a group who, because of their special relation with the master of the pious, 'Ali (a.s.) were superior to all the Muslims of that time, and who all expressed their love for him.

Personally, I do not agree with the assumption that the Caliphs, who could not accept this fact, consciously violated the words of the Holy Prophet (s.a.w.). It is possible many of them did not hear his edicts, or that those who heard them were unable to follow his directions.

Moreover, if the Statements of the Prophet (s.a.w.) in which he announced the rank and high position of Amiru 'l-Mu'minin (a.s.) and the Ahlu 'l-bayt (a.s.) are studied with an open mind, it will be seen that these reports do not only show merits of a general nature, but also contain clear indications of how to recognise the status and capability of the Leader of Shi'ism, and of how to contribute to the establishment and justness of that school of thought. The following traditions may be cited as examples.

"'Ali (a.s.) bears the same relationship to me as Harun (Aaron) had to Musa (Moses)".

"Oh 'Ali, only those with faith (iman) are your friends, and only the hypocrites (munafiqin) are your enemies."

"Oh people of my ummah. I leave behind two things worthy of great esteem - the Book of God and my progeny, my Ahlu 'l-bayt."

"According to the tradition of at-Tayr, the prophet made the following prayer: "Oh God. Send to me your most beloved slave", and immediately Ali entered his presence.

"Tomorrow I will give this standard to the man who loves God and His Prophet (s.a.w.) and whom God and His Prophet (s.a.w.) also love."

"Ali is with the Truth and the Truth is with 'Ali."

These traditions are mostly taken from "Sahih al-Bukhari" and "Sahi'h al-Muslim", and there are thousands of such authentic reports. This small booklet cannot accommodate details of them. Those who are fond of research work can study the famous book "Abiqat al-Anwar" by Allama' Sayyid Hamid Husayn, which is ten times as voluminous as "Sahih al-Bukhari" and is a master-piece of research in the field of hadiths.

When the light of prophethood was extinguished, a group of the "sahaba" started to act to prevent the Caliphate from passing to 'Ali.

The cause of this opposition might have been the young age of the holy Imam, or the feeling among the Quraysh that the prophethood and the imamate should not be combined in the house of Banu Hashim; there might have been other causes, we do not have the space to discuss them here.

Both the Sunni and the Shi'a sects Wee however that, when allegiance was being taken from the Muslims, 'Ali (a.s.) did not accept the authority of Abu Bakr, and, according to the learned al-Bukhari ("Sahih", see the chapter on the victory at Khaybar), he did not pay allegiance until six months had passed. Some of the eminent companions, like az-Zubayr, 'Ammar and Miqdad and others, also refused to pay homage to Abu Bakr.

The fact is that 'Ali (a.s.) had no craving for political power, nor desire to rule, other than in his capacity as Imam.

The talk that he had with ibn , Abbas at Dhiqar clearly proves which way the son of Abu Talib (a.s.) was going. Amiru 'l-Mu'minin (a.s.) had only one purpose in view, and it was that "religion" might remain safe, "right" might prevail and "wrong" might be exterminated. Imbued with these high feelings, 'Ali (a.s.) resorted to protest only. He did not adopt any plans to overthrow the caliphs.

Rather, in order to lead and guide the people to the right path he always cooperated with the government; his wise suggestions enabled Islam to flourish and meant that religious commands were made known to all. If Ali (a.s.) had not adopted this course of action, not only would Islamic unity have been shattered, but the people also would have been lost in the labyrinth of ignorance.

The Shi'as too continued to follow their leader; the spirit of the time demanded that differences should be ignored. For this very reason, they did not try to establish themselves as a sect during the regime of the first caliphs. Of course Ali's friends silently observed the modus operandi of every ruler and the changing conditions till at last the nation itself selected Ali (a.s.) as its leader. When Amiru 'l-Mu'minin (a.s.) took the seat of the caliphate, Mu'awiyah revolted and sent out a large number of forces to Siffin.

A group of the "sahaba" (companions) remained from the very beginning with 'Ali (a.s.). The rest of the companions also sided with the Holy Imam. Eighty prominent companions, like 'Ammar ibn Yasir, Khuzaymah Dhu 'sh Shahadatayn and Abu Ayub al-Ansari, nearly all of whom were either Badri (from the battle of Badr) or 'Aqb (Bay'atu 'l-'Aqbi - the pledge of 'Aqbi), joined 'Ali's party. Most of them sacrificed their lives for the Holy Imam (a.s.).

The fighting continued however, and Mu'awiyah's intrigues also increased. When Hadrat , Ali (a.s.) was martyred, the ruler of Damascus gave a sigh of relief Islam disappeared from Mu'awiyah's royal courts and he began to revive all the tyrannical traditions of the past kings.

'Ali's (a.s.) pious way of life, devout manners and exalted character contrasted sharply with Mu'awiyah's corrupt morals and his dealings with 'Amr b. al-'As, with the Governorship of Egypt, Yazid and his despotic caliphate, and Ziyad ibn Abih and his activity against Islam. Mu'awiyah's notorious over-indulgence and passion for revelry clearly demonstrated the depraved condition of his mind and of the court surrounding him. We have thus before us the simple way of living taught by Islam, and on the other side the pomp and vanity of the son of Abu Sufyan. Mu'awiyah's kingly aspirations were fulfilled with the hard-earned money of the Muslims.

The dining cloth of the Amawi palace was always laid with the daintiest of foods. The vizier, Abu Sa'id al-Mansur ibn al-Husayn al-Abi (died 422 A.H.) recorded an event in his work "Nathr ad-Dur". He writes: "Ahnaf ibn Qays used to say that one day when he went to Mu'awiyah, the latter put before him such a large variety of food that it was difficult to count the different dishes. He was bewildered when Mu'awiyah extended towards him one of the dishes which he did not recognise. He asked what it was. The answer was . . . the stomach of duck filled with sheep's brain, fried in pistachio oil and sprinkled with spices." Ahnaf said that on hearing this he began to weep. Mu'awiyah said: "Why do you weep?" He replied: "At this time 'Ali (a.s.) has come to my mind. One day I was sitting with the Holy Imam (a.s.); the time for breaking the fast approached. The Imam (a.s.) ordered me to stay. Meanwhile a sealed bag was brought. I asked: "O Imam, what does it

contain?" The Imam (a.s) said: "Powdered barley". I said: "Was there any fear of theft, O Amiru l-Mu'minin, or is it because of financial stringency that it has been sealed?" "It is for none of these reasons," he said, "the reason for this care is only the thought that my sons al-Hasan (a.s.) and al-Husayn (a.s.) might mix this powdered barley with butter or olive oil." Again I asked: "Is butter or olive oil unlawful?" The Holy Imam said: "It is not unlawful, but for the true Imams it is necessary that they remain attached to the ranks of the poor, so that indigence and want may not make the poverty stricken rebellious." Mu'awiyah said: "Ahnaf, you have reminded me of a person whose supreme merits are difficult to be denied." In az-Zamakshari's "Rabi' al-Abrar", and in other compilations, many such events are related.

Mu'awiyah's bad nature was inextricably linked with these unlawful actions; he had an inner desire to reach the height of wickedness. So he broke all the promises that he had made to Imam al-Hasan (a.s.) and in the end had the Prophet's grandson poisoned. As a result of this state of affairs and these events, the Muslims began to look at Syria's politics with scorn and contempt; the true believers realised that Mu'awiyah was only a man of this world, and he himself acknowledged this truth. In az-Zamakshari's "Rabi' al-Abrar", the following statement is narrated from the ruler of Syria: "Abu Bakr wanted to keep aloof from the world and the world kept aloof from him. 'Umar tested the world and the world tested him. As to 'Uthman, he took hold of the world and the world also madly pursued him; and I at every step tried with my heart and soul to make it a bed of roses- The result was that I became of the world and the world became mine."

Gradually, the people's opinion was changing; the close companions of the Prophet (s.a.w.) were letting the ordinary Muslims know about the superior merits, virtues and character of 'Ali (a.s.) and his descendants, which they had seen with their own eyes. Who cannot be moved when he recalls the sight of the Prophet of God (s.a.w.) lifting his loving grandsons onto his back and saying: "What do you think of your mount, it is not the best mount; and as for you, you are the best rifers." And do not these words, full of the purity of revelation, "al-Hasan and al-Husayn (a.s.) are the leaders of the youth of Paradise", demand to be known by all. Truth has a right to spread, and those who have a sense of truth in them are desirous of spreading it. The result of this desire for truth was that the common Muslims began inclining towards Shi'ism and opportunities were created for the advancement of this sect.

The greatest cause of the advancement of Shi'ism, however, was that bloody event which revolutionized the Islamic world. This painful event of 61 A.H. which is known as the tragedy of Karbala' was the most momentous of its kind. The effects of the martyrdom of al-Husayn (a.s.) were felt by all, even those living in the most distant regions of the Muslim territory. Companions like Zayd ibn Arqam, Jabir ibn 'Abdillah al-Ansari, Sahl ibn Sa'd as-Sa'idi and Anas ibn Malik survived Karbala'. The pain they felt had no bounds, and, remembering their duty towards, and love for, the Prophet and his progeny, they intensified their efforts to make known the superior merits of Ahlu 'l-bayt (a.s.). The Umayyad tyrants pursued them and these remaining sahaba were finally also

victims of the sword and poison. But the cry of the oppressed is not made in vain. These events were not such that the nation of the Muslims were unaware of them. Indeed, they keenly observed them, with the result that a great many groups of people began to declare their love for 'Ali (a.s.) and his descendants; the numerical strength of the Shi'as increased dramatically. With the same rapidity with which the tyranny of Banu Umayyah was increasing, the love for Ahlu 'l-bayt was also increasing in the hearts of the common people. The descendants of the Umayyids tortured and tyrannized to the extreme, but every action has its reaction. It is related that Shu'abi said to his son: "Oh my son, the world cannot harm the values which religion has brought, but those things which were made and adorned by the world can all be destroyed by religion. Just reflect upon 'Ali (a.s.) and his affairs. Did the descendants of the Umayyids ever relinquish their oppression? They concealed the merits of Ahlu 'l-bayt. They tried to hide the realities of the situation and never left off singing the praises of their ancestors.

But all their plans were reversed: the Umayyids were humbled to dust and the name of Al Muhammad grew brighter and brighter". Though Shu'abi was known as an enemy of 'Ali (a.s.), these words of truth came from his tongue and have been preserved in history.

az-Zamakhshari in his 'Rabi' al-Abrar" reports this statement of Shu'abi: "Our condition was very perplexing if we loved 'Ali (a.s.) there was fear of murder, and if we became enemies to him, our ruin was certain."

The troubles and worries for the Ahlu 'l-bayt did not cease when the Sufyani throne came under the control of the Marwanid ruler 'Abdu 'l-Malik. 'Abdu 'l-Malik Was a monster of a man by whose order Hajjaj razed the Holy House of the Ka'ba to the ground and mercilessly put the residents of that sacred place to the sword; having killed 'Abdullah ibn az-Zubayr in the Mosque of al-Haram, he desecrated the holy place and finally killed his cousin Sa'id ibn Ashdaq, who had been his former ally.

We must ask ourselves whether the perpetrator of such heinous crimes be called a Muslim. What should we think of his being called "Khalifatu 'l-Muslimin" (the Caliph of the Muslims)?

In truth, the entire government of the Marwanids Was run on the same lines, and, with the exception of. Umar ibn 'Abdu 'l-'Aziz, every ruler showed the same Outrageous tendencies. Thereafter followed the rule of the 'Abbasids. During their period the height of tyranny far exceeded that of the Marwanids. A poet of that time said: We would have preferred to suffer the Marwanids oppression forever. May the justice and equity of the 'Abbasids go to hell."

How mercilessly the blood of the descendants of the Prophet (s.a.w.) was spilled, what strange ways were adopted to annihilate them! The literature of that time presents us with a picture of life at that time. The poets have, in different ways, described the tyrannical acts of these people. How

true indeed is the picture drawn by a poet of al-Mutawakkil's age who says: "God be my witness that, if the descendants of the Umayyids have so cruelly martyred the grandson of the Prophet (s.a.w.), these 'Abbasids, who call themselves the descendants of the Prophet's uncle, in no way lag behind the Umayyid family in oppression and tyranny. Just see, these tyrants have even demolished the grave of al-Imam al-Husayn. The Banu 'Abbas are repentant, however, for they feel regret over one thing, that they did not take part in spilling the spotless blood of al-Imam al-Husayn (a.s.) along with Banu Umayyah; they have tried to make amends by pulling down the grave of the Imam (a.s.)." These are just a few examples of the character of Banu Umayyah and the Marwanid and 'Abbasid kings.

Now, on the other hand, if you reflect upon the life of Ali (a.s.) and his descendants, you will come to know why Shi'ism spread and how it spread; moreover the truth will be revealed as to whether Shi'ism was the innovation of the Iranians, or the ingenuity of the Sabeans, or whether it was the simple and straight way of Islam as shown by Muhammad (s.a.w.).

After the martyrdom of Sayyid ash-Shuhadah (the Leader of the Martyrs) Imam al-Husayn (a.s.), Imam Zayb al-'Abidin (a.s.) became the head of the 'Alawi family. After the tragedy of Karbala', the Holy Imam lived a secluded life, mostly spent either in worship of God or in giving moral teachings and spiritual guidance to the people.

Highly pious and devout persons like Hasan al-Basri, Tawus al-Yamani, ibn Sirin and Amr ibn al-'Ubayd were products of this very school.

The Muslims received great instruction and knowledge from the Sayyid as-Sajjad (a.s.) at a time when the common people had been driven far off the paths of reality.

Imam Zayn ul-'Abidin (a.s.) was succeeded by Imam Muhammad al-Baqir (a.s.) who was also a shining example of the same noble character. His legacy was handed down to Imam Ja'far as-Sadiq (a.s.).

The age of Imam as-Sadiq (a.s.) was comparatively more favourable to the Shi'as because the Umayyid and 'Abbasid powers had been exhausted; open tyranny and oppression became rare. Accordingly the previously suppressed truths and hidden realities rose like the sun and diffused like the light. Those who had been living in 'taqiyyah', hiding their beliefs on account of fear and danger to their lives, also disclosed their identity. The atmosphere was well-disposed to the expansion of Shi'ism. The Holy Imam (a.s.) spent day and night preaching; his sermons explained the teachings of Muhammad and Al Muhammad (s.a.w.). The teachings of the truth were now within the reach of every common man; larger and larger groups of people began to accept the 'Ja'fari' religion. This age was called the golden age for the propagation of Shi'ism, because before this the Muslims could not openly profess Shi'ism, nor even find out about its teachings.

This academy of learning was like a flowing river where people in quest of knowledge came to quench their thirst and later quenched the thirst of others. According to Abu 'I-Hasan al-Washsha'. "I personally saw a crowd of four thousand 'Ulama' (scholars) in the Mosque of Kufah and heard all of them saying: 'This tradition was related to us by Ja'far as-Sadiq (a.s.).'"

Banu Umayyah and Banu 'Abbas's wanton love for power, their stormy violence, extreme worldliness and unlimited indulgence in luxuries, contrasted sharply with the love for knowledge of the descendants of 'Ali (a.s.), their devotion to God, their truthfulness and their abstention from corrupt politics, and it was this obvious contrast which showed people the truth of Shi'ism and led to the rapid expansion of this sect.

It goes without saying that many people's spiritual lives are ruined by their attachment to the world. Nevertheless they too have a natural feeling for the different branches of learning and the validity of religious matters.

The period about which we are talking was not only close to the period of the Holy Prophet (s.a.w.), but also the mind of the common Muslims were imbued with the conviction that the Islamic way of life was endowed with countless blessings. The Quranic teachings gave them rights which they had never imagined existed. It was Islam which conquered the Caesars of Rome and the Emperors of Iran; it was in the name of Islam alone that they were the rulers of the east and the west; they also knew that there was sufficient liberality within the laws of this religion to enable all to accept it without hardship. If the modus operandi is lawful, it does not restrain anybody from gaining worldly wealth. This religion is, in fact, pure mercy.

These inner feelings were the hidden motives which made the masses incline towards a religious way of life.

There always exist men who know that they should mould their social life according to the light of religious commandment. There are always men who desire that their entire culture be completely Islamic. But where could they pin the necessary learning from? Could they get it from the despots, who claimed to be "khulafa'u 'l-muslimin" (Caliphs of the Muslims) but did not live accordingly?

