

The Sunnah Argument and the Jurisconsults Words about it

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Abstract: The definition of the Sunnah it is the fourteen immaculate ones (the Holy Prophet his daughter and the twelve Imams) words, action and statement (a confirming silence). The difference of the Sunnah between the Shia and Sunnite Muslims according to the Sunnite Muslims belief, only the Holy Prophet's words, action and statement are considered as the Sunnah while the Shia Muslims know the Sunnah of the twelve Imams and Hazrat Zahra as a part of the Sunnah. The argument of the Sunnah all the Muslims believe in the Sunnah and this matter is one of the necessities in Islam. But only the Shia Muslims believe in the Imam's Sunnah and infer to the Quran and the Holy Prophet's sayings. There are different types of the Sunnah Sunnat-ul-Qual (all words, counsels or percepts of Prophet Mohammad), Sunnat-ul-fieel (his action, works and daily practice) and Sunnat-ul-taqir (his silence implying a tacit approbation on his part of any individual act committed by his disciples).

Key words: Immaculate, Imams, Zahra, Muslims, committed

INTRODUCTION

The second source of inferring the religious edicts is the Sunnah. In this part after defining the Sunnah from the Shia and the Sunnite viewpoint and discussing about its argument we consider different types of Sunnah its relation with the Holy Quran and other related matters. In Arabic language the word "Sunnah" means method and way and often it means good and admirable method. In the jurisprudence principles "the Sunnah" has been accepted as one of the inferring source of religious edicts and practically the Holy Prophet's words, action and statement (confirming silence) is called the Sunnah. The Shia scholars have generalized the Sunnah and believe that the it includes the twelve Imams and Hazrat Zahra's words, action and statements.

According to these sayings, the most important difference of the Sunnah between the Sunnite and Shia's viewpoint is that the Sunnite know the Holy Prophet's words, action and statement as the Sunnah and the Imams should be respected just as the narrators of the Holy Prophet's words but the Shia believes that in addition to the Holy Prophet, the twelve Imam's and Hazrat Zahra's behavior and statement is valid too and it can be referred to them for inferring the religious edicts.

The word of "Sunnah" is used in juris prudence terms against innovation. In this meaning, every command or method having religious documentation is called Sunnah. In contrast, innovation means any new thing

having no precedent (Hosseini, Islamic jurisprudence dictionary, page 87). In technical terms, the order of construction or forged method is called innovation having no precedent in religion. Often the ignorant or biased people make innovation. Innovation in religion is considered as a deadly sin and has been forbidden in the Holy Quran verses and sayings too much. In addition to this in juris prudence terms innovation is used in recommended deeds and due to this recommended deed is called Masnoun too.

In Sunnite term, the word of "Sunnah" is used in referring to the behavior and method of the Holy Prophet's companions too. According to their belief, the words and behavior of the Holy Prophet's companions is valid too and they are used to infer the religious edicts whether their behavior or words document to the Holy Quran verses or the Holy Prophet's Sunnah or they are based on striving or personal opinion their actions are valid.

Most of the Sunnite Muslims believe that all of the Holy Prophet's companions are righteous and there is no doubt in the rightness of their behavior and words. The Sunnite Muslims do not agree in defining the Holy Prophet's companions. Some of them believe that every person who was a Muslim and has visited the Holy Prophet in his life and has died as a Muslim he was a companion and a righteous person too. But most of the Sunnite principals. say: "a companion was a person who as a muslim has visited the Holy Prophet and has

accompanied the Prophet for a long period of time (at least 1 year or in a war). Therefore, to visit the Holy prophet is not enough for a person to be his companion (Khazaribak, the same source). In Shia's belief although, the companions of the Holy Prophet accompanied him and some of them were great men, the Holy Quran, sayings and history testify that from justice viewpoint not all of them were righteous. Some companions were righteous men and some of them were not (in valid resources of the Sunnite Muslims there are different narrations from the Holy Prophet which can be used well in showing the lack of justice in some companions and their turning back to ignorance and blasphemy. So, the companion's Sunnah can't be accepted as an inferring source of religious edicts independently.

