

# Imam Hassan al-Askari (A.S)'s Traditions and Jurisprudence

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Historians agreed unanimously that Imam Abu Muhammad Imam Hassan al-Askari (a.s.) was the richest scientific personality in his talents at his time, and no one was ever comparable to him in virtue and knowledge. Historians said, 'He was the highest authority for jurisprudents in taking the rulings of the Shariah and the principles of religion. They put forward to him books of Hadith and jurisprudence, and if he permitted these books, they would act according to them. Once, a book written by Ahmad bin Abdullah bin Khanibah was offered to him. He read it and then said to his companions, 'It is true. Act according to it!'<sup>1</sup>

## The Interest of The 'Ulama' In His Traditions

'Ulama' and narrators paid a lot of attention to his traditions, for they were the truest narrations of his time. And at the same time they were from the definite Sunnah that must be followed according to the belief of the Twelver Shi'a. The following are some of the traditions transmitted from Imam Abu Muhammad al-Askari (a.s.):

1. Al-Hafidh (memorizer) al-Balathari narrated from his companions saying, 'Al-Hasan bin Ali bin Muhammad bin Ali bin Muhammad bin Ali bin Musa, the imam of his age for the Shi'a, narrated from his father Muhammad bin Ali al-Mahjub, from his father Ali bin Musa ar-Redha, from his father Musa bin Ja'far al-Murtadha, from his father Ja'far as-Sadiq, from his father Muhammad bin Ali al-Baqir, from his father Ali bin al-Husayn as-Sajjad (Zaynol Aabidin), from his father, al-Husayn bin Ali, from his father Ali bin Abu Talib the master of guardians, from Muhammad bin Abdullah the master of prophets, from Gabriel the chief of the angels that Allah said, 'It is Me, Allah that there is no god but Me. Whoever acknowledges monotheism to Me shall enter into My fort, and whoever enters into My fort shall be safe from My torment.'<sup>2</sup>

2. Ibn al-Jawzi said, 'He (Imam al-Hasan al-Askari) referred this tradition to his father from his pure fathers. My grandfather showed him a tradition in his book called Tahrim al-Khamr (prohibition of wine). I quoted this tradition and I swear by Allah that I heard him saying: I swear by Allah that I heard Abu Abdullah al-Husayn bin Ali saying: I swear by Allah that I heard Abdullah bin Ata al-Harawi saying: I swear by Allah that I heard Abdurrahman bin Ubayd al-Bayhaqi saying: I swear by Allah that I heard Abu Abdullah al-Husayn bin Muhammad ad-Daynawari saying: I swear by Allah that I heard Ahmad bin Abdullah ash-Shi'iy saying: I swear by Allah that I heard Abu Muhammad bin Ali bin Muhammad saying: I swear by Allah that I heard my father Ali bin Musa ar-Redha saying: I swear by Allah that I heard my father Ja'far saying: I swear by Allah that I heard my father Muhammad saying: I swear by Allah that I heard

my father al-Husayn bin Ali saying: I swear by Allah that I heard Ali bin Abu Talib saying: I swear by Allah that I heard Muhammad (a.s.) saying: (I swear by Allah that I heard Gabriel saying:) I swear by Allah that I heard Michael saying: I swear by Allah that I heard Israfil saying: I swear by Allah... that I heard Allah saying: "A drinker of wine is like a worshiper of idols."

Abu Nu'aym al-Fadhli bin Dakeen said, 'This is a true tradition narrated by the pure progeny and narrated by some men from the messenger of Allah (a.s.).'<sup>3</sup>

### **Traditions On Religious Rulings**

Narrators narrated many traditions on religious questions that Imam Abu Muhammad (a.s.) was asked about. Worth mentioning is that these traditions came through letters which showed the great pressure that the imam was surrounded with by the Abbasid government, where 'Ulama' could not associate with him except through correspondence. The following are some of those questions:

1. Muhammad bin al-Hasan as-Saffar wrote to Imam Abu Muhammad (a.s.) asking him about the specified quantity (of water) that a dead one should be washed with. It was narrated that a junub<sup>4</sup> should wash with six rotls of water, and a menstruating woman with nine rotls, so what would be the limit of water for a dead person to be washed with? Imam Abu Muhammad (a.s.) replied, 'A dead should be washed until he would be pure, insha'Allah.'