Of course, the desire for knowledge was fulfilled by the descendants of Muhammad (s.a.w.) who were the treasure houses of the Quran and the repositories of knowledge, and a vivid impression of their superiority was stamped on the minds of the common people; gradually the Muslims began to believe that it was these persons who were the true heirs to the Holy Prophet (s.a.w.), and that the right of the Imamate must be theirs alone.

The Shi'as grew so firm that they were ready to undergo anything to protect their faith. Most of the



Shi'as proved to be immeasurably brave, valiant and inspired with the spirit of sacrifice; Hajar ibn 'Adi al-Kindi, 'Amr ibn Himq al-Khuza'i, Rushayd al-Hajari and 'Abdullah ibn Afif al-Azdi to name but a few, were stalwart Shi'as who, on various occasions, confronted the antagonists; they triumphed despite the fact that the opposite group was always materially more powerful. The moral strength of these people showed the weakness of the apparently strong armies of the enemy; their sacrifices, on the one hand, shook the governments of the oppressors to their foundations, and, on the other, awakened the intellect of the elite and changed the way of thinking of the masses.

We must ask why these chivalrous men played with death in this way. Did they expect any worldly gain from the descendants of Muhammad (s.a.w.)? Were they afraid of loss of life and property? History has answered both these questions in the negative; the sons of 'Ali (a.s.), it is true, were bereft of material means, but they had no interest in this world. What had they to give? They gave Islam to those thirsty for the truth; the luminous hearts of these fighters were filled with strong faith and perfect sincerity and it was these very sentiments which drove them to do battle against tyranny and corruption.

If one considers the literary men of the first and second century of the hijrah, we will find that, in spite of the atmosphere of fear and despair, the poets of the time expressed their aversion towards the kings of their age and their misdeeds and praised the Ahlu 'l-bayt of Muhammad al-Mustafa (s.a.w.).

Numerous men of letters have testified against the ruling Caliphs and in favour of the true Imams (a.s.) in their works. Farazdaq, Kumayt, Sayyid al-Humayri, Du'bil, Diku'l-Jin, Abu Tamam al-Balarri'and Abu Faras al-Hamdani are full of praise for the holy progeny. The following couplet of Abu Faras clearly shows how the poets of that age felt at that time.

"Religion has been shattered to pieces. Truth has become the victim of oppression and the share of the descendants of the Prophet of God has been usurped."

Du'bil says: "I have been courting death for forty years, but no one has yet accepted to be the killer." Du'bil railed at Harun ar-Rashid, al-Ma'mun and al-Mu'tasim, and yet composed a great many famous panegyrics in praise of Imam Ja'far as-Sadiq (a.s.), Imam Musa al-Kazim (a.s.) and Imam ar-Rida (a.s.) in the most colourful verse.

We must ask whether the Shi'as endangered their lives in vain? Did they give up their ease and comfort without any rhyme or reason? When we examine the causes and motives for their sacrifices, we find that it was only the truthfulness of the descendants of the Prophet (s.a.w.) which made them despise the sky-high golden palaces and attracted their attention towards the miracle of the Quran.

We could pursue this discussion further but the aim of the introduction was merely to outline the origin and rise of Shi'ism. We hope nothing has been left ambiguous despite the brevity of this account. We can only emphasize that Shi'ism was started by the Holy Prophet (s.a.w.) himself, and its spread and propagation is a historical fact. We may observe the series of causes and motives, connected in a regular sequence, which gave rise to the separation of Shi'a Islam from the Islam of the rest of the community.

## PART 2 :The Fundamentals of the Religion

Before we deal with the roots and the articles of faith in detail, we may divide our study of the Shi'a religion according to five principles:

1. Knowledge of God.
2. Identification of His Prophet
3. How to worship.
4. Doing good actions and refraining from bad ones.
5. Belief in ma'ad (the Day of Judgement), and punishment and reward

There are two parts to religion - theoretical and practical - or, more precisely, belief or faith in God and the unseen, and daily action based on this belief.

Tawhid (monotheism), Prophethood and ma'ad (the Day of Judgement) are the three basic arkan (pillars) of Islam. If anyone denies one of the arkan, he is neither a Muslim nor a believer (u'min); if he does believe in them he will be counted among the Muslims according to God Almighty (refer to the following words which have been taken from the Quranic text: "He who believes in God, His Prophet and the Day of Judgement"), and shall be entitled to all the rights of the Muslims. According to the holy verse the Muslim is the "one who believes in God, His Prophet and also performs good actions"; the "iman" (faith) of a Muslim refers to "belief in his heart, verbal acknowledgment and performance of fundamental acts".

One may add another "rukn" (pillar) to these three, which is the obligatory acts on which the entire Islamic way of life depends. These obligatory acts are of five kinds: (1) salat (prayers), (2) fasting, (3) zakat (generally speaking, the Islamic system of taxation), (4) hajj and (5) jihad (striving or exerting oneself (even to the extent of fighting) for Islam).

We may explain the difference between Islam and iman as a matter-of degree. This difference is based on the words of God Almighty in the surah "al-Hujurat", "The Arabs say: 'We have iman!' Say (to them, O Muhammad): 'You do not have iman; but say "we have accepted Islam (aslamna: lit. we have submitted)", for iman has not yet entered your hearts.'" For further elucidation, He says in another verse: "Verily, the believers (mu'minin) are those who accepted faith in God and His Prophet and never after that entertained any doubt; also they performed jihad with their life and wealth in the way of God - they alone are the true believers." "Iman" thus means the combination of testifying one's belief, and of acting in accordance with it. These are the basic beliefs of all the Muslim. The Shi'as have another "ruk'n" thus bringing the total to five principles. This fifth pillar is faith in the Imamate.

According to the Shi'a point of view, the Imamate, like Prophethood, is divine vicegerency. Just as it is God Almighty Who chose one from amongst His servants for the rank of Prophethood or Messengership, in the same way it is God Who chooses the Imams. God Almighty Himself commanded His Prophet to announce the Imamate (spiritual leadership) of the selected person before his death.

The Prophet, according to divine command, chose a leader for mankind to protect and complete the religious code. The only difference between a Prophet and an Imam is that the Prophet receives "wahy" (revelation) from God, while the Imam, through a special blessing, receives commands from the prophet. So the prophet is the messenger of God and the Imam is the messenger of the Prophet.

The Imamate comprises twelve perfect persons, and every Imam appoints his successor by a specific indication (nass). Like all Prophets, the Imams are also infallible; there is no possibility of their committing any sin. The infallibility of the Imam is clearly proved from what God Almighty says in the Holy Quran: "Verily, I make you an Imam for mankind. He (Abraham) said: "And of my offspring?" He said: "My covenant does not reach to the unjust."

Moreover, an Imam is superior to all men in all matters of knowledge and character, since the very purpose of the Imamate is that humanity may be exalted to the highest stage and may be adorned with knowledge and good actions through the imitation of the Imam. What has been said in the Holy Quran about Prophethood (that the Prophets have been sent to people as His signs, to teach them the Book and Wisdom), is equally applicable to an Imam too, because an imperfect person cannot make another person perfect. What can someone give to another, when he does not possess anything himself? A misguided man cannot guide another man. Judged accordingly, an Imam is a little below the Prophet, but over every human being.

Anyone who believes in the Imam is called, according to the Shi'a terminology, a "mu'min" (a man

of faith and trust) in the special sense. Anyone who acknowledges the four fundamentals, which are the centre of faith of all the Muslims, is called a "Muslim" and a "mu'min" in a general sense; as has been said earlier, all Islamic laws apply to him: the protection of his life, property, respect and honour is obligatory. By only refusing to acknowledge the Imamate, a person cannot be excluded from the Islamic fold. Of course, on the Day of Judgement, and in the stages of nearness to God and "karamat" (miraculous signs), the Shi'a faith will reveal its excellence over the Islam of the majority.

All Muslims are equal in the world and are brothers, but in the next world there will certainly be a difference of ranks. People will be accorded positions according to their performance and intention. The final decision is in God's hands in these matters, and it is therefore better for us not to involve ourselves.

We have explained that that which distinguishes the Shi'a from the Sunni Muslims is their belief in the Imamate of the Twelve Imams, and it is for this reason that this sect is called "Imamiyah". It should be noted that all Shi'as are not Imamiyah, because the word Shi'a applies to the Zaydiyyah, the Isma'iliyah, the Waqifiyah and the Fathiyah as well. These are sects which are counted as Muslim. But a more careful study of other sects will show that there are many which are totally excluded from Islam, but which, nevertheless, are sometimes still called Shi'a as, for instance, the Khitabiyah, who are an example of the hundred or more sects which cannot be regarded as Muslim.

At the present time, however, the word of Shi'a specifically refers to the Imamiyah sect; which is the biggest body of Muslims in the world of Islam after the Sunnis.

In Islamic learning, faith in the twelve imams is not anything new; it is referred to in all reliable and authentic books by Muslim authors. The Imams Muslim and al-Bukhari narrated traditions concerning the twelve Imams in their Sahih in different ways. A few of them are given here:

1. Jabir ibn Samrah says, "One day when I went to the Holy Prophet (s.a.w.) along with my father, the Holy Prophet (s.a.w.) said: 'The universe shall not come to an end until all the twelve caliphs have appeared.' After this the Prophet (s.a.w.) said something silently, which I could not hear. I asked my father what the Prophet of Islam (s.a.w.) had said. He said: "The Holy Prophet (s.a.w.) says that all of them shall be from the Quraysh."

2. Another tradition says: "So long as there are the twelve authorities, the Muslims will continue to exist."

3. Again: "So long as there are the twelve caliphs, the grandeur and majesty of Islam shall live on."

4. God knows who these twelve caliphs are. The Holy Prophet's statement that "after me the

caliphate shall remain for thirty years, then it will become the object of deceit and fraud" is well known to all Muslims both Shi'a and Sunni.

We do not want to enter into discussion and arguments concerning this topic. If anyone seeks a complete proof of the existence of the twelve Imams, he can study the thousands of volumes devoted to this subject.

### **The Fundamental Beliefs**

From the Shi'a point of view, the religion is divided into two sections: knowledge and practice. That is, matters concerning the intellect, and matters relating to the human body. Those matters which concern knowledge or wisdom, are called "Usul ad-din" (fundamentals of religion) and they are five: (1) tawhid (monotheism), (2) nubuwah (Prophethood), (3) the Imamate (Vicegerency), (4) 'adl (Justice) and (5) ma'ad (the Day of Judgement). We shall explain each topic separately.

#### **Tawhid (monotheism):**

According to the Imamiyah faith, every sane thinking person has a moral duty to know his Creator. He should believe in His Oneness and Divinity, and should ascribe no partner to Him in His Actions. He should also believe that creation, sustenance, life and death are governed by Him alone. He is the All-pervading, and if somebody ascribes sustenance, creation, or the giving of life and death to anyone else except God, he will be considered an unbeliever (kafir), someone who ascribes partners to God in His work (mushrik) and will be excluded from the Islamic fold.

Similarly, in obedience and worship of God sincerity is necessary. That is, if somebody worships anything else other than God Almighty, or adores someone or something else, or considers worship of something other than Him as a means of nearness to Him, he also, according to the Imamiyah faith, shall be regarded as an unbeliever.

Worship of anyone except God, the One without any partner, is not lawful. Obedience to anybody except God the Almighty, the Holy Prophets, and the Holy Imams is also not permissible.

Obedience to the Prophets and the Imams is indirectly obedience to God, because they are the ones who proclaim of the divine command; but to obey them with the idea that it is worship of God is unlawful and purely a satanic deceit. To seek blessings from these revered persons, to make them a means of intervention between ourselves and God, and also to offer certain prayers at their graves is lawful because this is worship of God and not worship of them. This is quite an obvious difference. According to the Holy words of God the Almighty, "in houses which God has permitted to be raised to honour, for the celebration in them of his name", it is lawful to offer prayers to God in these sacred places. This is the faith of "tawhid" of the Imamiyah sect, which is unanimously

supported by all our 'ulama'.

The subject of the monotheism has been divided into several types: "tawhid ad-hdhat" (the Essence of the one God), "tawhid as-siffat" (the Attributes of the One God), "tawhid al-af'al" (the Actions of the One God). For the sake of brevity we will not dwell on this topic.

## Prophethood

Imamiyah Shi'as believe that all the Prophets were appointed by God; all of them were sent by Him and they are all His exalted servants. Hadrat Muhammad al-Mustafa (s.a.w.) is both the "Seal of the Prophets" (the final prophet) and the Chief of all the Prophets. He was perfectly infallible, free from sin and deviation. All his life the Holy Prophet acted according to the will of God Almighty; God enabled him to travel from Masjid al-Haram to Masjid al-Aqsa, from where he went bodily to al-'Arsh and al-Kursi (the throne and the footstool) and even beyond the "hujub" (the veils) and the "suradiq" (the highest point beyond the heaven of heavens); he finally came to within two bow spans or less of the presence of God.

It is the firm faith of the Imamiyah Shi'as that whoever claims prophethood or revelation after Hadrat Muhammad al-Mustafa (s.a.w.) is an unbeliever and liable to be put to death.

The Quran which today is in the hands of the Muslims is the same text of guidance and religious commands which God the Almighty revealed as a miracle. There has been no addition to, or subtraction from, it. Muslims believe in "tahrif" (changes in the original), are wrong, because it violates the Quranic declaration: "We have revealed the Book and We are its Protector". All the 'ulama' (religious scholars) are unanimous on this point, and if there is any tradition against it, it is unauthentic; any tradition which has come down to us through imperfect chains of transmission cannot be relied upon as source of knowledge and cannot thus be acted upon.

## The Imamate

It is the question of the Imamate which distinguishes the Shi'a sect from all other sects; it is the basic and fundamental difference which separates this school from other schools of thought. Other differences are not fundamental; they are "furu'i" (that is they are concerned with the details of the code of writing and action). Such differences of secondary importance are present between the

views of the Imams (religious heads) of the majority community of the Muslims. For instance, a large number of the Hanafi laws do not correspond with the laws of Shafi'is- According to the Imamiyah sect, the Imamate is the rank of the Perfect Man; like prophethood it is sustained by Almighty God for the guidance of the people. The Shi'as believe that Almighty God ordered His Prophet (s.a.w.) to appoint 'Ali ibn Abi Talib (a.s.) as his successor, so that after the end of Prophethood the mission of spreading Islam might be continued. The Holy Prophet (s.a.w.) knew that this appointment would be looked at with displeasure by others. Many of them would think that it was due merely to brotherly love or undue regard for his son-in-law.

It is quite obvious that from the beginning of the Islamic era until the present age the Muslims have in general not truly followed the Holy Prophet's guidance. The All powerful declared in very clear words: "Oh Prophet, deliver immediately what you have been commanded to from your Lord and if you do it not, then (it will be as in you have not delivered His message (at all)". Accordingly after his last hajj the Holy Prophet (s.a.w.) gathered the people at "Ghadir al-Khum" and addressed them thus: "Am I not better than every believer present here?" Then all of them said with one voice: "Certainly, O Prophet of God. You are superior to all of us."

After this testimony of allegiance the Holy Prophet (s.a.w.) said: "Whoever has accepted me as his master, then 'Ali is his master . . ." Moreover, on various other occasions, the Holy Prophet (s.a.w.) clearly explained the reality of the Imamate, sometimes by implication and sometimes quite openly. The Prophet thus performed his duty and God 's command was carried out. As soon as the Holy Prophet had breathed his last breath some Muslims presumptuously tried to hide the reality of the Imamate. They misconstrued the open declaration, and through their personal interpretation began to make changes in the religious commands. The result is well known as we have seen.

However 'Ali (a.s.) and his group, which comprised high-ranking sahaba (companions) kept aloof from this selfish struggle for power and refused to offer allegiance.

Amir al-Mu'minin (a.s.) remained silent for some time; out of consideration for Islamic unity, but when Mu'awiyah tried to bring the Islamic rule and authority under his subjugation and started destructive activities, Amir al-Mu'minin set himself against him; supporting a man like Mu'awiyah and tolerating his wrong policies would have been a deadly poison for Islam, and it was the foremost duty of Hadrat, Ali (a.s.) to protect the divine religion.

The Imamiyah believe that spiritually they are with 'Ali (a.s.) and are his followers; anyone who takes 'Ali as a friend, we too are friends of that person, and of whoever takes 'Ali (a.s.) as an enemy, we also are his enemy. This faith is based on the Holy Prophet's words: "Oh God, be a friend of the one who loves 'Ali (a.s.) and be an enemy of the one who is an enemy of 'Ali (a.s.)."