THE ARGUMENT OF THE SUNNAH

There is no doubt in the argument of the Holy Prophet's Sunnah. All of the Islamic sects and religions agree in this matter. It can be said that the argument of his Sunnah is considered as one of the necessities of religion (Bojnourdi, 1999) because Islam has many orders and rules and just some of them have been mentioned in Holy Quran in a general way. Therefore, it is not possible to achieve details only through the Holy Quran. For example, just the necessary principles of saying prayers and a little about its time has been mentioned in Holy Quran but there is no mention about its quality, circumstances and its obstacle in it. So, there should be another source to refer the untold details and commands and also it should mention the orders explicitly (the Holy Quran has expressed in many verses that one of the Messenger's duty is explaining the Quran verses-An-Najm surah, 44 and 64). It is obvious that after the Holy Quran the best source in expressing the religious edicts is the Holy Prophet himself. So, after the Holy Quran, the Holy Prophet's Sunnah expresses the orders of the religion and it is the inferring source of religious edicts.

In addition to this it can be used from the Holy Quran verses for the argument of the Holy Prophet's Sunnah. In some verses of Holy Quran, God has commanded the Muslims to obey the Holy Prophet (for example: and obey Allah and the Messenger so that you may obtain mercy, Al-e-Imran, No.132 so, take what your messenger gives you and whatever he forbids you abstain from it and fear from the disobedience of Allah's commands verily Allah is the severe retributing, Al-Hashr, No. 7) and mentioned that the Holy Prophet does not say anything from his desire and himself he expresses revelation and

words of God (not he speaks out of his own desire). He relates to you only what is revealed to him. But the Sunnite and Shia scholars do not agree about the argument of 12 Imams' words, action and statement. According to the Shia's belief, after the Holy Prophet, the twelve Imams express the divine edicts to the people and to infer the religious edicts we can refer to the Sunnah of them (12 Imams). The Shia scholars have pointed to numerous verses and words to verify the argument of twelve Imams' Sunnah they believe that the Holy Quran has called Imams as the Holy Prophet's household. Considering some verses of the Holy Quran, Imams are immaculate and somebody who is immaculate doesn't commit sins. So, their action and words are based on the religious edicts and they are inferring source of religious edicts.

The Sunnite Muslims doubt about the Imams immaculateness and do not accept their sunnah as an inferring source of religious edicts (Langroudi and Jafar, 2002). But many of them respect Imams as the Holy Prophet's household, the narrator of the Holy Prophet's Sunnah and also as the brilliant scholars.

According to the Shia's belief, the edicts which are expressed by Imams are not based on striving and personal opinion. Imams are not such clergymen who strive based on guessing and in many cases they do not agree with each other. People do not refer to the Imams to imitate and to refer like a clergyman. In Shia's idea Imamate is a divine commitment and a status which has been entrusted by God (Ibrahim, 1991). Every Imam has received this status from his previous Imam. Imam Bagher has expressed: "if like others we command based on our opinion we are lost. Our words are based on obvious reasoning from God which he has sent to his prophet and he has expressed to us" (Baqer, 2007).

DIFFERENT TYPES OF SUNNAH

As it is obvious from Sunnah definition, the Sunnah includes the Holy Prophet and twelve Imams' words, action and statement. So, the Sunnah can be divided to 3 groups: Sunnat-ul-qual (all words, counsels or percepts of the Holy Prophet), Sunnat-ul-fieel (his action, works and daily practice) and Sunnat-ul-taqrir (his silence implying a tacit approbation on his part of any individual act committed by his disciples).

Sunnat-ul-qual: The most important part of the Sunnah is Sunnat-ul-qual. It is Imams' words which have been sent about commands whether it has been expressed orally or in written form by Imam. Point: the difference between Sunnah and narration: as it was said, Sunnat-ul-qual is

words having been expressed orally or in written form by Imam and the others have listened or observed his words and they had access to the resource of edicts directly or indirectly. These people express Imam's words to others these words are called narration or hadith and it is narrated from one generation to another generation and from a person to another one and finally we have access to them. So, it should be paid attention that in fact the news of narrations is not considered as Sunnah but they are just narrators of narrations. However in scientists expressions, the term of "Sunnah" is applied for narrations and hadithes figuratively (Yaghoub, 2005). We will give further explanations about news and its different division.