Abu Ja'far as-Saduq said, 'This reply is with me among a collection of replies by his handwriting (peace be upon him) in a book.'<sup>5</sup> This reply shows that there is no limit in the water that a dead person should be washed with, but he should be washed until he becomes pure.

2. Ibrahim bin Mahziyar wrote to Abu Muhammad al-Hasan (a.s.) asking him about offering prayer in (clothes dyed with) kermes and saying that his companions refrained from offering the prayer in it. Imam Abu Muhammad (a.s.) replied, 'There is no problem in it at all, and praise be to Allah.'<sup>6</sup>

3. Muhammad bin al-Hasan as-Saffar wrote to Imam Abu Muhammad al-Hasan bin Ali (a.s.) asking him, 'A man died and he had ten days of qadha<sup>7</sup> fasting that he had to perform before his death. He left two successors (children). Is it possible for each one of his successors to fast for five days?'

The imam (a.s.) replied, 'His elder successor is to fast for ten days, insha'Allah.'<sup>8</sup>

4. Ibrahim bin Mahziyar wrote to Imam Abu Muhammad (a.s.): "O my master, your mawla<sup>9</sup> Ali bin Mahziyar had recommended the hajj to be performed on behalf of him from (the revenue

of) a garden... twenty Dinars every years, and since the way of Basra was blocked, costs became doubled for people so that twenty dinars were not enough (for the hajj). Some others of your mawlas recommended two (performances of) hajj instead.' The imam (a.s.) replied, 'You make (the costs of) three seasons of hajj in two, if wills Allah the Almighty.'<sup>10</sup>

5. Ali bin Muhammad al-Hudhayni wrote to Imam Abu Muhammad (a.s.) saying, 'My cousin has recommended a hajj to be performed on behalf of him with fifteen dinars every year, and this is not enough. What do you order me to do?' The imam (a.s.) replied to him, 'You make (the costs of) two (seasons of) hajj in one. Allah is Aware of that.'<sup>11</sup>

6. Muhammad bin al-Hasan as-Saffar wrote to Imam Abu Muhammad al-Hasan bin Ali (a.s.), 'Is the witness of the execution of a dead person accepted when he claims that the dead person has a debt on some one if there is another reliable witness?' Imam Abu Muhammad (a.s.) replied, 'If another reliable man witnesses with him, then the claimer has to take an oath.'

In replying to another letter like this, the imam (a.s.) said, 'Yes, after taking an oath.'<sup>12</sup>

7. Muhammad bin al-Hasan as-Saffar wrote to Imam Abu Muhammad (a.s.) saying, 'Some man made a will to his children, some of whom are adults and some are young children. Is it possible for the adults to execute their father's will and pay his debts before the young children come to age?'

Imam Abu Muhammad (a.s.) replied, 'Yes, the adults have to pay their father's debt and not to delay it for that (until the others come to age).'<sup>13</sup>

8. Muhammad bin al-Hasan as-Saffar (may Allah be pleased with him) wrote to Abu Muhammad al-Hasan bin Ali (a.s.), 'Some man guards caravans in frightening places without the permission of the ruler. They (the men of the caravans) agree with him to give him a certain amount. Is it permissible for him to take (wage) from them?'

The imam (a.s.) replied, 'If he hires himself for a specified wage, he can take his right, insha'Allah.'<sup>14</sup>

9. Muhammad bin al-Hasan as-Saffar (may Allah have mercy on him) wrote to Abu Muhammad al-Hasan bin Ali (a.s.), 'Some one bought a house, and there was another house (floor) on this house. Would the upper house be included in the lower house?'

Imam Abu Muhammad (a.s.) replied, 'He could not possess except what he had bought with its limits and conditions, insha'Allah.'<sup>15</sup>

The jurisprudents of the Twelver Shi'a gave a fatwa that if some one sold a house, its land,

upper and lower building would be with it, except if the upper floor was independent in its entry and exit, because that might be a reason to exclude it from the sold house. They depended in this fatwa on this tradition.

10. Muhammad bin al-Hasan as-Saffar (may Allah have mercy on him) wrote to the imam, "Some man said to two men: 'Bear witness that my house in the so-and-so place with all its limits and all the furniture in it is (sold) to so-and-so.' It is not known what furniture there is in the house."