The Imamiyah Shi'as believe that Almighty God never leaves the world without a Prophet or an Imam whether this "proof of God" is apparent or hidden. The Holy Prophet (s.a.w.), through an explicit ordinance, made 'Ali al-Murtada (a.s.) his successor. 'Ali (a.s.) made al-Hasan (a.s.) his successor, and Imam al-Hasan (a.s.) made his brother Imam al-Husayn (a.s.) his successor. In this way this chain continued until the eleventh Imam. The Eleventh spiritual guide Imam al-Hasan al-'Askari (a.s.) was succeeded by his son the twelfth Imam, the Imam of the Age, the Awaited One (a.s.), vicegerent of God. This belief is not an innovation of the Shi'as, rather it is a divine practice, which started with Adam (a.s.) and continued until the last Prophet (s.a.w.).

There are innumerable books written by eminent 'ulama' on this topic. We give below the names of some 'ulama' of early centuries who have written on the topic of "wasiyah" (succession).

- 1). Hisham ibn al-Hakam.
- 2). Husayn ibn Sa'id
- 3). 'Ali ibn Miskini
- 4). 'Ali ibn al-Mughirah
- 5). 'Ali ibn Husayn ibn Fadl.
- 6). Ibrahim ibn Muhammad ibn Sa'id
- 7). Ahmad ibn Muhammad Khalid al-Barqi, the author of "al-Mahasin".
- 8). The great historian 'Abdu 'l-'Aziz ibn Yahya al-Judi.

Most of these writers belong to the first and second centuries, but the number of writings from authors of the third century hijri is also large:

- 1). Yahya ibn Mustafad.
- 2). Muhammad ibn Ahmad as-Sabuni
- 3). 'Ali ibn Ra'ab
- 4). Muhammad ibn al-Hasan ibn Farukh
- 5). The well known historian, Ali ibn al-Husayn al-Mas'udi, the author of "Muruj adh-Dhahab".
- 6). Shaykh at-Ta'ifah Muhammad ibn al-Hasan at-Tusi
- 7). Muhammad ibn, Ali ash-Shalmaghani
- 8). Musa ibn al-Hasan ibn, Amir

Books written after the fourth century can hardly be counted.

al-Mas'udi wrote in his famous book "Ithbatu 'l-wasiyah". "Every prophet had twelve successors". The writer also gave the names of all of them, and wrote brief life-sketches of each; at the end of the work he writes in more detail about the twelve Imams.

The Shi'as have been the target of attack from both Muslim and non-Muslim groups concerning the



existence of the twelfth Imam. We should thus like to explain the reality of this belief in a few words. Those who object think that the Shi'as believe in a baseless and ridiculous thing.

When we examine the view-point of these critics however we find that it is based on two rather naive doubts; the first being "How can a person naturally live for more than a thousand years?" and the second, "What advantage is gained from his disappearance?" or "What is the use of a hidden Imam whose existence and non-existence are both equal?" As to the first doubt, we should like to draw the reader's attention to the prophet Nuh's age. According to clear Qur'anic statements the prophet Nuh lived for nine hundred and fifty years, calling the people to God among his nation; according to the opinion stated by the 'ulama' his age was at least one thousand six hundred years, and a number of other scholars have gone so far as to say that he lived to be three thousand years old. The scholars of hadith of the majority community also acknowledge the longevity of other persons besides Nuh (a.s.). The great scholar an-Nuwi in his book "Tahdhibu 'l-Asma'" writes: "Though there is a difference of opinion among the 'ulama' about the age and the Prophethood of Hadrat Khidr (a.s.), the majority of scholars admit that Khidr is still present with us. The Sufis, moreover, unanimously declare that he is still alive, and innumerable stories about his meetings with people, and about what was said at these meetings, are quite well-known."

Shaykh Abu 'Umar ibn Salah writes in his "Fatawa": "The majority of the 'ulama' decided that Hadrat Khidr is alive, but some of the scholars of hadith do not accept it." I seem to recall that in another work Shaykh Abu 'Umar wrote (and az-Zamakhshari also has written this in his Rabi'u 'l-abrar) that the Muslims are unanimous in their belief that four prophets (a.s.) are still alive among us. Two of them are in the sky, that is 'Isa (a.s.) and Idris (a.s.), and two are on the earth and these are Khidr and Ilyas. Hadrat Khidr was born in the time of Ibrahim Khalilu 'llah (a.s.). Thus we have clear proof of the existence of persons who lived for hundreds of years. 'Allamah as-Sayyid al-Murtada has written in his "Imali" about persons who have lived to a great age and as-Shaykh as-Saduq has given an even a longer list in his "Kamal ad-Din". Even in the present age we find some people who have lived for a hundred and thirty years, and some for even longer.

Logically we may pose the question: "If someone is capable of living to an abnormal age, say a hundred and thirty, then is it possible that in extraordinary conditions a man may live to be a thousand?" At the most you can call it something super-normal. Moreover, is super-normality in the case of Prophets and the "awliyah" (those near to God) a particularly strange thing?

If one turns over the pages of the old volumes of "Majallatu 'l-Muqtatif", you will find that they are full of articles written by western scholars who have scientifically proved that man can theoretically attain eternal life in this world. Some western thinkers even say. "If Ibn Muljim's sword had not struck 'Ali ibn Abi Talib (a.s.), he would have lived forever. We are justified in this supposition because the Holy Imam was endowed with such qualities of excellence and healthy living." Much could be added on this topic but the scope of this book does not allow further discussion.

Concerning the second objection, we might ask whether it is fitting that the Muslim nation should know every detail of divine will and intention. Is it necessary to know all the secrets of the world and of the religious commands?

Before demanding such knowledge we must carefully think whether under the screen of some outwardly incomprehensible divine command there is also hidden some other secret. For example, a stone, in itself, neither benefits nor harms man. Nevertheless, we kiss the Hajarul-'Aswad (the black stone in the Ka'bah). What is the wisdom hidden behind that, we may ask.

The "maghrib" prayers are offered in three rak'ahs (units); the "isha" prayers are performed in four units. The morning prayers consist of only two units. What expediency is there in this difference of units?

Rather we must realise that there are a large number of matters of which neither archangel nor prophet has any knowledge; concerning the knowledge of the last hour, God, the Almighty says: "Verily God alone has knowledge of the Hour, the Day of Judgement and when it will rain." A part from this, there are many other things which have been kept secret from us and their justification is unknown; we may refer, for example, to "ismul-'Azam" (the Greatest Name), "laylatul-'Iqadr" (the time for the acceptance of Invocation). We would like to make clear by the above examples that one need not be amazed at those divine matters whose wisdom is not apparent. Rather, we should recognise that an order or action exists, and act accordingly as believing Muslims.

If something is proved by the authentic statements of the Holy Prophet (s.a.w.) and his infallible successors, we must accept it. There is no other option: to enter into an argument about the nature of wisdom and man's obligation to find a reason for everything would be in vain. As far as possible we have deliberately not provided arguments and proofs in this small booklet; there are already large volumes in which these points have been discussed in detail; likewise we examine the "Qa'im Al-Muhammad", the presently existing descendant of Muhammad (s.a.w.). There are a great number of authentic traditions concerning the "qiyam" of al-Mahdi (the rising of the twelfth Imam) in books of knowledge of both sects.

Though we acknowledge the fact that God knows better the wisdom about the occultation of Imam al-Mahdi, we would nevertheless point out that a number of rational proofs have already been given in reply to some Shi'a questioners. The decisive fact to bear in mind is that in every age the existence of an Imam is necessary; the world cannot remain without a divinely appointed guide; his very existence is a blessing for mankind, and his authority over us is also a blessing. The question of the wisdom hidden in this action of God's is thus invalid (a blessing cannot be rationalised) and acknowledgment of the "ghaybah" (occultation) is a necessary duty of every obedient Muslim.

## 'Adl (Justice)

God the Almighty is not unjust to anybody, nor does He commit any action which could be considered bad by man's primordial sense- This is what is known as 'adl (justice). Justice is one of the attributes of Almighty God , existence of which is necessary. It is essential, like all the other attributes of Oneness. The Ash'arites differ greatly in their beliefs from the Imamiyah and the Mu'tazilah (the Imamiyah and the Mu'tazilah are both called "'Adliyah") The reason for this opposition is that the Ash'arites reject "goodness and badness" as rational concepts, and affirm rather that "goodness" is that which is called "good" by religion, and "badness" that which the code of religion calls "bad". They regard knowledge of the Creator and recognition of the prophets as being outside the scope of the intellect; they accept miracles according to the dictates of religion, and they completely discard the dictates of wisdom. Consequently they are in perplexity.

The "'Adliyah" (that is, the Imamiyah and the Mu'tazilah) maintain that Islam is in accordance with reason.

Reason considers some actions good and some actions bad, and it is reason too which considers a bad act to be impossible for God the Almighty. He is All-wise and a bad action would be contrary to the dictates of His wisdom.

To chastise an obedient person is unjust, and injustice is a bad action; reason assures us that the Creator of the world could not unjustly chastise obedient Muslims as this would be a bad action.

The Imamiyah sect have paid special attention to the problem of 'adl and have included this attribute among the fundamentals of religion. (It is worthy of note here that the Ash'arites do not themselves deny justice; their faith in this respect is that whatever God the Almighty does cannot affect justice and goodness; they are of the view that wisdom is so insignificant that it cannot decide as to whether one thing is appropriate for God and another thing inappropriate.) The Imamiyah have clearly demonstrated that the best criterion for testing goodness and badness is wisdom. It is through this means that we have come to the conclusion that the All-perfect Being (God) must have all good attributes and be free from all imperfections.

On the basis of this view of goodness and badness, and faith in the justice of God, certain other beliefs have formed: the notion of "lutf" (God's all-permeating benevolence and blessing), and the belief that it is the duty of a Muslim to thank God, Who has given him everything. The notions of "jabr" and "ikhtiyar" (the coercion of man by God and the freedom of man to act as he wishes respectively) are closely connected to the ideas of goodness and badness.

Absolute destiny and freewill have always been a major subject of discussion in every philosophy or religion. The Ash'arites believed in "jabr", and the Mu'tazilah and the Imamiyah held and still hold

the view that every man is free and independent: he can do everything voluntarily, and perform all his actions with his own will; Like the existence of self, the faculty of volition is also a gift from God. The Creator of the universe created people and gave them freedom of action; absolute authority is God's alone, but in his day-to-day speech and actions man is quite independent. God, the Almighty, neither forces anyone to some action, nor restrains him from doing it; the sons of Adam do as they please. It is for the same reason that the intellect demands that a crime be punished and a good act rewarded or praised.

If we do not follow this basic rule, reward and punishment, the sending of the prophets, the revelation of the Books, and the promise of Gehenna or Paradise in the hereafter becomes meaningless.

There is, unfortunately, no further room for discussion within the restricted framework of this book. We would refer the reader to part I of our book "ad-Din wa 'l-Islam".

In short the Imamiyah religion believes that God is "adil" (just) and that man is independent and free to act Ma'ad (the Day of Judgement)

Like all Muslims, the Shi'as believe that Almighty God will bring all people to life again for accountability, punishment and reward on the Day of Judgement. Ma'ad involves the appearance of every person before his Lord in exactly the same human bodily form he had while on earth. It is not necessary to know in what way the return will be effected; suffice it to say that whatever has been stated about final requital and accountability in the Book of God and the authentic traditions is a part of our faith, namely, belief in hell or paradise, comfort or pain in "al-barzakh" (i.e. purgatory), "al-mizan" (the balance), "as-sirat" (the path), "al-a'raf" ("the heights", a place situated between paradise and hell), and "kitabul 'l-a'mal" (the record of deeds) which will show all the deeds one has done in one's life. The Shi'as therefore finally believe that every one shall be entitled to receive punishment or reward according to his deeds. Good actions shall be rewarded and bad actions shall entail punishment: God says in the glorious Qur'an: "Whoever does an atom's weight of goodness will see it on the last day, and whoever does an atom's weight of bad will see it on the last day."

### PART 3 :The Shi'ah - The Divine Code of Living

The Imamiyah Shi'as believe that an ordinance or order of the Islamic code exists for every matter of life. The Divine Law has not even ignored the "diyat" (conciliation money) for injury of a very minor nature. There is no action of a "mukallaf" (a sane, adult person) which does not come under the scope of the following definitions: "wajib" (compulsory); "haram" (unlawful); mustahabb (desirable); makruh (undesirable) and mubah (lawful). Whether it is a matter of mutual transactions, trade, marriage or a promise and a pledge, the religious code will certainly guide us as to whether it is right or wrong.

The personality of the Holy Prophet (s.a.w.) was the fountainhead of all divine orders. God the Almighty conveyed these orders to the last Prophet (s.a.w.) through "wahy" (revelation through Jibril) or "ilham" (divine inspiration). The Holy Prophet (s.a.w.) communicated them to the people according to the circumstances prevailing, particularly to those companions who had been close to him at all times, so that they might carry on the mission of preaching throughout the whole world. There were many ordinances however which could not be taught, because the time for them was not opportune, or because there was no need for them during the time of the Prophet (it is also possible that they could not be promulgated for some particular reason known only to God). Hence some orders were known while some remained secret. The Holy Prophet entrusted these secret ordinances to his (divinely appointed) vicegerents. Later every "wasi" (vicegerent) communicated them to his successor, so that, according to the need of the hour and the spirit of the time, they might be made public.

The Holy Prophet taught as much as he thought proper for the situation and as much as the companions could understand according to their intellect. The recipients of this teaching were blessed according to their own capacity. It also happened that one companion received a positive order concerning a certain matter, and others heard a negative order in a matter resembling the former. The result was that the act was one but orders were (seemingly) two.

We must ask what the cause of this difference was. The reality of the situation was such that each matter was slightly different from the other: each had a particular distinguishing aspect. Those present who reported what happened at the scene, either did not pay attention to this or that peculiarity, or, if they did recognise it, did not mention this or that particular aspect. Because of inaccurate description of the circumstances, traditions may appear to contradict each other, but in reality they each apply to different circumstances. This inaccuracy caused difficulties in recognising the exact meaning of an instruction given to us by the Prophet. Accordingly, the companions who had the honour of close companionship with the Prophet supported "ijtihad". That is they realised the necessity for a thorough investigation of the text of the hadith and the situation in which it occurred. The different aspects of the hadith were probed, since the apparent meaning of the tradition is often different from the real aim of the codifier. It has been pointed out earlier, that these difference were largely due to faulty copying or shortcomings on the part of the reporters.

Those companions of the Holy Prophet (s.a.w.) who were just and trustworthy and who were also reporters of traditions sometimes reproduced the statement of the Prophet (s.a.w.) in exactly the same words in which they had heard it, while sometimes, in place of the text of the tradition, they would state the order or commandment which was inferred from the tradition in question. In the first instance their position is that of a reporter or traditionalist, and in the second they have the position of learned scholars who declare their opinion about the meaning of the hadiths; the latter are also called "mujtahids".

All Muslims who do not have this ability and so therefore follow the opinion of the mujtahid, are called "muqallid". The act of acting on the verdicts of a mujtahid is called "taqlid".

After a thorough examination of this matter we find that during the time of the Holy Prophet (s.a.w.), the door of ijtihad was open and the companions of the Prophet (s.a.w.) themselves acted upon it; of course at that time ijtihad was not so strong as it is today, because the people could ask the Prophet (s.a.w.) directly about any matter they were not sure of.

As time passed, however, and relations between the Arabs and non-Arabs increased, there were difficulties in understanding the correct meanings of the Arabic language. The number of traditions and reports became larger.

Among them were very many doubtful and fabricated traditions. At this stage it was not easy to test the validity of the religious orders. Accordingly "ijtihad" grew stronger and the modes of analysis of hadith were refined: scholars began to distinguish between correct and the faulty statements. The principle of preference was put into practice after a thorough investigation of two conflicting hadiths. Among the Imamiyah sect this blessing still exists.

We may observe, moreover, that all people are from one of two groups according to whether they have knowledge or not. Those without knowledge have to seek the help of the other group in all matters of which they are ignorant. Similarly in the religious world there are also two classes: the learned mujtahid and the ignorant muqallid.

As a matter of principle, the people of the second class should turn to the people of the first class in order to learn what they themselves do not know. Like all other Muslims the Shi'a believe that all religious orders are based upon the "kitab" (Qur'an), and the "sunnah" (the sayings, practise or approval of the Prophet, and, in Shi'ite Islam, the Imams). They add to these "aql" (intellectual reasoning) and "ijma" (consensus of opinion). The Imamiyah sect do not agree with others in the following matters.

