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A Re-examination of Umar bin Hanẓala's Maḡbūla and Its Impact on Jurisprudential Inference Based on Imam Khomeini's Viewpoints

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Introduction

Research Paper

'Umar bin Ḥanẓala's Maḡbūla is one of the narrations that are used in various jurisprudential issues and jurisprudential principles such as: conflict of evidence (Ta'arud al-'Adilla), preference for reputation (Shuhra), ijtihad and imitation (Ijtihad wa al-Taqlīd) and Wilayat al-Faqih have been raised and cited by Imamite jurists. This narration is narrated by the Shia elders (Kulayni, Saduq, Sheikh Tusi) in the books of Kafi, Man La Yahzuruh al-Faqih and Tahzib al-Ahkam on the authority of Umar bin Hanẓala from Imam Sadiq (pbuh.). Paying attention to the fact that in some jurisprudential issues, this narration is the most important document and proof of the jurists, along with the interpretations that the jurists have expressed about it, indicates the degree of importance of this narrative.

The narrative of 'Umar bin Ḥanẓala can be divided into two general parts in terms of content: the first part is about the characteristics of the person or persons that Shias should refer to in settling their disputes; The most common use of this section among contemporary jurists is in the discussion of the authority of the jurist. The beginning of this section is with the phrase: "from Abi 'Abd Allah, peace be upon him, about two men of his companions, between them is a dispute" and the end of it is with the phrase: "It is like shirk to God." Some muhaddiths in narrating this hadith have quoted only this part based on Ma'sum (peace be upon him). The second part is the numerous questions that 'Umar bin Ḥanẓala asked about the conflict between hadiths, and the Imam (peace be upon him) also stated principles for preferring conflicting hadiths with his answers. This part of the narrative is used by the scholars of the 'Usul al-Fiqh in the discussion of Ta'adul wa al-Tarajih and is considered one of the most important reasons for the need to pay attention to the preferences of the document in the conflict of traditions; However, some contemporary jurists have not accepted the emergence of the Maḡbūla in preference among hadiths. The beginning of this section is with the phrase: "I said: If the whole person chooses some one" and the end of it is with the phrase: "Failure to act when faced with doubts is better than falling into perdition" (al-Wuquf 'ind al-Shubahat Khair minn Iqtiham fi al-Halkat.) In

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some narrative texts, only this part has been narrated from Ma‘sum (peace be upon him) with a slight difference in its words.

As will be discussed later, the Imamiya jurists had different views on some Maqbulah’s propositions, and this has led to the creation of different jurisprudential views. Understanding the meaning of the words in this hadith has a great importance, and plays an essential role in the jurisprudential opinions resulting from it. In this article, we are only satisfied with the semantics of the words of the first part of the narrative, and we will examine the jurisprudential inferences related to them.

background

Although the narrative of ‘Umar bin Hanzala has been widely discussed in jurisprudential sources, as well as topics related to ijthihad and imitation, balance and preference, and judgment by Imamiya jurists, but among independent researches, only a few works can be mentioned. who have examined this narration from the two angles of documentation and proof of the authority of the jurist. For example, in an article, Shirazi has only examined the document of the narration of ‘Umar bin Hanzala and applied the title “Muqobulah” to it. In his article, Morteza has analyzed the issue of the authority of the jurist and the implication of ‘Umar bin Hanzala’s narration on it. Mazinani has also discussed only the narration of ‘Umar bin Hanzala as one of the documents of his claim on the issue of religious authority. Thus, in addition to the documentary processing of the narrative of ‘Umar bin Hanzala, it is innovative in three ways: presenting different readings of the narrative based on a different semantic approach to the words and phrases used in the hadith; Presenting a report on the analysis of various jurisprudential applications and jurisprudential principles of hadith and finally, making a connection between the semantic analysis of the propositions used in hadith and deriving different jurisprudential rulings from it.

Methodology

The present research was done using library sources and in a descriptive-analytical way.

Discussion and Results

The findings of the present study show:

1. The document of the narration of ‘Umar bin Hanzala does not have the required validity according to the early and late jurists. The early ones attribute the problems to Muhammad bin ‘Isa, Dawud bin Husayn and Umar bin Hanzala, and the later ones consider the problems only to Umar bin Hanzala.
2. The narration of ‘Umar bin Hanzala is not famous in the early jurisprudential texts, and its popularity in the later texts is also called “Maqbulah”, due to the jurists’ trust in the description of Shahid Thani, not its validity.
3. On the assumption that the actions of the Companions are one of the reasons for validating the narration and compensating for the weakness of its chain of transmission, the existence of many differences of opinion in citing the various propositions in the narration of ‘Umar bin Hanzalah indicates that the weakness of its chain of transmission is not compensated by the actions of the Companions.
4. There was no common understanding of the content of the narration of ‘Umar bin Hanzalah among the early and later jurists, raising different possibilities in the meaning of the words used in this nar-

ration on the part of some jurists is due to ignoring the main issue of the narration; meaning it is both to prevent turning to judges to assert their rights and to determine an indicator for the legitimacy of the judge's judgment.

5. None of the rulings obtained from this narration, such as: absolute ijthad being a condition or permissibility of referring to mujtahid mutajaza; The necessity of referring to the best scholar or the permissibility of referring to non-the best scholar, and finally, dedicating the narration to judgment or inclusiveness towards the government is not defensible due to serious criticism of the rival point of view, and it is not possible to accept one of the two opposite points of view with certainty.

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