Imam Abu Muhammad (a.s.) replied, 'It is alright if the buying has included all that, insha'Allah.'<sup>16</sup>

11. Muhammad bin al-Hasan as-Saffar (may Allah have mercy on him) wrote to Imam Abu Muhammad (a.s.), 'Some man had some pieces of land in a village. It was time for him to go to Mecca (to perform the hajj). The village was somewhat far from his house and he had not enough time to define the boundaries of his land. He defined the four boundaries of the village and said to the witness: 'Bear witness that I have sold to so-and-so the entire village whose boundaries are so-and-so.' In fact, he just had some pieces of land in the village. Would that be right for the buyer or he would possess just a part from the village though the seller had acknowledged to him the whole village?'

Imam Abu Muhammad (a.s.) replied, 'It is not permissible for one to sell what he does not own, and the buyer can possess only what the seller owns.'<sup>17</sup>

12. Muhammad bin al-Hasan wrote to Imam Abu Muhammad (a.s.) about a man who asked him to bear witness that he had sold a farm to another but he did not know the limits of the farm at the time when he asked him to witness. He said to him, 'When they tell you the limits, you acknowledge them.' Was it permissible for him to bear witness?

Imam Abu Muhammad (a.s.) replied, 'Yes, it was, and praise be to Allah.'<sup>18</sup>

13. Muhammad bin al-Hasan as-Saffar wrote to Imam Abu Muhammad (a.s.), 'Some one took an oath that he would be free from Allah the Almighty or from the messenger of Allah, but then he broke his oath. What should his repentance and penance be?'

The imam (a.s.) replied, 'He should feed ten poor people with a mudd of food (about 750 gr.) for each, and pray Allah to forgive him.'<sup>19</sup>

15. Muhammad bin al-Hasan as-Saffar wrote to Imam Abu Muhammad (a.s.), 'There is some woman whose husband has divorced her and he does not pay her the specified expenditure,

though she is in need. Is it permissible for her to go out and spend the night out of her house to  
work and satisfy her need?’

Imam Abu Muhammad (a.s.) replied, ‘There is no objection to that if Allah knows that she is  
true (in her going out to work and satisfy her needs).’<sup>20</sup>

A woman, who is divorced in revocable divorce, remains as one’s wife as long as she is still in  
the iddah.<sup>21</sup> The husband must pay her expenditure and she must obey him. It is not  
permissible for her to get out of his house without his permission. However, if the husband  
does not spend on her, it is permissible for her to go out for work as Imam Abu Muhammad  
(a.s.) has said.

16. Muhammad bin al-Hasan as-Saffar wrote to Imam Abu Muhammad (a.s.), ‘Some woman  
undergoes the iddah after the death of her husband. She is in need and has no one to spend on  
her. She works for people. Is it permissible for her, during her iddah, to get out and spend the  
night away from her house for work and necessary needs?’

The imam (a.s.) replied, ‘There is no objection to that, insha’Allah.’<sup>22</sup>

17. Muhammad bin al-Hasan as-Saffar (may Allah be pleased with him) wrote to Abu  
Muhammad al-Hasan bin Ali (a.s.), ‘Some man made his will (to bequeath) for two persons. Is  
it permissible for one of them to do alone with half of the inheritance and the other one with  
the other half?’

The imam (a.s.) replied, ‘They should not contradict the dead one’s will and they should do as  
he has ordered them to do.’<sup>23</sup>

If someone bequeaths to two persons, neither of them should do alone with the half of the  
inheritance, but they should discuss the matter together. Neither of them has the right to do  
with the inheritance according to his own opinion, and without the permission of the other as  
the tradition says.

18. Muhammad bin al-Hasan as-Saffar wrote to Imam Abu Muhammad al-Hasan bin Ali  
(a.s.), ‘Some man willed to bequeath a third of his properties to his children that the share a  
female would be like the share of a male. Would the male have the shares of two females from  
the will?’

The imam (a.s.) replied, ‘It is permissible for the dead one as he has willed.’<sup>24</sup>

This tradition shows that a Muslim is free to do with the third of his properties as he likes. He  
can gift it with same shares to his male and female children, and he can give one more than the  
other. He can order the third of his properties to be spent on charitable organizations as well.