Firstly, the Shi'as never act upon "qiyas" (arrival at decisions through analogy and reasoned supposition) because their Imams have on many occasions said that if supposition is allowed in

religious matters the entire structure of religion will be dashed to the ground. We would have stated in detail the evils of such a method had not the aim of this book been merely to outline the fundamentals of Shi'a beliefs.

Secondly, if a tradition of the Holy Prophet (s.a.w.) comes through the Ahlu 'l-bayt (a.s.) it is reliable, otherwise it is unacceptable. The unauthentic traditions, reported by persons like Abu Hurayrah, Samrah ibn Jundub, Marwan ibn Hakam, 'Imran ibn Hattan al-Kharji and 'Amr ibn al-'As for example, have no value in our eyes. Even the Sunni 'ulama' have strongly condemned these reporters, and have revealed the selfish or political motives for their reporting false hadiths.

Thirdly, as we have seen, the door of "ijtihad" is still open and shall remain open forever. Among the majority community, however, the doors of ijtihad are locked. When and on what basis this practice started cannot perhaps be adequately answered even by their 'ulama' themselves.

Besides these three matters, all other differences pertain to the articles of practice.

One who, by reasoning and logic, gains the power of drawing conclusions and making inferences can be said to have reached the rank of being able to do ijtihad; the mujtahid however should possess certain other qualities if we are to accept what he says about the divine code to be followed. The most important quality is that he possess a sense of "adalah" (justice). "Adalah" means that quality of the inner spirit with which a man can abstain from carnal desires and can develop a command over the correct performance of compulsory acts. In other words it is the state of fear of God which always permeates the just man's mind. It is of several degrees, the highest being the degree of "ismah" (infallibility) which is a condition for the Imamate.

Besides this there are necessary or obvious matters (those matters which pertain to sure knowledge in which there is neither "taqlid" nor "ijtihad", for instance the compulsion to "sawm" (fasting) and "salat" (prayers).

Similarly the fundamentals of religion are also beyond the sphere of "taqlid", because they are matters for personal investigation on the part of every adult person: this search to determine for oneself the truth and reality of the fundamentals of Islam depends on the corresponding sagacity, understanding and cognition of each individual and cannot be left to the opinion of others. All other matters concerning the articles of practice come under the scope of "ijtihad" and "taqlid". indeed every action of man is encompassed by this code of religion. Hence to know the corresponding law for each action is very necessary. There are only two ways of arriving at this knowledge: taqlid or ijtihad. It should be remembered that it is incumbent on each Muslim to make use of one of these two ways; if not, he will have to suffer punishment on the Day of Judgement. We may describe a Muslim's actions in the following way:

a) Some actions are concerned with God and His servants. These are called "ibadat" (acts of service or slavery). Their correctness depends upon one's making the intention of coming closer to God. "Ibadat" may be either physical, like "salat" (prayer), "sawm" (fasting) and "hajj" (making the pilgrimage to Makkah), or financial like "khums" (a giving of one-fifth of certain commodities: e.g. booty of war, treasure-trove, wealth from mineral deposits), "zakat", "kaffarat" (fines or penalties).

b) Some actions pertain to the individual and his relations with society. They are of two kinds: involving agreement between two persons (such as mutual transactions and marriage), and others involving the decision of just one party (for instance "talaq" (divorce) and "itq" (the setting free of a slave)).

c) Some actions are purely individual and personal; for example, eating, drinking and the clothes one chooses to wear.

## Fiqh (Jurisprudence)

Fiqh deals with all the orders and commandments which govern the previously mentioned actions. The most important acts of 'ibadat are six in number: two are purely physical ("salat" and "sawm"), two are purely "financial" ("khums" and "zakat"), and two are common to each category ("hajj" and "jihad"). God, the Almighty, says:

"You should perform jihad with your wealth and yourselves." (jahidu bi amwalikum wa anfusikum). Finally, "kaffarat" (penalties) are special kinds of punishments for particular crimes.

### 1. Salat (prayer)

Like all other Muslims, the Shi'as too regard "salat" as one of the pillars of religion. This prayer is a means of bringing God's servant near to Him. If one does not perform the prayer, the relation between God and His servant is broken. That is why the traditions of Ahlu 'l-bayt (a.s.) say that not offering the prayer even once or twice is the distinguishing mark between infidelity and Islam.

According to the religious code "salat" has great importance. No other act of worship can bear comparison with it. The Imamiyah sect unanimously believe that anyone who does not perform



"salat" is a great sin: moreover he has no place in Islamic society. He is neither credible nor trustworthy- One is even permitted to criticize him behind his back. There are very strict orders about "salat"; five kinds of "salat" are compulsory;

1. The five daily prayers.
2. The "salatu 'l-jum'ah" (the Friday prayers)
3. "Salatu 'l-ayat" (on the occasion of a solar or lunar eclipse, an earthquake, or any frightening natural event).
4. "Salatu 'l-idayn" (the salat of 'idu 'l-fitr and 'idu'l-azhar).
5. "Salatu Ka'bah).

In addition, an adult person may make "salat" compulsory for himself by making a promise or taking an oath to perform a certain number of prayers or by accepting a reward for performing prayers under certain conditions. Besides these, all other kinds of salat are "nawafil" (supererogatory prayers). The most important "nawafil" are those attached to the five daily prayers, which are twice the number of units of the compulsory prayers (that is thirty four units). The total number of units of both "nawafil" and compulsory prayers is thus fifty one.

Here we remember an interesting incident which Raghīb al-Isfahani wrote about in his distinguished book "al-Muhadirat". We learn that during the days of Ahmad ibn 'Abdu 'l-'Aziz there was a man named Kanani in Isfahan. Ahmad was learning the correct way to do the prayers and the basic Shi'a beliefs from Kanani. One day Ahmad's mother happened to see them during a lesson and she said to Kanani: "Oh master, you have made my son a Rafidi! (one of the Rafidah - i.e. a particularly zealous Shi'a). Kanani immediately retorted: "Foolish woman! The Rafidah perform fifty one units of prayer daily, and your son does not perform even one unit out of the fifty one. How can he be one of the Rafidah?"

The "nawafil" of the month of Ramadan are of great blessing and significance. Their number is one thousand. Our Sunni brothers also perform these prayers, but in congregation (jama'ah), and they are known among them as "tarawih" from the Shi'a point of view these prayers are not permissible in congregation (jama'ah), because only the Friday prayer is a compulsory congregational prayer. For details one can refer to the tens of thousands books which contain elaborate and explicit descriptions of the correct way to perform the various compulsory or recommended prayers, and the numerous recitations and invocations which are especially associated with each prayer.

According to the religious code correct "salat" depends upon three things. Firstly, there are certain conditions which have to be fulfilled before the actual performance of the prayers, although they are not included in the salat itself; these conditions are so important that salat becomes absolutely void if they are not attended to. They are six in number. (1) 'Taharah' (one must be in state of ritual purity); (2) Time (each compulsory prayer, and most of the recommended prayers,

are to be performed. "at a particular time); (3) Qiblah (that is one should face the 'Ka'bah); (4) Covering (dress); (5) Intention (one must make the intention to perform the prayer according to that particular prayer); (6) Place (it must be lawfully occupied; and the place for prostration must be pure and clean).

Secondly, the constituent parts of salat are of two kinds: they are either considered to be a fundamental part of the prayer and thus absolutely compulsory, or not. There are four compulsory actions. (1) Takbiratu 'lihram (that is the initial "allahu akbar"); (2) qiyam (standing to perform the prayer); (3) ruku' (bending forward) and finally sujud (prostration on the ground). Likewise there are four conditions which are compulsory but do not make the salat void if, for example, one unintentionally does not fulfill them: (1) qira'ah (the reading of Surah al-Hamd and one other complete surah); (2) dhikr, tashahud and the final salam. One must be Still and in a state of remembrance throughout the prayer. Adhan and iqamah before the start of the prayer are both strongly desirable (indeed almost compulsory).

The following invalidate the prayer: anything which breaks one's state of wudu', turning one's back on the qiblah, and excessive movement. Any other action (which is not a fundamental part of the prayer) such as talking, laughing, weeping, looking to the right or left, eating or drinking invalidate the prayer if done intentionally.

To purify oneself, ready for any act of 'ibadat (such as prayer), one must make either wudu' (the minor purification) or ghusl (the major purification). In case of absence of water, or for some other reason like illness, unbearable cold, shortness of time, when it is not possible to do either of these two acts of purification, their substitute is "tayammum" (cf. the Qur'an which indicates this method of purification: fa tayammamu sa'idan tayyiban - so perform tayammum on pure earth - Surah al-Ma'idah). The scholars of jurisprudence and the lexicographers give various meanings for the word "sa'id". Some of them say it only means dust, and some say that it means all kinds of pound (including sand, fragments of rocks, stones, and mineral substances). We have limited our ascription of salat to fundamentals: more detailed studies may be found in numerous other works.

## **2. Sawm (Fasting)**

According to the Shi'a faith, sawm (plural siyam), fasting, is a pillar of the Islamic code. There are four kinds of siyam: wajib (compulsory), mustahabb (recommended), haram (forbidden) or makruh (undesirable). The fasts made incumbent by the shari'ah (code of religion) are those of the Holy month of Ramadan. Other fasts become incumbent for some specific reason, for instance "sawm kaffarah" (the penalty fast), "badal" (in lieu of sacrificing an animal), in lieu of someone else, "nadr" (as a vow, or oath). The fasts of the months of Rajab and Sha'ban are desirable as well as other fasts too numerous to mention in this brief work. Fasting on the two 'id days and "ayyam at-tashiq" (the three days after hajj) is forbidden; to fast on the days of 'Ashurah and 'Arafat are undesirable

(according to many the 'Ashurah day fast is strictly forbidden).

Details concerning the conditions and actual performance of a certain fast, as well as the courtesies (adab) and recitations associated with each, may be found in the large number of books on this topic. The Shi'as are extremely particular about the Ramadan fasts: many of them would rather die of thirst or hunger than not undertake it.

### **3. Zakat (Taxation)**

We may consider salat and sawm as two acts of worship ('ibadat) whose immediate basis is physical rather than spiritual. Zakat is of an entirely different nature. According to the Shi'as, after salat in rank comes "zakat" (taxation); indeed from some of the traditions of the Holy Imams (a.s.) it is understood that if somebody does not give "zakat" his salat also is invalid. Like all other Muslims the Imamiyah consider "zakat" compulsory on nine things: Animals - camels, cows, goats; Grains - wheat, barley, dates, raisins; Money - gold, silver coins.

Besides these, zakat on other things, such as all kinds of merchandise, horses and crops is desirable. The precise conditions and regulations can be found in the appropriate books of jurisprudence. It is interesting to note that all the rules are in basic conformity with those of the "fiqh" of the four Sunni schools of thought, Hanafi, Shafi'i, Maliki and Hanbali. Among those entitled to receive zakat are the poor and the needy, according to God the Almighty's command in Surah at-Tawbah: innama 's-sadiqatu li 'l-fuqara' wa 'l-masakin.

Zakatu 'l-fitrah (poor-tax on the day or 'idu 'l-fitr) is compulsory for every adult and sane person who can financially support himself and his wife and children and other members of the household dependent on him. Its quantity is one "sa'" (approximately 3 kilos) of wheat, barley, or dates on behalf of every individual.

The nature of zakat is basically the same; whether from the point of Shi'a or Sunni fiqh.

### **4. Khums**

"Khums" which is another kind of tax, is compulsory on five things: the booty taken from an enemy in war; the pearls and minerals drawn from the sea; hidden treasures mineral substances extracted from the land; and lawfully gained money which has been mixed with unlawful money, or profits gained from business, or land transferred to a "dhimmi" (a Christian or a Jew, living within the Muslim nation) from a Muslim.

The obligation of "khums" is based on the command of Almighty God : "Know that the one fifth of what you get as booty is the share of God, the Prophet (s.a.w.). the relations, the orphans, the

beggars and the wayfarers" (Surah Anal). Moreover, we believe that "khums" is a right which God the Almighty particularly reserved for the descendants of Muhammad (s.a.w.). Since charity is unlawful for the children of the Holy Prophet (s.a.w.) (they can not receive zakat), "khums" is a kind of compensation from the bounty of God the Almighty.

"Khums" is divided into six parts: three are for God, the Prophet (s.a.w.) and his kith and kin; and the other three parts must be paid to the holy Imam, when he is present. However, "khums" should be handed over to the representative of the Imam, that is the "just mujtahid", when the former is in occultation, The Imam is to use these funds to protect the religion of Islam and to complete the development plans of the Muslim nations. This is the real purpose for which it is to be used; it must be stressed that Sayyid Muhammad Alusi wrote in a rather flippant manner in his commentary on the Qur'an when he said: "In these days the money accumulated from "khums" should be placed in the cellar."

This, in fact, refers to a fictitious story current among certain of our Sunni brothers, which relates that the Shi'as say that their Imam disappeared in a cellar; we need hardly point out that occultation of the Imam had not the slightest connection with the aforementioned cellar.

The Ithna Ashari Shi'as go to visit the cellar at Samarrah, because it was the place where the Holy Imam used to offer "tahajjud" (mustahab night prayers). Also that was the place where the father and the grandfather of the Holy Imam used to offer prayers to God, the Almighty.

The remaining three parts of "khums", as we have said, are the right of the poor people of the Hashimi family (that is the family of the Prophet).

Such were the commandments of "khums" which have been followed from the time of the Holy Prophet (s.a.w.) until now. After the death of the Holy Prophet (s.a.w.), the Muslim rulers suppressed this right to "khums" of the Al Hashim (the progeny of the Prophet) and instead collected the money into the baytu 'l-mal in order that they themselves could control its use. This family, who had no right to "zakat", were now also deprived of "khums".

It seems that Imam Shafi'i himself, in his book entitled "Am", pointed out that the descendents of the Prophet (s.a.w.), for whom "khums" was set aside in place of charity, can neither be given anything out of the prescribed charities, nor may they take it, and if the giver of charity knowingly gives it to them he will have to forego his heavenly reward. Moreover, he adds: "if they have been deprived of the right of "khums" it does not mean that charity and other such things which are unlawful for them will become lawful." Indeed, since the people in power did away with this "right" altogether the books of jurisprudence of the majority community are quite silent upon this topic and not surprisingly Imam Shafi'i has omitted to mention this topic in his books on "fiqh".

In all Shi'a books of "fiqh", "khums" has been given a special chapter just like "zakat". (we must admit however that the learned scholar Hafiz Abu 'Ubayd al-Qasim ibn Salam (died 224 A.H.), in his great work "Kitab al-amwal", dealt with all the problems of "khums", including the ways in which it should be spent, in a special chapter. Most of the points he discussed are in perfect consonance with Shi'a beliefs (vide pages 303-349).

## 5. Hajj

According to the Shi'a faith, 'hajj' (the pilgrimage to Makkah) is one of the pillars of Islam. One who abstains from performing this duty when he is able must die the death of a Jew or a Christian as a punishment for his failing. Anyone who refuses to obey this divine command has come close to the threshold of being a "kafir". God refers to such a person in Sural Al 'Imran: "wa man kafara fa in allaha ghani un 'an al 'alamin - anyone who commits "kufr" should know that God is independent of all the worlds."

Hajj is a kind of financial and physical "jihad". Indeed hajj should be called the true jihad, and jihad should be called the true hajj. If we ponder over their relationship a little carefully this hidden meaning and basic harmony between the two will become quite apparent.

Hajj becomes obligatory for a Muslim under the following conditions: he should have reached the age of puberty and be sane of mind; moreover he should have sufficient financial means, be in good health and the route leading to Makkah should be open and safe for travel. Should these conditions be fulfilled, hajj becomes immediately "wajib" (compulsory), but once performed, a person need never go again in his lifetime. Hajj is of various kinds:

(1) "Hajj افراد". The basis of this is the holy verse: "For the sake of God, hajj is compulsory for those who can reach there" (Al 'Imran: 97).

(2) "Hajj Qur'an". It is mentioned in the verse: "Complete hajj and "umrah for the sake of God" (Al Baqarah: 196).

(3) "Hajj tamatu". This hajj is mentioned in the following verse: "Whoever wishes to continue the 'umrah to hajj should offer the sacrifice which, he can afford" (Al Baqarah: 190).

Each of the above has been the subject of much research. The decisions of the 'ulama' concerning the various conditions for each kind of hajj are recorded in the books of jurisprudence.