Sunnat-ul-fieel: This Sunnah is any action which has been sent out by Imam. In other words whenever the Holy Prophet or Imam does or leave an action this action can be referred as a documentary one of religious edict. It should be paid attention that indication of words to meaning is more obvious than indication of actions, i.e, words transport the purposes and meanings faster to the addressee. Due to this matter in comparison to Sunnat-ul-qual, the Sunnat-ul-fieel needs more attention and care in inferring the religious edicts. In Sunnat-ul-qual, the jurisconsult deals with meanings and words which have been sent out by Imams and often they indicate to obvious meanings. For example the word "command" refers to the necessity of an action and the word "forbid" refers to the reverence but in Sunnat-ul-fieel, the jurisconsult faces with the doing or leaving an action by Imams. To infer the religious edict of an action or leaving an action it should be analyzed according to its circumstantial evidence and circumstances and finally it should be concluded that to what extent the doing of an action or leaving it indicates to religious edict. Anyway, it can be pointed to some points about the indication of Sunnat-ul-fieel on religious edicts:

- Whenever an action is performed by an Imam, the least command which is referred is: that action is not for bidden and it is allowed because never an Imam does a forbidden action. For example whenever it is verified that the Holy Prophet rides around the Kaaba by his horse, riding around the Kabaa is allowed
- The leaving of an action by Imam indicates that its leaving is obligatory for other people too because an Imam never leaves a necessary deed. For example, if it is observed that Imam does not saying ghonout in his prayer it is revealed that performing it in prayer is not necessary

- In two mentioned cases there is no sign about performing an action or leaving it by Imam but if there is any sign it is possible to infer the necessity, recommending or forbidding of an action. For example if the Holy Prophet or Imam Ali performed a devotional action (such as saying prayer, praying,...) to teach its order or to teach it to people, this action refers to its necessity

Point 1: If performing or leaving of an action is not dissimulation by Imam, referring to Sunnat-ul-qual and its referring from religious edict is right. So, if it is confirmed the action which has been performed by an Imam was dissimulation it is not possible to understand its being or not being permitted in normal circumstances.

Point 2: In edicts and stories about the Holy Prophet or other Imams' characteristics their action is not valid and it can't be considered as an action criteria. For example, the Holy Prophet and Imams' saying prayer at midnight is not argued and can't be considered as an action criteria. For example saying prayer at midnight was obligatory for the Holy Prophet but not for the others.

But in some cases in which we are not sure that this action was the Holy Prophet or Imams' characteristics or not the general principle requires that the Holy Prophet and Imams have some common duties and religious edicts and their action is a proof so in suspicious cases it can be inferred to Imams action.

Sunnat-ul-taqrir: The word of "taqrir/statement" means to verify, confirm and to prompt some body to acknowledge (Mohammad, 1984) and in juris prudence terms it means principles, statement means an Imam's silence to an action which has been done before him or in his absence but he was aware (Holy Quran, volume 1, page 171). If an action is not performed in his presence or an edict is expressed and Imam does not reject and forbid it in fact he has accepted that action or edict. So, it understood from Imam's statement that the mentioned action is allowable or not because if that action is not allowed, the Imam should mention it whether the doer be aware of that matter or not the Imam should notify it as enjoining the good and forbidding the evilor the doer does not know it that the action is not allowable it is necessary for the Imam to notify it as his duty in teaching the religious edicts. Considering that never an immaculate person leaves his duty we conclude that the done deed was not forbidden it was allowed.

CONCLUSION

The basic condition in arguing the Sunnah is that at first Imam becomes aware from an action's being done, i.e. that action is done in his presence or in his absence and then he became aware. Second, it is possible for Imam to command people to do something or avoid them from doing it. So, if there is an obstacle for Imam for example Imam can't express the real amount of anything because of his fear or dissimulation his silence does not imply the rightness or wrongness of action.

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