19. Sahl bin Ziyad al-Aadami wrote to Imam Abu Muhammad (a.s.), ‘Some man had male and  
female children. He acknowledged that a farm would be for his children but he did not mention

that it would be divided among them due to the shares and commands of Allah. Male and female children were the same in this will.'

The imam (a.s.) replied, 'They should execute their father's will as he had specified. If he did not specify anything, they would divide the inheritance according to the Book of Allah the Almighty, insha'Allah.'

20. Muhammad bin al-Hasan as-Saffar (may Allah be pleased with him) wrote to Abu Muhammad al-Hasan bin Ali (a.s.), 'Some man was the executor of someone who died. This executor appointed another one as the executor instead of him. Would this (second) man be obliged to execute the will of that man whose executor was that (first) man?'

The imam (a.s.) replied, 'He would be obliged to his right if he had some right with him (with the dead man), insha'Allah.'

This tradition shows that an executor is not permitted to ask another one to execute what he himself has been ordered to execute except when he has a right with the man of the will. In this case he has the right to appoint another one to take his right back. Jurisprudents say that an executor has the right to appoint another executor after him if he has been permitted by the man of the will to do that.

21. Muhammad bin al-Hasan as-Saffar wrote to Imam Abu Muhammad (a.s.) asking him about entailment, and what had been transmitted from his fathers (a.s.) about it. Imam Abu Muhammad (a.s.) replied, 'Entailments should be dealt with as their owners have entailed them on, insha'Allah.'

22. Muhammad bin al-Hasan as-Saffar wrote to Imam Abu Muhammad al-Hasan bin Ali (a.s.), 'Some man died and left behind a grandson and a full brother. To whom would the inheritance belong?'

The imam (a.s.) replied, 'The inheritance would be for the closest one, insha'Allah.'

## References

1. Falah as-Sa'il.
2. A'yan ash-Shi'a, vol.4 p.308-309.
3. Mir'at az-Zaman, vol.6 p.192.
4. A ritually impure person.
5. Man La Yahdhuru al-Faqih, vol.1 p.86, al-Istibsar, vol.1 p.195, at-Tahthib, vol.1 p.122.
6. Man La Yahdhuru al-Faqih, vol.1 p.171.
7. Qadha' means the performing of obligations out of their specified time, whereas ada' is the

performing of obligations within their times.

8. Man La Yahdhuru al-Faqih, vol.2 p.98, at-Tahtib, vol.1 p.402, al-Istibsar, vol.2 p.108.

9. Mawla is an adherent to some person, or a freed slave who is still adherent to his master.

Mawali is the plural form.

10. Man La Yahdhuru al-Faqih, vol.2 p.272.

11. Man La Yahdhuru al-Faqih, vol.2 p.272.

12. Ibid., vol.3 p.44.

13. Al-Wassa'il, rulings of will.

14. At-Tahtib, vol.2 p.115, Man La Yahdhuru al-Faqih, vol.3 p.106.

15. Man La Yahdhuru al-Faqih, vol.3 p.153, at-Tahtib, vol.2 p.158.

16. Man La Yahdhuru al-Faqih, vol.3 p.153, at-Tahtib, vol.2 p.159.

17. At-Tahtib, vol.2 p.159, Man La Yahdhuru al-Faqih, vol.3 p.153.

18. Man La Yahdhuru al-Faqih, vol.3 p.153.

19. At-Tahtib, vol.2 p.332, Man La Yahdhuru al-Faqih, vol.3 p.237.

20. Man La Yahdhuru al-Faqih, vol.3 p.322.

21. A prescribed period that a woman has to pass after divorce or after her husband's death  
before her remarriage.

22. Man La Yahdhuru al-Faqih, vol.3 p.328.

23. Man La Yahdhuru al-Faqih, vol.4 p.151.

24. Man La Yahdhuru al-Faqih, vol.4, p.196.

25. Man La Yahdhuru al-Faqih, vol.4 p.155.

26. At-Tahtib, vol.2 p.393, Man La Yahdhuru al-Faqih, vol.4 p.168.

27. Man La Yahdhuru al-Faqih, vol.4 p.176, At-Tahtib, vol.2 p.371.

28. Man La Yahdhuru al-Faqih, vol.1 p.169