After going through a large number of books of the Sunni 'ulama' we have come to the conclusion that in this matter most of their laws are similar to those of ours; of course, there are some differences to be found, but they are not many.

The Shi'as give great importance to hajj and are very particular about the performance of this obligation. Even during the days when they had to journey amongst people who were thirsting for their blood and enemies of their honour and respect, they were unmindful of all the dangers. So devoted were they, and so anxious to reach Makkah, that they arrived in hundreds of thousands to make the "tawwaf" of the Ka'bah ("tawwaf" is the special circumambulation of the hajj). Fears for their life and property did not lower their spirits. The feeling of the obligatory nature of this pillar of Islam continued to move their steps forward. Moreover they often performed hajj at enormous expense. It is regretful that, in spite of this obvious obedience to God's orders, it is still said that the Shi'as seek the destruction of Islam!

## **6. Jihad**

Jihad is the foundation stone of the magnificent building of Islam. In its absence the religion of God would neither have been the cause of mercy for the world, nor would it have proved a source of blessing to mankind.

For jihad means fighting against oppression and oppressors, and sacrificing one's life and wealth in the way of God. for the preservation of peace and tranquility.

In the Shi'a religion it is of two kinds: "Jihad al-akbar" (the greater jihad) and "Jihad al-asghar" (the lesser jihad).

To face that internal enemy called the "nafs" (self), and to fight against its harmful qualities, such as ignorance, cowardice, oppression, tyranny, envy and pride, is the "jihad al-akbar". It was the Prophet of God himself who declared: "your greatest enemy is the self and it is to be found right in your own body." Jihad al-asghar means subduing anyone who is opposed to justice and equity, peace and humanity, and religion and reality.

## **7. Amr Bi 'l-ma 'Ruf and Nahy 'ani 'l-munkar**

(The enjoining of good and the prevention of evil)

This is one of the most important of the compulsory acts prescribed by religion and the basis of the Muslim's moral duties; moreover, it is the most effective means of demonstrating the truth and reality of Islam and is a successful weapon against infidelity and paganism.

Any nation which ignores this holy law is doomed to ruin; indeed it will become the haven of oppressors and cheats.

It is for this reason that the Prophet (s.a.w.), who taught the divine code of religion, and our infallible Imams (a.s.), who have preserved and protected it, have laid great stress on this matter; they have, on numerous occasions explained in detail the benefits accruing from its execution and have warned against the horrible consequences of neglecting it.

Today we are seeing with our own eyes the truth of these statements: we have totally abandoned the "enjoining of good and the prevention of evil". We can only pray that the situation does not become so degenerate that what is ma'ruf comes to be regarded as munkar, and what is munkar as ma'aruf. "Verily we are God's and verily to Him shall we return!" We pray to God to protect us from these who call to the enjoining of good deeds but themselves do not heed the call. God the Almighty curses the wicked scholar, and wicked preachers and guides!

Such prayers are called the "mother of prayers" (meaning the best prayers); we have been able to make only cursory references, but one can research further on this topic in numerous books written by 'ulama' belonging to the period ranging from the first century A.H. till the present time. Countless fine works of research are still available despite the attempt in past centuries to destroy any trace of them.

## **8. Mu'amalat (Mutual Dealings)**

In mutual dealings there must be two individuals or two parties (the one has something to offer and the other accepts). Proposal and acceptance is a necessary condition.

Mu'amalat are of two kinds: in the first the dealings are purely financial (for instance, buying and selling, contract and pledging, or loans and gifts), but in the second, property and wealth are only of secondary importance, and the real aim of the deal between the two parties is the management of domestic life, the numbers of the Muslims and the preservation of the human race: a contract of marriage often involves money, but this is not an essential part of it.

### **8. (a) The Marriage Agreement**

Marriage is of two kinds: (1) for life; (2) temporary. As the name implies, temporary marriage (also blown as mut'ah) means that it is for a fixed period of time which is agreed upon, before completing the marriage agreement.

So far as the first kind of marriage is concerned, all Muslims are unanimous in accepting it. As regards the second kind, only the Shi'ah consider it lawful. The latter base their acceptance on the following verse of the Holy Qur'an: "famastamtatum bihi minhunna fa'tu hunna ujurahunna - and as such of them with whom you had mut'ah, give them their dowries as a fixed reward." (Surah an-Nisa': 24) This problem has been a topic of discussion since the time Of 'sahaba" (companions of the Prophet (s.a.w.) up to the present time. In view of the importance of this matter it would seem appropriate to clarify some of its points.

No-one who has spent some time in the study of religious laws can deny the validity of mut'ah. The Holy Prophet (s.a.w.) himself made it lawful. During the life of the Prophet (s.a.w.), many distinguished 'sahaba' put it into practice. Moreover, after the demise of the Holy Prophet (s.a.w.), the noble 'sahaba' continued to take advantage of this law. 'Abdullah ibn 'Abbas, Jabir ibn 'Abdillah al-Ansari, ibn Mas'ud, and Ubay ibn Ka'ab, who were men of exalted rank and eminence, all insisted on the lawfulness of mut'ah and would recite the verse in this way: "Famastamtatum bihi min hunna ilaajalin musamman" (And as such of them with whom you had mut'ah for specified term). We should not however think that these companions considered that there was any defect in the Qur'an, since they were well-versed in its interpretation, they merely wanted to make a commentary on this verse so that its meaning might be clearer. Since these distinguished persons had remained devoted to the Holy Prophet (s.a.w.) throughout his mission, they had had the opportunity to understand the interpretation of the Qur'an directly from the tongue of the Prophet himself (s.a.w.). They therefore had no hesitation in disclosing the true meaning of this verse according to what they had learnt from the Prophet (s.a.w.).

We should add however that the tradition which ibn Jarir mentions in his large work of Qur'anic commentary shows that the part "Ila ajalin musamman" (for a specified term) was actually an original portion of the verse, as revealed by God. Ibn Jarir quotes Abu Nasirah as saying: "When I read this verse before ibn 'Abbas he said: 'Say 'ila ajalin musamman'. I said that I did not read like that. Upon this ibn 'Abbas said three times 'By God! This verse was revealed in this very way.'"

It is obvious that such an exalted personality as ibn 'Abbas would never have wilfully changed the text of the Qur'an. If this tradition is correct, the meaning of this eminent Companion must surely have been that God the Almighty had revealed its interpretation in this way.

According to all the 'ulama' this temporary marriage was allowed and practiced by the closest companions of the Prophet.

Those who reject the lawfulness of mut'ah insist that God revealed further commands to his Prophet which revoked the former law. The various hadith which are concerned with this revocation have conflicting meanings and cannot be relied upon. For the revocation of an express



ordinance an express proof is necessary: some Sunnis claim that revocation took place through the sunnah, that is, the Holy Prophet (s.a.w.), after declaring it lawful, made it lawful. Some of them say however that it was through the Book of God that a change in the law of mut'ah was imposed upon the people. There is even conflicting views within the latter group : one party considering the "verse of divorce" as the relevant verse concerning the revocation, and the other the "verse of inheritance".

Furthermore most of the opponents of mut'ah think that the following verse proves its abrogation "Illa ala azwajuhum aw ma malakat aymanuhum". The verse gives two causes for the lawfulness of marriage, either the woman is one's wife or she is one's slave-girl (kaniz), and as Sayyid al-Alusi (a Sunni scholar) writes: "The Shi'ahs cannot regard the "Mumtu'ah" (woman taken in mut'ah) as 'kaniz', a slave-girl (who is bound by laws other than those which affect a free woman), and they cannot call her the wife either, because she does not possess the conditions of wife-hood, that is 'mirath' (inheritance), 'iddah' (waiting period); the right to sustenance and maintenance on the part of husband, and divorce."

If we examine al-Alusi claim we find it to be completely without foundation. Contrary to what he says, the wife in a temporary marriage does have certain of the rights of wife-hood. One of these concerns inheritance. The wife of a temporary marriage may receive the inheritance (unconditionally according to some Shi'a 'ulama', and according to others, on condition that the right to inheritance is stipulated at time of marriage contract). Moreover if al-Alusi is claiming that inheritance is an obligatory feature of non temporary marriage, then he is not speaking in accordance with the law. according to the Islamic code there are many occasions where the law of inheritance become invalid: a wife, who for example, is an unbeliever or a murderess does not get inheritance. Likewise a woman who is married to a sick man who dies before he has sexual intercourse with her is deprived of the inheritance. On the contrary if somebody divorces his wife during a time of illness, and subsequently dies, even if her 'iddah is over she is entitled to receive inheritance one year after the death of her husband.

Again, the Shi'ah believe in the lawfulness of mut'ah and regard 'iddah after such a marriage as compulsory. Subsistence for the wife (nafagah) is another subject of dispute. The Shi'a believe that this too cannot be regarded as a primary right of wife-hood. One may look for example at the case of the women who refuses to have sexual intercourse with her husband in spite of her being a wife; no faqih would consider subsistence as one of her rights.

There is no divorce in temporary marriage: after spending the Weed time together the two parties may separate. We should point out to those who still deny the lawfulness of temporary marriage that the abrogation of mut'ah is impossible because the relevant verse is in the Surah anal-Mu'minin and al-Mi'raj, both of which were revealed in Makkah.

Moreover, even some distinguished Sunni 'ulama' say that the Qur'anic verse concerning mut'ah was not revoked. az-Zamakhshari, in his commentary al-Kashshaf, reports, on the authority of ibn 'Abbas, that the verse concerning mut'ah is one of the irrevocable ones. Other 'ulama' have reported that Hakam ibn 'Ayniyah, when asked whether the verse of mut'ah had been revoked, said that it had not.

At first the majority community of the Muslims acknowledged the lawfulness of mut'ah, but later they began claiming its revocation; we have tried to show the weakness of their claims. Sometimes as we have seen they tried to prove abrogation of the verse by another verse, and sometimes, as we shall see, they attempted to prove the abrogation of the verse through a tradition : they rely upon the tradition in the 'sahih's of al-Bukhari and Muslim which relate that the Holy Prophet (s.a.w.) made mut'ah unlawful either during the Conquest of Makkah, or the Conquest of Khaybar, or the Battle of Awtas. These hadith are the subject of considerable dispute. It is even reported on the authority of Qadi Ayad that some 'ulama' say that the mut'ah was made lawful a second time after a first abrogation, then subsequently made unlawful for the second time. Moreover it is recorded in some books that mut'ah was revoked on the occasion of hajjat al-wida'. (that is the last hajj) in the 10th year of the hijrah. Other books show that this was not so and that it was revoked during the battle of Tabuk in the 9th year of the hijrah. Some writers claim that mut'ah was abrogated during the battle of Hunayn in the month of Shawwal in the 8th year of the hijrah; it is also claimed by some that the Holy Prophet (s.a.w.) made mut'ah lawful on the occasion of the Conquest of Makkah, but declared it to be unlawful only a short time later in the very place he was supposed to have declared it lawful.

Most of the Sunni 'ulama' are of the opinion that the abrogation of mut'ah.

We must stress that the Qur'anic Verse concernin mut'ah is not called into question by anyone who examines the validity of these so-called hadith. Moreover the hadith reported by the Sunni (ulama) are so full of conflicting reports that their falsehood is self-evident.

It is reported in the Sahih of al-Bukhari that Abu Raja' quotes 'Imran ibn Hasin as saying that the verse concerning mut'ah is present in the Qur'an and "we acted upon it in the life time of the Holy Prophet (s.a.w.); neither did Allah make it unlawful in the Holy Qur'an, nor did the Prophet (s.a.w.) prohibit it during his life time. The prohibition of mut'ah was an arbitrary act of one man. and it is said that this man was the Calip 'Umar." It is also reported in the Sahih of Muslim on the authority of Atta' that "one day Jabir ibn 'Abdillah al-Ansari came to perform 'umrah and people asked him various questions. We went to visit him at his house. When he was asked about mut'ah, Jabir said: 'Yes we practiced mut'ah in the days of the Prophet (s.a.w.) and also in the days of Abu Bakr and 'Umar.'"

Muslim gives another report and that is from Jabir also. He says: "During the days of the Prophet

(s.a.w.) we used to practice mut'ah while giving a handful of dates or a handful of baked flour as a dowry." Muslim also reports in his Sahih that Abu Nudrah said that he was sitting with Jabir ibn 'Abdillah al-An-Sari when another man came in and said that there was a difference of opinion about the two mut'ahs (namely the mut'ah of temporary marriage, and the kind of haj called hajj tamattu'a) between Ibn 'Abbas and Ibn Zubayr. Jabir said: "While the Holy Prophet (s.a.w.) was present we used to act upon both of them, but later 'Umar prohibited both of them, so we could not do them again." Indeed they could not do it again because Hadrat 'Umar would have a man stoned to death if he was caught practising mut'ah.

The fact is that if the Chapter relevant to marriage in Muslim's Sahih is carefully studied, we will find such contradictory statements that we can only wonder at their source. There are claims of abrogation in one place, while in another place proofs of non-abrogation are given. As an example of such hadith we may quote Jihni who says: "On the occasion of the conquest of Makkah, the Prophet (s.a.w.) himself ordered that we should be permitted to perform mut'ah, but we had still not left that place when the Prophet (s.a.w.) forbade us to do it."

Thus abrogation is sometimes attributed to the Holy Prophet (s.a.w.), and sometimes to Hadrat 'Umar. Moreover they say that mut'ah was current during the time of the Prophet, and during the period of the first Caliphate.

They also say that Hadrat 'Ali (a.s.) forbade Ibn 'Abbas on various occasions to talk about mut'ah, and so the latter subsequently changed his opinion about it. In a refutation of this we may cite the report that says that once Ibn Zubayr stood up in Makkah and said: "There are some people here who have been deprived of foresight just, as God has deprived them of their eye-sight: such persons are those who claim that mut'ah is lawful." (Here the reference was to Ibn 'Abbas, who had become blind.) At this, Ibn 'Abbas uttered loudly. "Why? I swear that mut'ah was practiced up to the time of 'Ali (a.s.)." This clearly shows that Ibn 'Abbas never changed his opinion, and that even during Ibn Zubayr's caliphate he stood by his belief.

Rather surprisingly, the prohibitory order has even been attributed to Hadrat Amir al-mu'minin (a.s.), though it was characteristic of all the Imams (a.s.) that they had declared mut'ah wedlock to be lawful. Imam 'Ali's statement that if 'Umar had not forbidden mut'ah there would have been only a few unfortunate men who committed fornication has become proverbial at-Tabari has reported this tradition in his "tafsir" also. In this connection Imam Ja'afar as-Sadiq is reliably understood to have said: "I do not do taqiya (to deliberately conceal one's beliefs or opinions under certain conditions) in the matter of three things:

mut'ah, 'I-hajj, mut'atu 'n-nisa', and al-mash 'ala 'I-khafayn." (The latter item refers to the Sunni practice of wiping over the shoes in place of washing the feet when performing wudu'.) According to the principles of jurisprudence the conflicting reports of the Sunni commentators have been

analyzed and proved to be full of false hadith. The lawfulness of mut'ah has been proved, and just as it was lawful at the time of the Prophet so it is today. It was Hadrat 'Umar who prohibited mut'ah during his rule; his prohibition was based on personal social considerations of the day, but it had nothing to do with religion. He is reported to have said, "During the days of the Prophet (s.a.w.) two mut'ahs were permissible, but I now make them unlawful, and will punish those who disobey my order." What is worth noting is this that the second Caliph did not attribute the order of unlawfulness or abrogation of mut'ah to the Holy Prophet (s.a.w.), but made himself responsible for it. He, too, was responsible for the matter of punishment. We can only repeat what we have tried to demonstrate with the above example: that mut'ah, the Qur'anic ordinance concerning its legality, the Sunnah (practice) of the Prophet (s.a.w.), the practice of his Companions, its being practised during the rule of Abu Bakr and in the early period of 'Umar's own Caliphate, are all verifiable realities which are above all argument and discussion. The books of history and traditions bear witness to the fact that during the age of the Prophet (s.a.w.) the high-ranking companions and respected members of the Quraysh all practised mut'ah; indeed many of the noble Muslims of that time were sons of temporary marriages.

Raghib al-Isfahani, the celebrated Sunni scholar, has reported that a Sunni scholar Yahya ibn Aktham, asked one of the important nobles of Basrah whom he followed about the justification for mut'ah. The noble said "Umar ibn al-Khattab." "How is this," asked Yahya, "he was the sworn enemy of mut'ah." The man said: "Yes, it has been proved that once Hadrat 'Umar announced from the pulpit: "Oh people! God and His Prophet made two mut'ahs lawful, but I now declare them unlawful. Also I will punish those who disobey me." We accept his statement but we do not accept the validity of his prohibition." A similar hadith has been related by 'Abdullah ibn 'Umar; it is shorter and less harsh than the former: "During the age of the Prophet (s.a.w.) there were two mut'ahs, and I now make them unlawful." Some have argued that 'Umar did not want to alter the command of Allah but only to make a law which was suitable for the society of the time.

At this stage it would be useful to recall a great work by a renowned scholar of the 6th century A.H., Muhammad ibn Idris al-Hilli, namely the "sara'ir", in which the author writes: "Temporary marriage within the Islamic code of religion is lawful. Muslims believe that its lawfulness is proved according to the Book of God and also according to the Sunnah. However some people have claimed that it had been revoked, but the veracity of this requires proof. Moreover 'aql (the faculty of reason which allows us to understand the workings of God in his creation) tells us that every useful act about which we have no fear that it will give us any loss in this world or the next is permissible. This condition applies to mut'ah. We must, through our reason, acknowledge its lawfulness. Now, if somebody asks what is the proof, given the conflicting opinions concerning its legality, that it would not cause us loss in the next world, the answer is that the onus of proof lies on the person who pleads the possibility of its being harmful. It is beyond doubt that mut'ah was permissible during the days of the Holy Prophet (s.a.w.), and that it was only later that they began talking of its unlawfulness and revocation. Thus until revocation can be proved we have no right

to deny its lawfulness.

"When we examine the hadith which relate that the Prophet did make mut'ah unlawful, we find that these traditions all have weak chains of transmission and do not qualify as sources of certainty, nor do they provide a justification for action on the part of the Muslim.

"Let us examine again the relevant verse in the Qur'an. It occurs after the passage concerning the women who are mahram (one is not allowed to marry them for reasons of consanguinity, etc.) "

And lawful for you are all (women) besides those mentioned', so that you may seek them by means of your wealth, taking (them) into marriage, and not committing fornication; and those with whom you concluded mut'ah give them their dowries as a fixed reward, and it shall not be a sin on you in whatever you mutually agree (to vary) after the fixed reward" (Surah an-Nisa'). In this holy verse the disputable work is "istamta'tum" which has two meanings - either to take pleasure in and profit from, or to make the agreement for mut'ah according to the Islamic code - the first is the literal meaning and the second is according to its meaning within the Islamic code. According to the principles of 'fiqh', if a word in the Qur'an has two meanings - one literal and the other used specifically in the language of the "shari'ah" then the latter meaning must be accepted and the literal meaning should not be relied upon. That is why for example the words "salat", "zakat", "sawm" and "hajj" are all to be understood according to the precise meaning of the Islamic shari'ah (code), and not according to the literal meaning to be found in the dictionary.

We have already made it dear that a well-known group of the companions believed in the lawfulness of mut'ah and that Amir al-mu'minin himself openly declared its lawfulness; 'Abdullah ibn 'Abbas used to enter into polemical discussion with ibn Zubayr on this topic and these discussions became so widely known that they were not only talked of by the common people but the poets of that time also gave vent to their reactions in their verses. Also 'Abdullah ibn Mas'ud, Mujahid, Ata'i, Jabir ibn 'Abdullah al-Ansari, Salmah ibn al-Akwa', Abu Sa'id Khudri, Mughirah ibn Sha'hab, Sa'id ibn Jabir and Ibn Jarir also gave the verdict that mut'ah was lawful. All these men are esteemed and trustworthy men of knowledge; they arrived at their decision through careful examination of the matter.

We have so far thrown light on this topic from only a religious or historical point of view. Now let us assess it from the ethical and social point of view. Islam is a great blessing and mercy for the world. The message of Islam is like a divine song which is diffused from heaven over the world of man, and which gave and still gives the answer to those who seek to understand the reason for man's existence on earth. Our revealed religion suits every age, meets the needs of all men in every age in this world, and guarantees for them prosperity both spiritual and material. Islam was revealed by God not to make man's life harder but on the contrary, to fill it with mercy, meaning and order. That is why Islam is the most perfect religion and the last code of religion before the

end of the world; this divine law adorns human culture and civilization with perfection; no other man-made institutions or laws are needed.

Let us now examine one activity which every individual is obliged to undertake at some time in his life, namely, travel. We find that the Islamic code indicates precisely the code of conduct to be expected from the Muslim who is travelling, whether for trade, for war or on the hajj or 'umrah, for example.

It hardly needs to be pointed out that God, the All-Wise, has endowed man with sexual desire for the preservation of the human race. And it also goes without saying that a traveller is unable to fulfill the requirements of a permanent marriage.

Under these conditions, what should this traveller do who has been away from his home for a long time?

How should he behave especially when he happens to be young and subject to strong sexual urges.

There are only two alternatives possible if we do not allow mut'ah; he should either control his passion or must indulge in unlawful relationships. It should be stated that excessive control and suppressing of sexual desires sometimes causes serious physical and mental illness. Sterility is also another possible consequence of such self-control. Such practice is patently against the dictates of wisdom, and God says in the Quran, "God wishes ease for you and does not wish for you discomfort."

May God save us from sexual mal-practices. Most parts of the world are suffering its consequences today.

I swear to God that if the Muslims act in compliance with the religious laws, this universe, according to the divine promise, will become complete mercy for them, and man will live in harmony and prosperity.

Mut'ah is thus a welcome and necessary law of the Islamic religion. If the Muslims acted in accordance with the conditions for lawful mut'ah (the making of an agreement between the two parties stipulating the time limit and dowry, and the 'iddah, for example), and take advantage of this divine blessing, evil-doing would to a great extent be eradicated, the honour of man and woman would be saved, the Muslim community would grow in number, the world would be rid of illegitimate children and moral values would be strengthened. The pronouncement of the exalted man of the community, 'Abdullah ibn 'Abbas cannot be over-praised. Ibn Athir relates that he says, "Mut'ah was a blessing with which God the Almighty endowed the ummah of Muhammad

(peace and the blessings of God be upon him and his descendents) and, had it not been prohibited, no-one, except the truly perverted ones, would have committed adultery (see the "Nahayah" of Ibn Athir and the "Fa'iq" of az-Zamakhshari). The effects of his exalted teacher and guardian, Amir al-mu'minin are reflected in this statement of Ibn Abbas. The fact is that the Islamic world is rejecting this divine mercy and as a result has plunged itself into shameless immorality.

## 8 (b) Talaq (Divorce)

It is clear that the essence of marriage is the very special union which is established between man and woman, and which makes the two different individuals close companions and partners to each other. The cooperation and communion between wife and husband may be compared to a person's eyes and hands - each hand is different from the other but each complements and perfects the other.

The very nature of this act, that two personalities, who are quite unacquainted with each other, are so strongly joined and united through wedlock that it precludes any conception of a stronger union, shows the particular strength of this alliance. There can be no better words than the following verse of the Holy Quran: "Hunna لباسك و انت لباسك لهن" (2:187), "They are your garments and you are their garments." Truly this verse expresses the subtle intimacy of the relationship of marriage.

The obvious feature of the non-temporary alliance is that the two make an agreement to remain together for life.

It may happen however that the marriage is no longer desired either on the part of one or both parties and divorce becomes necessary. The code of religion ordains that certain conditions be fulfilled according to the kind of divorce in question. There are three kinds of divorce: firstly, if divorce is desired from the side of the husband, separation is called "talaq"; secondly, it is desired from the side of the wife, she can obtain "khul". And lastly, if disagreement is on both sides, they can have recourse to "mubarat" to obtain separation.

Since Islam is a social religion and it has been founded on unity and oneness, its greatest objective is love and concord. The creation of disharmony in whatever form is to be avoided whenever possible. Accordingly, a large number of traditions have expressed the undesirability of "talaq" (divorce) and some of them say that among the acts made lawful by God, there is no act more

undesirable than divorce. That is why the messenger of God has made clear to man the conditions and restrictions of divorce, so that it may occur as infrequently as possible within the Muslim community. Among the rules of divorce, the presence of two just witnesses is a necessary condition. If divorce is pronounced in the absence of two just witnesses, it will be considered null and void. This condition is the best means of doing away with mutual hatred, because two 'just' persons will consider it their duty to bring about peace and friendship between the couple through admonition and preaching before carrying out the divorce.

Of course, it will not be successful on every occasion but the number of divorces can be minimized by the intervention of these two persons who are respected within their community for their good sense and justice.

It is regretful to note that our Sunni brothers, do not accept this argument. They did not consider the presence of two just witnesses necessary for divorce. Consequently the number of divorces is growing so great among them that it causes inconvenience to a great number of people. Unfortunately, many of us, as well as our Sunni brothers, are unaware of the hidden wisdom contained in the religious code. We pray that Muslims may whole-heartedly comply with the divine laws so that the bitterness that has been created in their private lives, and the confusion that has spread in their social affairs, may at least be reduced.

The important condition of divorce is that the one who divorces must not be under compulsion, or in a state of anger, or any other state of mind which diminishes his ability to think clearly and make decisions in a reasonable manner. (Moreover, the divorce should have completed her monthly period of menstruation and not have had sexual intercourse in the 'new month'. This condition inevitably helps to delay and eventually lessen the number of divorces).

In the Ja'fari (Shi'a) 'fiqh', pronouncement of divorce three times in one sitting is counted as only one divorce. Thus if a man pronounces divorce three times in one sitting, his wife does not become forbidden for him forever. They can be united again without any condition.

If the man then again divorces his wife, returns a second time to the woman and then divorces her a third time, the woman shall become forbidden after this third divorce. After that, she cannot become lawful for him unless she marries (and subsequently divorces) another man. If this thing happens, nine times, he will be unlawful for her former husband forever.

Most of the 'ulama' of the Sunni community stipulate that if a husband says three times to his wife that he has divorced her, it will be considered as an irrevocable talaq; resumption of conjugal relations is only possible if the wife marries and subsequently divorces another man, though it is clearly stated in certain of their accepted hadith that divorce pronounced three times in one sitting is to be counted as one divorce. It is narrated in al-Bukhari, on the authority of Ibn 'Abbas,



that "during the time of the Prophet, and during the caliphate of Abu Bakr, and for two years during the caliphate of 'Umar, the 'three divorces' meant only one divorce, but Hadrat 'Umar said: that although people were entitled to delay divorce, they did not wish to wait, and so, seeing no obstacle in the way, we granted permission for them to carry it out" (that is, he recognized the validity of irrevocable divorce after pronouncing divorce three times in one sitting).

The Holy Quran is itself unambiguous in this matter: "Divorce (shall be lawful) only twice, then (you should) either keep her in fairness or send her away with kindness." (2:229) After this, God, the Almighty, says: "So if he divorces her (for a third time), then she shall not be lawful to him until she weds another husband." (2:230) We have tried to give a brief account of the causes of divorce; if more details are required, one may refer to the books of Islamic jurisprudence..

There are also other causes of separation such as defects and diseases in either party. If the man is sexually impotent or becomes insane, the woman has the right to divorce him. Certain diseases of a woman's sexual organs entitle the man to divorce his wife. Zihar and illa' (kinds of oaths of rejection of the woman on the part of the man, common amongst the Arabs before the coming of Islam) may also be a cause of separation.

The various kinds of "iddah" and other allied matters are dealt with comprehensively in more specialized works of fiqh. Suffice it to say that after the death of the husband, it is compulsory for the wife to observe "iddah" even if she is "ya'isah" (past the menopause), or is a minor, or has not had coition with her husband. In divorce, "iddah" is compulsory in cases other than the three mentioned above. In unlawful coition (adultery), there is no 'iddah. The necessary waiting period after the death of the husband is four months and ten days, but, in case the woman is pregnant, she must wait until delivery. This, of course, may be less or more than the four months and ten days. The duration of the "iddah" after the divorce is three months, and for the pregnant woman, it is till delivery and for the kaniz, or slave girl, it is half the period of the free woman. If the divorce has not accrued twice before and there is no 'khul', the husband can resume conjugal relations at any time during the period of 'iddah. The man no longer has the right to return to the wife unless the two parties are willing to make a new act of marriage (and only then under certain conditions). It is not considered necessary by the Shi'a that two witnesses be present for the resumption of marriage (as it is in the case of divorce), but it is desirable; it is not necessary moreover to recite anything specific. Such words and signs as serve the purpose are sufficient.

As we have already made clear, the relationship of marriage cannot be broken unless one or both partners expresses dislike for the other; if the dislike is from the side of the husband, he has the right to talaq, through which he can, if he desires, divorce his wife; and if the wife detests him, she can, on payment of some money, demanded by the husband, (it may be equal to or more than the dower) and after reciting the prescribed words (sighah), be released from the bond of wedlock. This latter is called khul' and it is only valid if all conditions of divorce are fulfilled and there is very

strong ill-feelings on the part of the woman for the husband. This is in accordance with what the Holy Qur'an says:

"And if you fear that they shall not (be able) to keep (themselves) within the limits (fixed) by God, there shall be no sin on either of them about what she gives up to get herself free (from the wedlock). These are the limits ordained by God. Beware! Exceed them not." (2:229)

The commentary of the ahlu 'l-bayt about this verse is that it concerns the wife who says to her husband, "I will not believe in your swearing; I will not respect the divine code concerning marriage conduct as far as you are concerned. I will not allow coition; and will bring undesirable people into your house." This obviously shows extreme hatred on the part of the wife and there would then appear to be no possibility of harmonious relations between her and her husband.

If, however, the feeling of dislike is equally strong on both sides, any divorce which takes place is called a "mubarat" divorce. This kind of divorce is likewise only valid if all the conditions of talaq (divorce) are fulfilled, but in this case, the husband has no right to claim more than the dower money that he has paid to the wife. In khul' and 'mubarat', the divorces is irrevocable. After it, the husband cannot assume conjugal relations. If however the woman takes back the money she gave the husband at the time of 'khal', they may resume the conjugal alliance as long as the period of "iddah" has not come to an end.

There are also other causes of prohibition (for instance, if the husband calls his wife 'mother' or 'sister' or likens her to either, the wife becomes prohibited to him till he performs an act of atonement. This is called zihar.

These are explained in the relevant books. Such incidents seldom take place today as they were particular to the Arabs of pre-Islamic days.

## **9. Inheritance**

After a person's death, the transfer of his or her property, or rights, to another person by virtue of their blood relationship or some other tie, is called inheritance.

The living relative is called the "warith" (heir), the deceased is called the "muruth" (one who bequeaths), and the right is called "irth" (inheritance). The relationship between a person born of another, or that of two persons who are born of a third, is called a blood relationship (nasab).

If the right of an heir is fixed in the Qur'an, he or she shall be counted in the category of those who receive inheritance as a matter of obligation, otherwise he or she shall be entitled to receive inheritance by virtue of blood relationship.

In the Holy Qur'an, the chief shares are six. The description of the shares and the inheritors is as follows:

1. The half-share (nisf):

- a) the husband, provided that the wife has no son.
- b) one daughter; here too the absence of a son is a condition.
- c) a sister; here also the same condition applies

2. The quarter-share (rub'):

- a) the husband, when the deceased wife's son inherits.
- b) the wife, provided that the husband does not leave behind a son.

3. The eighth share (thamin): the wife, when the husband leaves a son.

4. The third-share (thulth). the mother, when there is no son; also some inheritors from the mother's side.

5. The two-thirds share: two daughters when there is no son.

6. The sixth-share (sodus): each of the father and the mother in the presence of a son; also an inheritor from the mother's side whether man or woman.

Those who are not included in the above settlements shall be inheritors on account of their blood relationship with the deceased, observing the rule that the share of the man is double that of the woman.

The heirs who are in a state of blood relationship with the deceased are divided into three groups:

(i) the mother, the father, sons, daughters (or failing these, their descendants).

(ii) grandfathers, grandmothers, brothers and sisters (or failing this, their descendants)

(iii) paternal uncles and aunts, maternal uncles and aunts (or failing this, their descendants)

The universal principle is that the presence of members of group (i) prevents members of group (ii) presents members of group (iii) inheriting. Thus, the one closer in blood-relationship acts as a barrier to the remoter, and this principle also holds within each group.

The only really significant difference between the Shi'ah and Sunni schools of jurisprudence in the laws of inheritance concerns the principles of " 'awl" and "ta'sib" 3. The Imamiyah jurists have proved by means of ahadith from the Ahlu'l-bayt (a.s.) that there is no 'awl or ta'sib in the matter of inheritance. This was also the opinion held by the great companions of the Holy Prophet. The well-known statement of Ibn 'Abbas in which he speaks against 'awl and ta'sib can be taken as authoritative. There are also other grounds of proof for negating these two principles.

#### **10. Endowments (waqf); Gifts (hibah) and Charities (sadaqah):**

If someone owns some property and wishes to relinquish possession of it, his transference of it may be such that it is final. That is, now only will it go out of his possession, but he can never claim it back, whether, e.g., he frees a slave, or gives up possession of a house or some land to make it a place of worship, a mosque, or a place for use in pilgrimages. By such an act, the property can never again return to the ownership of that person again. In such a case, in fact, the item can never again be anyone's property.

On the other hand, the person may relinquish possession of some property which then passes into the hands of another. Such a transaction may be based on exchange or a monetary transaction, it may be part of a peace treaty, etc.

Thirdly, he may relinquish ownership without any exchange taking place, but solely with regard to the world to come and recompense therein. This is what is commonly known as "sadaqah", and this is in turn divided into two parts:

a) if the property is durable and the donor's intention is that it should last and any profits from it used in good acts, it will then be called an endowment (waqf);

b) if it is not durable or the donor has not stipulated any conditions for its being permanently kept and utilised, it will then be called sadaqah proper (charity).

Fourthly, if possession of some property is handed over to someone else without there taking place any exchange and without any thought of Divine recompense (e.g. for the sake of friendship), the donation is called hibah (gift). If, however, some exchange takes place, e.g. one man gives another his shirt on the condition that the second man gives a book to him, it is called " 'iwad" (a consideration). If the second party accepts, the gifting will become binding and neither party will have the right to take his property back, except if they both agree to break their agreement. It is necessary that the something gifted must be in the possession of the donor. If the gifting was without any 'iwad, the item (s) may be taken back. Naturally, this does not apply to gifts given between close relatives or between husband and wife, or if the item(s) is (are) lost or

damaged.

This contrasts with the situation in the case of sadaqah; for here, once possession has been relinquished, the thing(s) cannot be taken back. The declaration of intention to donate is enough to make the taking back unlawful. This is called the *sighatu 'l-waqf*, and the property then passes to the trustee, who may be the original owner himself. It may not be taken back, sold, divided, pawned, or otherwise pledged, whether it be a "*waqf khass*" (special endowment), for descendants, for example, or a "*waqf 'amm*" (general endowment), for the poor, the needy, a mosque or a school.

There are, of course, some occasions when exceptions can be made and the trust property can be sold. This may happen, for instance, if the property has become damaged, but the damage should be to an extent that prevents the property from being of any use. The waqf property can also be sold if there is serious fear of its being destroyed, in which case it should be such that no profit would accrue from it. The property can also be sold if there are acute differences among those who are in possession of it and there is danger of loss of life and property or loss of honour and respect.

In spite of all these conditions, no one can take the decision to sell the property or divide it. The decision rests entirely with the *hakimu 'sh-shar'* (the *mujtahid*) The *hakimu 'sh-shar'* alone has the right to pass the necessary decree after assessing all the prevailing conditions. But it is a pity that in the matter of endowments, people have become extremely apathetic. They pay no attention to the limitations of the Divine Law. God is aware of all their intentions and actions.

This was a brief account of sadaqah as it is generally understood.

### **11. Passing Judgement (*qadawah*)**

The rank of *qadi* (judge), and that of the administrator of justice have great importance, and in fact these are ranks worthy of great respect. In the *Imamiyah* sect, the responsibility of the judiciary is considered an adjunct of the prophethood, the *imamate* and the state in general.

God, the Almighty has said, "O David. We have appointed you vicegerent in the earth; so judge between the people with justice." (38:26) And again He says, "By the Lord (O Prophet), they believe not until they have set you up as their judge in all that they dispute about among themselves, and thereafter find not in their selves any vexation against what you decide, and submit with total submission." (4:65)

The *qadi* and judge are the *nawamisu' th-thalathah* (custodians of three things - life, property and honour).

That is why there are serious dangers in this rank at every step, and if the texts of the traditions are carefully studied, we shall find that it is so exalted a rank that even the mountains seem to be insignificant before it.

Hadrat Amir al-Mu'mimin (a.s.) says, "The qadi should be considered to be on the brink of Hell. The qadi's tongue is between two balls of fire. O Shurayh, you are sitting at a place where sits either a prophet or his "wasiy" (successor) or else some wicked person." It is stated in a tradition of the Prophet (s.a.w.), "If somebody is made a qadi it means that he has been slaughtered without a knife." There are many traditions of this nature.

If a ruling which a "faqih" (expert in jurisprudence) deduces from proofs concerns some general principle, it is called a "fatwa"; for instance, it is unlawful to use someone else's property without his or her permission, the wife of a man is lawful to him but she is unlawful to a stranger. But if the order pertains to some particular case it is called a judgement (qada). for instance, "This woman is the wife. "This woman is a stranger." "This is Zayd's property. "That is the property of such and such a person."

Whether it is a "fatwa" or a "qada", both of them are duties of a just mujtahid who is the general proxy of the Imam.

Judgement is in fact the identification of the legal nature of points under dispute, whether they pertain to defense and accusation in a court, or to matters such as the sighting of the moon and the determination of the beginning of the month, or the administration of endowments and the determination of lineage, and it demands great wisdom and intellectual ability. In fact it is more difficult a task than issuing a "fatwa".

Now, if somebody who is devoid of these qualities undertakes to perform this duty, it will certainly do more harm than good. Accordingly, it is unlawful in Imamiyah "fiqh" for anyone except a just mujtahid to undertake to perform this work. Indeed, it is regarded as one of the major sins if anyone else does do it, and the extent of its enormity borders on infidelity. Our respected teachers used to be very cautious about passing judgements. We also follow the same line.

Judgment can only be passed on the basis of three things: (1)confession (iqrar), (2)an oath (qasm), or (3) two just witnesses (bayyinah). The question of how to establish preference or priority in cases where there may be difference or contradiction between the witnesses is a matter for the section of fiqh which deals with the giving of evidence, and there is little point in going into the details here suffice it to say that the matter has been examined in great detail by our jurists and they have left many writings on it. We, also, have written a book on the subject called "Tahriru 'l-

majallah".

One who does not act in accordance with the order of the authorized "qadi" (i.e. one who fulfills all the conditions of a "qadi"), will be considered to have violated the divine commands. Also no one has the right to revise the decision of a "qadi". Of course, the qadi himself may re-examine his judgment.

## 2. Slaughtering and Hunting

The basic principle in Shi'ah jurisprudence concerning animals whose blood spurts<sup>4</sup> is that they become "najis" (impure) when they die, and that it is unlawful (haram) to eat their flesh.

There is also a division of animals into two categories: those which are impure (najis) in essence and cannot become pure, such as the dog and the pig, and cannot therefore on no account be eaten; and those which become essentially impure if they die in any way other than as a result of hunting or slaughtering in accordance with the shari'ah, but which become pure if they are correctly hunted or slaughtered in accordance with the rules laid out below.

However, the meat of correctly killed animals of the second category can only be eaten provided they are not carnivorous.

There are two ways of killing animals in accordance with the shari'ah. The first is hunting.

Hunting may be in two ways. Firstly by a trained hound who obeys the orders given it and does not normally eat the animal it has killed. For his prey to be lawful, the person who released and sends the hound must be a Muslim and must pronounce "bismillah" when releasing it, and the hound should at no time leave his sight.

Secondly, hunting may be by means of a weapon, i.e. a sharp sword, spear or arrow, or the bullet of a gun. In all cases, the death must be directly due to the penetration of the weapon into the animal, and not to some side effect such as fright. The person who uses the weapon must be a Muslim and he must pronounce "bismillah" at the time of taking aim.

If the animal is killed by either of the above methods, its flesh is lawful. But if the hunter gets his animal when it is still alive, he must slaughter it (see below). All other means of hunting (i.e. trap, net, etc.) are forbidden, unless, of course, the animal is taken alive and correctly slaughtered.

The second way to lawfully kill an animal is by slaughtering it (dhabih). The slaughterer must be a Muslim or someone under the rules of Islam such as the minor son of a Muslim. The second condition is that the instrument of slaughtering should be made of sharp metal. However, in case of necessity, any sharp implement (glass, sharp stone, etc.) which cuts the arteries clearly may be used. In the Name of God (bismillah) must be pronounced when the intention to slaughter is made, and the animal must be lying with its face towards the "qiblah". All four main blood vessels of the neck must be completely severed above the vocal chords. (There is a special method of killing a camel called "nahr", which may also be used for other animals when "dhabih" is not possible.

It should be noted finally that all animals whose blood does not spurt are unlawful (haram) except fish which have scales. A hadith of Muhammad ibn Nu'man Ahwal, Mu'min at-Taqa, says, "One day I went in to see Abu Hanifah. I saw there was a pile of books in front of him. Abu Hanifah said, 'Do you see all these books?' I said, Yes.' He said, 'They are all to do with divorce.' I said, God has made us free from all your books by one single verse of the Quran, "Oh Prophet, (say to the believers), 'When you divorce (your) women, divorce at their prescribed period, and reckon the 'iddah (exactly).' "He said, 'Well then, have you ever asked your friend Ja'far ibn Muhammad (al-Imam as-Sadiq (a.s.)) about the seacow?' I said, 'Yes, he said that every sea-animal with scales, even if it be a (sea-) camel or a (sea-) cow, can be eaten, and that if it has no scales it is unlawful to eat.'" 5

### **13. The Nature of Foodstuffs**

Animals: There are three kinds of animals - animals of the land, animals of the sea and animals of the air.

It has just been pointed out that, in general, the only animals of the sea which are lawful are those which have scales. The eggs of such fish are also lawful.

Of land animals, only a few species can be lawful the camel, the cow, the sheep or goat, the wild cow or buffalo, the mountain sheep or goat, the gazelle, the deer. The meat of horses, mules and donkeys is not approved of (makruh). Animals which eat najis substances, such as excrement, become haram, but they can be purified by "istibra" (keeping it away from najis eatables for a specific period).

All kinds of carnivorous animals are unlawful. Rabbits, foxes, badgers and mongooses are all unlawful. Insects, reptiles and amphibians like worms, snails, cockroaches, scorpions, wasps, bees, snakes, frogs etc. are all forbidden; only the locust can be eaten.



Among birds, those which feed on flesh such as hawks and eagles, are completely forbidden. Apart from this, the Prophet (s.a.w.) prescribed three signs in three conditions for the identification of lawful birds:

- 1) if the birds are in the air, the pause in the movement of their wings, i.e. their gliding, should be less than their flapping;
- 2) if they are on the ground, the spurs on their claws should be visible;
- 3) when the bird is slaughtered, it must be found to have a crop and/or a gizzard.

Bats and peacocks are forbidden. The kind of crow which eats herbage is lawful, but the kind which eats carrion is forbidden.

Besides animals, there are other things which are forbidden to eat or drink. They can be classed under four headings:

- 1) everything which is impure (najis) is unlawful (haram);
- 2) every kind of food (eatable or drinkable) which has been taken illegally is haram.
- 3) every kind of food (eatable or drinkable) which has deleterious effects is haram.
- 4) every kind of food (eatable or drinkable) which seems repulsive is haram.

Of liquids, one of the most impure is urine, but even more than that is wine (any kind of alcoholic beverage), and in Imamiyah fiqh, the unlawfulness and impurity of wine is more strongly emphasized than in any other school. The traditions that have come down to us from our Imams on this subject are enough to frighten one off them forever. Distillers and fermenters of alcoholic drinks, stockists, merchants and drinkers, all are cursed, and wine has been called in fiqh "ummu 'l-khaba'ith" (the mother of all evils). Some traditions say it is forbidden to sit at a table on which alcoholic drinks have been laid, probably so as to encourage people to abstain therefrom so that their bad effects may be limited.

Today, expert scientists have confirmed by chemical tests that wine is a very destructive and harmful thing. Islam warned against alcohol thirteen hundred years ago. Today, even those who do not abstain for religious reasons do so for reasons of health. The shari'ah of Muhammad (s.a.w.) cannot be over praised, those who neglect it do so to their own disadvantage and peril.

#### **14. Penology (hudud)**

Under an Islamic government, certain punishments are prescribed for certain crimes, so that the society may be kept healthy and the roots of corruption destroyed. Some of these penalties (hudud) are as follows according to Shi'ah fiqh.

1)The penalties for adultery (zina): If an adult, sane man knowingly and deliberately has sexual intercourse with a woman who is forbidden to him, it is then an obligation on the authorized judge to flog him with a hundred lashes; his head will be shaved and he will be forced to leave the city for a period of one year. If he is "muhsin", i.e. he is in a position to satisfy his sexual urges in conformity with the shari'ah, he will be stoned to death as well as being given a hundred lashes. If the woman consented, she shall, if also "muhsinah", be stoned, and if otherwise, she shall be given a hundred lashes. If a man has sexual intercourse with a forbidden woman of his relatives (mahrum), or with a woman who has suckled at the same breast as he was (his rida'ih), or with his step mother, or if a dhimmah (a non-Muslim under the protection of a Muslim state) has sexual intercourse with a Muslim woman, he shall be beheaded; and the penalty is the same for rape.

The adultery can only be proven by:

- 1) a confession repeated four times;
- 2) the witnessing of four just men that they saw him actually in the act of penetration;
- 3) the witnessing of three just men and two just women.

If the adultery is witnessed by two just men and four just women, it shall be deemed proven but the penalty may only be flogging, their being no capital penalty. If the evidence is less than this, it is not considered complete, and, what is more, if less than four men give evidence, they shall be punished for slander (qadhaf). For the evidence to be accepted there must be unanimity between the witnesses, and they must all have seen the actual penetration with their own eyes.

If a man is to be stoned after a confession, but then disavows his confession, he shall not be stoned; and if, after confession, he repents of his deed, the qadi may exercise his discretion. If he repents when four witnesses have seen his act, there will be no alteration in the penalty.

If a person is being punished for the third time for the same offence (adultery), he shall be beheaded. A pregnant Woman or a sick person must not receive his or her punishment until the baby is born or the sickness goes away, respectively .

2) The penalties for homosexual acts : The punishment for sodomy between two males (liwat) is more severe than that for any other crime. It is the only case in which the offender may be burnt to death. The qadi may sentence the active partner in the act to one of four penalties: beheading, stoning to death, being thrown from a height so that his bones are all broken up, burning to

death. The passive partner, if he is adult and responsible for his actions, is to be beheaded. If he is not yet of the age of puberty, he will be given a reduced punishment (ta'zir). The same conditions of proof hold here as in adultery.

In the female homosexual act (sihaq), both offenders will be given a hundred lashes. If they are married, it is not impossible for them to be stoned to death.

3) The penalty for the procurer: the procurer (qawwad) who arranges for an unlawful sexual act to take place, will be given seventy lashes, his head will be shaved, and he will be expelled from the city. The proof for this is met by the evidence of two just men or by a confession made twice.

4) The penalty for false witnessing and slander. If someone falsely accuses a sane, adult and free Muslim of a crime for which some sentence can be inflicted, for instance, adultery, sodomy or drinking wine, then the false accuser shall be punished with eighty lashes. In case of the proof being admissible on confirmation by the accused person, the sentence against the accuser shall become void. The crime shall be considered proved as long as there is "bayyinah" (see above).

It is also a punishable offence for a person to call someone else with some undesirable epithet which he does not deserve, e.g. "sinner", "corrupter", "leper", etc. If someone claims to be a prophet, or curses or declares enmity with one of the fourteen pure ones (the Prophet (s.a.w.), the twelve Imams (a.s.) and Hadrat Fatima), he shall be beheaded.

5) The penalty for the drunkard: the penalty for any one who avails himself of any intoxicating beverage of any kind is eighty lashes, to be given on his or her bare neck and arms.

If someone has been punished for three times and he commits the crime a fourth time, he or she shall be beheaded. One who considers wine lawful is liable to the same punishment.

If the dealer in wine repents and leaves his profession, it is well and good, otherwise he too shall be liable to beheading.

6) The penalties for theft: if an adult and sane person steals something from a "safe" place (i.e. somewhere which is locked or firmly closed, or someplace similar) which is valued at more than a quarter of a mithqal (about 1 gm - a mithqal is a little over 4.5 grams) of pure gold, he will have the four fingers of his right hand cut after duly being sentenced by a qadi on the evidence of double confession or "bayyinah" (see above). If he commits the crime a second time, his leg will be cut off under the knee. For the third offence, he shall be sentenced to life imprisonment. And, if he commits theft in prison, he shall be beheaded. If he has committed theft a number of times before he is subjected to the prescribed punishment, only one penalty shall be inflicted upon him. For children and insane people, there is no hadd only ta'zir (a lenient punishment). The thief

must invariably have to pay compensation, and for this, one acknowledgement, or the evidence and oath of one just witness is sufficient.

The "hands" of the father shall not be cut off for stealing the property of the son. But, if, conversely, the son steals, his "hands" shall be cut off

7) The penalty for causing fear and terror (muharib): if someone causes fear among the people in a town or in the open country or at sea and/or intimidates them for the purposes of seizing what belongs to them, the qadi is empowered to have him or her executed, crucified, to have his right hand and left foot cut off, or to have him banished from the country.

God, the Most High, has said, "The recompense of those who war against God and His Messenger, and strive in the land spreading corruption, is only that they be slain or crucified or their hands and their feet should be cut off, from the opposite sides, or be banished from the land." (5:33)

In case of banishment, the people of the place to which the culprit has been deported must be informed in writing, so that they may refuse him entry to their meetings, to their meals, etc., till he repents.

The thief who attacks a house is also a "muharib". If he is killed, his blood will be considered shed with impurity.

If someone attacks the modesty of a woman or her child, these latter have the right of self-defence. If the assailant is killed in the struggle, (his blood too will have been shed with impurity. Thugs, ruffians and false witnesses (excluding those in 4 above) are liable to reduced punishment. The judge can give them any appropriate punishment.

8) Sundry penalties: anyone who perpetrates an indecent act with a quadruped shall be given a less severe punishment. If he persists in his activities, he may be executed. The meat of the animal (if it is a lawful animal) will become forbidden, and it must be slaughtered and its body burnt. In case it belongs to someone other than the perpetrator of the act, he must be awarded the cost of the animal. If the animal is of doubtful ownership, it should be decided by lots. If the animal is in any case unlawful, it must be sold in another city, and the price obtained given in charity. If the animal belongs to another, he must be suitably recompensed for his loss. The evidence of two just persons or a double confession is sufficient to prove guilt.

A person who has sexual intercourse with a dead body shall be dealt with as if it were alive; rather, the punishment will be even more severe. In the case of it being the body of his wife or slave girl, the punishment will be milder. The proof for this is the same as is required for adultery.

A person who indulges in masturbation also deserves a mild punishment.

As far as is possible, every person has the right to defend his own person as well as his property and the persons of his family. But he should start by adopting less severe measures, and he should only increase his precautions if necessary.

If someone looks without permission into someone else's house and the dwellers pelt him with stones causing his death, do penalty may be extracted from them, and his blood is considered shed with impunity.

Murder is the greatest sin and the greatest social crime. "And whose slays a believer willfully, his recompense is Hell, therein dwelling forever, and God will be wroth with him and will curse him, and prepare for him a mighty chastisement." (4:93) Crimes against the person, whether it causes death, loss of a part of the body, or not, can be divided into three kinds:

- 1) premeditated or willful,
- 2) similar to (1),
- 3) by accident.

First, (1), premeditated or willful, needs no explanation. (2) means that the attacker took the initiative, but did not intend to kill. For example, someone beats someone else as a warning, but this results in death, or a person is given some medicine to cure him, but it ends his life. (3) accidental means that there is neither any intention nor any initiative, yet someone is killed; for instance, somebody is aiming at a bird and, by mistake, a human being becomes the victim, or a man is lifting his gun and it accidentally goes off and kills somebody.

More clear examples are the actions of a man who is sleep walking, of an unconscious person, of a mad man or of an innocent child.

It must be clearly observed that as far as the crime and its punishment is concerned, there is no difference between the actual committer of the crime and the person who devised and ordered it to be done; nor does it make any difference if the crime is committed by one or many.

Retaliation (qisas) applies only in the case of willful or premeditated murder or injury. In (2) and (3) there are only compensation (diyah). There can be no retaliation from the child or the lunatic, nor can there be any retaliation if the murdered person is a child or a lunatic. An adult who kills a child is subject only to the deliverance of compensation. However, some jurists are of the opinion that there is retaliation here, and also for the killing of a lunatic.

Another condition for retaliation is that the culprit was not compelled or under constraint,

although this does not apply in the case of death, for in a matter of murder, there is no "taqiyah" (dissimulation). It is also necessary that the person murdered be "without sin", i.e. not someone whose death is permitted by the shari'ah. There is no retaliating against the father, the grandfather or the great-grandfather, if they murder their son, grandson or great-grandson, only compensation. A Muslim is subject to retaliation only in the case of the murder of another Muslim. Likewise, retaliation shall be taken against the freedman only for the murder of a freedman.

The blood money or compensation for a free Muslim is: a hundred camels, or two hundred cows, or a thousand sheep, or two hundred items of clothing, each consisting of two parts, or a thousand dinars. If the heirs of the murdered person agree to take the compensation, retaliation is voided, and the murderer must pay the compensation within one year. In (2), the period for payment is two years. In (3), the period is three years, with a third being payable each year.

In cases of parts of the body, retaliation can be extracted if the action was deliberate. The retaliation is like for-like, i.e. an eye for an eye, an ear for an ear, and a tooth for a tooth.

If the crime is of kinds (2) or (3), there are special compensations: some equivalent to the whole compensation for a man (i.e. 1000 dinars), some a half, and some less than a half. In general, organs and parts of the body which occur singly, such as the nose or the penis, demand the whole compensation, those which occur in twos demand half the compensation (i.e. two hands demand the whole compensation). In (1) and (2) the compensation must be paid by the culprit himself, but in (3) it may be paid by his 'aqilah (certain near relatives on the father's side).

If the reader is interested, he or she may consult the extensive books which deal with this topic for further details. However, since it was our intention to deal with matters only briefly, we have left out a great many things.

Our purpose was to give a few examples, so that our aim might be made clear with only a few references.

#### PART 4 :Allegations Against the Shi'a

Refutation of the Claim that their are Un-Islamic Borrowings in Shi'a Beliefs.

All that we have set down in this book is but a mere indication of the beliefs and convictions of

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the Imamiyah sect. It would require many volumes to deal with them in detail. But the religious leaders, and indeed the Muslims in general, can tell us if there was anything in the facts that we have just stated which could be said to be the cause of the destruction of Islam, or if there is any matter which has been derived from Judaism, Christianity, or Zoroastrianism (see introduction), or if anything appears which is against the basic principle of monotheism (tawhid) or against the Book (the Qur'an) and the sunnah (words and deeds of the Holy Prophet (s.a.w.)). By God, you should be just and not simply utter calumnious remarks.

Finally, our prayer is that our brothers in Islam should come out of the world of doubt and uncertainty, and gather together under the one banner of the Qur'an, so as to successfully regain their past glory. It is quite obvious that this is an impossibility as long as our sectarian conflicts continue.

May God bless us with mutual tolerance and may the bonds of love between us be strengthened.

### **The Problem of Bada'**

In this matter also the Shi'as are much reviled. They misconstrue, distorting the concept of "bada'", try to convince people that according to the Shi'a faith, God, the Almighty, performs actions of which He has no knowledge. God forbid. Can there be greater ignorance than this? This is plain infidelity because, on the one hand, it is a denial of the attribute of knowledge of God the Almighty, and on the other, He is considered as being subject to accidents and changes. This negates the very essence of the infiniteness and absoluteness of God. The Imamiyah sect vehemently opposes these foolish and absurd ideas. Rather, no Islamic sect supports this misleading view. Of course, these nonsensical ideas have been attributed to some of those elements who believe in the physical body of God. Thus it was one of them who said about God, "Only excuse Me for My beard and private parts. Otherwise you may ask Me anything you like."

The correct meaning of "bada'", which the Shi'as believe in, is included in the secrets and mysteries of the House of Muhammad (a.s.). The traditions of the ahl ul-bayt (a.s.) say, "There is no other way in which the duty of worship of God is better performed than it is with the acknowledgement of "bada'". One who does not make "bada'" the proof of this knowledge does not possess a complete understanding of God."

There are many other reports with the same sense. In fact, knowledge is of two kinds: One is that with which God has endowed His angels and prophets (a.s.). According to this knowledge, whatever has been told them must surely happen. The second kind is that which is neither known to an angel close to the Presence of God, nor to any exalted Prophet (a.s.). It is only He Who knows it. So, according to this, He may cause something to happen earlier or delay a happening, or efface or write down something as He pleases. That is the stage of knowledge, which God the

Almighty calls "umm al-kitab". This shows the perfect Might, absolute Wisdom and divine Sovereignty of the Lord of the universe.

The problem may also be understood in the following way. "Bada" in the world of existence has the same status as "naskh" (abrogation) in the commands of the shari'ah. Thus, just as in the shari'ah, amendments, additions, changes and alterations give untold advantages, so also, in the world of being, the secrets and unknown advantages of "bada" are beyond human understanding.

"Bada" can also be explained thus. The highest servants of God have knowledge of a matter, but they do not know what will facilitate or hinder its occurrence. For example, Jesus knew that the bridegroom would die on the first night of his marriage, but he did not know that failing to give charity was a condition for this. So it happened that the bridegroom's mother gave out charity and he was spared. When the reality of the matter was put before Jesus, he said, "you must have given charity on his behalf. Charity wards off calamities."

There are many other instances of this sort. The advantages that accrue from these states of affairs is that, in the first place, human beings are put to the test, and, in the second, they are trained in the habits of submission. A clear proof of this is the manner in which Abraham was put to the test over his son.

Also, if there were no "bada", all the invocations, charity, intercession, weeping and impoloring of the Prophet (s.a.w.) and his successors (a.s.), and their fear of God, would be meaningless, despite their complete obedience to Him.

Evidently the cause of their fearing and trembling is that hidden and treasured knowledge which nobody is aware of and which is the fountainhead of "bada".

If someone wishes to know the details of the different kinds of "bada", "qada", "qadr" and the "lawh mahw" and the "lawh ithbat", he or she should read the first volume of our book "ad-Din aw l-Islam". We have there gone into these topics in great detail.

### **Taqiyah**

(pious dissimulation or concealing one's faith in dangerous circumstances)

In the matter of taqiyah also the Shi'as are very much defamed and the reason for that is that ordinary people are quite ignorant of its reality. A careful consideration will show that the taqiyah in which the Shi'as believe is not peculiar to them alone. Rather, it is a logical necessity and a natural demand. There is no commandment of the shari'ah which is inconsistent with wisdom and



learning. In every problem, knowledge and wisdom appear together .

If one assesses innate human tendencies, one has to admit that everyone has a natural disposition to defend himself: life is dear. Of course, if there is a matter of honour at stake, or a question of protecting the truth, then, even though life is dear, it is not given any relative importance. But if circumstances do not reach such an extreme, what sane man would be prepared to endanger his own life just so that the world may laugh at him?

What is more, to court danger is against the counsel of wisdom and religion.

Thus the Holy Lawgiver has permitted the Muslim who is surrounded by danger and who risks his or her life or his or her honour to hide his or her belief outwardly although he or she must continue to observe his or her religion inwardly. There are also verses in the Holy Qur'an suggesting the same thing and the story of 'Ammar, his parents and some other companions of the Prophet shows that when he was suffering the persecutions of the idol-worshippers, he professed unbelief.

There are of course rules for taqiyah. They are three:

- 1) if life will be lost for no purpose, then it is an obligation;
- 2) if expressing the truth would serve some useful purpose, then it is optional;
- 3) if atheism (kufr) is gaining the upper hand, people are being led astray, and there is danger of cruelty and oppression, then taqiyah is forbidden.

Now let us throw some light onto the matter so that a conscientious person may make up his own mind as to whether the Shi'a are actually guilty of taqiyah (supposing that it is condemnable), or whether they were forced to do taqiyah by certain groups who took away their freedom and forced them to dissimulate their beliefs.

As soon as Mu'awiyah took over power, he made the shari'ah into a plaything and victimized the Shi'as of 'Ali (a.s.) with unconcealed savagery. The blood of the Shi'as was cheaper to him than water. The Marwanid caliphs also followed the same iniquitous policy. Then came the 'Abbasid period, and they even increased the atrocities. Consequently, those who loved the ahl ulbayt (a.s.) had to adopt various tactics. Sometimes they went into hiding, sometimes they rose up. Sometimes they were forced to conceal themselves and sometimes they stood up against the oppression in their enthusiasm for the truth so that their blood might become a beacon lighting the path for others.

Some great Shi'ahs, therefore, paid no heed to taqiyah and braved all kinds of cruelties, sometimes ending up as martyrs. There is the very famous story of the martyrs of Maraj Azra,

who were fourteen brave warriors who sacrificed their lives in the way of God under the leadership of the pious companion Hajar ibn Abi Kindi. He was also the military leader who was responsible for the conquest of Syrai. Mu'awiyah said of him, "I know what was the case with everyone of those whom I put to the sword in Maraj Azra, but I am at a loss to understand what the crime of Hajar was for which he was killed." But we can easily say what his fault was. He did not feel there was any need to do taqiyah, because he wanted to let the world know the tyranny of the Umayyids and the deep religious feelings of his own family.

Let us not forget the events surrounding the ends of the great companions 'Amr ibn Himq al-Khuza'i and 'Abdu'r-Rahman ibn al-Hasan al-Ghazi, who were buried alive by ibn Ziyad. Nor Maytham Tammar, Rushayd al-Hajari and 'Abdullah ibn Yaqfar who were crucified. Moreover, there are the examples of the hundreds and thousands of other Muslims who died fighting for their beliefs. in the way of God before the disbelievers who crushed them to death.

These lovers of truth did not do taqiyah because such was the need of the moment. Their abstaining from taqiyah protected the truth and showed up the false religiosity of Mu'awiyah, Yazid, Ziyad and Ibn Ziyad.

How can we possibly forget the events surrounding the martyrdom of al-Husayn (a.s.) and his worthy companions? They, of course, considered taqiyah to be unlawful in its particular circumstances, but there are other situations in which it may be compulsory, or may be merely optional.

It is reported that once Musaylimah, the false prophet, captured two Muslims and forced them to acknowledge his prophethood and deny the prophethood of Muhammad (s.a.w.). One of them refused and was therefore killed, but the other accepted and was released. When the news reached the Holy Prophet (s.a.w.), he said, "The first man made haste to reach heaven, the second man marked his time. Both of them will be recompensed."

O Muslims! Do not taunt your brothers concerning taqiyah. May God bless you and us in the hereafter, and may we all be united on the point of guidance. Salam, peace, to you all, and may God bestow on you His Mercy and His Blessings.

#### Endnotes

[1] (s.a.w.): is the abbreviation of the Arabic phrase "Salla 'Ilahu 'alayhi wa alih" (may God bless

him and his progeny).

[2] (a.s.): is the abbreviation of "'alayhi 's-Salam" (peace be upon him)

[3] The principle of 'awl (proportionate reduction) is applied by Sunni jurists when the estate of the deceased is 'oversubscribed' by Quranic heirs. In such a case they scale down all the heirs' portions pro rata, or, in other words, they increase the number of portions into which the inheritance is to be divided so that each may take a share.

Shi'ite jurists, on the other hand, maintain that a diminution must be made only in the shares of daughters and agnate sisters.

The principle of ta'sib is applied by Sunni jurisprudence to give priority to male agnates as heirs, and this results in many mathematical complexities in their system of inheritance. The Shi'ite jurists completely repudiate this.

The tradition from Ibn 'Abbas concerns mainly the question of 'awl where he establishes two types of Quranic heir, the first whose portions are fixed, the second whose portions are not guaranteed.

Another peculiarity of the Shi'ahs is the principle that the clothes, sword, Qur'an and ring of the father are to be left solely to the son.

Finally, the wife can never inherit cultivated or uncultivated land, neither in itself, nor the money obtained from its sale. Similarly she cannot inherit trees or buildings, but she can take their sale price. This matter is attested to by, and can be proved from the ahadith of the Imams.

There is a basic classification in fiqh of animals whose blood spurts out when a blood vessel is cut (e.g. cows, dogs, chicken, etc.) and those whose blood does not (e.g. fish).

The point which this hadith may seem a little obscure. Mu'min at-Ta'q wishes to show that the existence of the Imam precludes the need for reference to numerous and obscure books and traditions. We are to understand that it is the Imam who has guided him to the correct verse in the Qur'an for this matter and to its correct interpretation. Thus Abu Hanifah thinks he will catch him off-guard with an obscure question about an unusual species of sea creature, but the answer is forthcoming.